Records of the Louisiana Constitutional Convention of 1973: Committee Documents

VOLUME XIV-A
Records of the Louisiana Constitutional Convention of 1973: Committee Documents

VOLUME FOURTEEN A

by

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USER GUIDES ARE REPRODUCED IN VOLUME XIV-B
# TABLE OF CONTENTS

## COMMITTEE ON STYLE AND DRAFTING

### I. Minutes

<table>
<thead>
<tr>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minutes, January 30, 1973</td>
</tr>
<tr>
<td>Minutes and Addenda, February 16, 1973</td>
</tr>
<tr>
<td>Minutes and Addenda, February 23, 1973</td>
</tr>
<tr>
<td>Minutes, June 14, 1973</td>
</tr>
<tr>
<td>Minutes, July 19, 1973</td>
</tr>
<tr>
<td>Minutes, August 15, 1973</td>
</tr>
<tr>
<td>Minutes, September 12, 1973</td>
</tr>
<tr>
<td>Minutes and Addenda, October 7, 1973</td>
</tr>
<tr>
<td>Minutes, October 10, 1973</td>
</tr>
<tr>
<td>Minutes and Addendum, October 12, 1973</td>
</tr>
<tr>
<td>Minutes and Addenda, November 6, 1973</td>
</tr>
<tr>
<td>Minutes and Addenda, November 21, 1973</td>
</tr>
<tr>
<td>Minutes and Addenda, November 29, 1973</td>
</tr>
<tr>
<td>Minutes and Addenda, November 30, 1973</td>
</tr>
<tr>
<td>Minutes and Addendum, December 6, 1973</td>
</tr>
<tr>
<td>Minutes and Addenda, December 20, 1973</td>
</tr>
<tr>
<td>Minutes and Addenda, December 22, 1973</td>
</tr>
<tr>
<td>Minutes and Addenda, January 2, 1974</td>
</tr>
<tr>
<td>Minutes, January 5, 1974</td>
</tr>
<tr>
<td>Minutes and Addenda, January 7, 1974</td>
</tr>
<tr>
<td>Minutes and Addenda, January 8, 1974</td>
</tr>
<tr>
<td>Minutes and Addenda, January 9, 1974</td>
</tr>
<tr>
<td>Minutes and Addenda, January 10, 1974</td>
</tr>
<tr>
<td>Minutes and Addenda, January 11, 1974</td>
</tr>
<tr>
<td>Minutes and Addenda, January 12, 1974</td>
</tr>
<tr>
<td>Minutes and Addenda, January 14, 1974</td>
</tr>
<tr>
<td>Minutes and Addenda, January 15, 1974 (12:40 P.M.)</td>
</tr>
<tr>
<td>Minutes, January 16, 1974 (8:00 P.M.)</td>
</tr>
<tr>
<td>Minutes and Addenda, January 17, 1974</td>
</tr>
<tr>
<td>Minutes and Addendum, January 18, 1974</td>
</tr>
<tr>
<td>Minutes and Addenda, January 19, 1974</td>
</tr>
<tr>
<td>Minutes and Addenda, January 20, 1974</td>
</tr>
<tr>
<td>Minutes and Addenda, January 21, 1974</td>
</tr>
</tbody>
</table>
II. Comparative Presentations

Committee Proposal No. 3
Document I, 9/27/73 ............................................ 75
Sections Reconsidered, 11/6/73 .................................. 119
[Note] Floor Presentations, 11/7/73 ............................ 129
Caveats Presentation, 11/7/73 .................................... 137
Legislative Powers and Functions Suggested Changes, 11/2/73 .......................... 141

Committee Proposal No. 4
Document III, 10/2/73 ............................................. 142
Document VI, 10/12/73 .............................................. 175
Floor Presentation, 1/8/74 ......................................... 224
Caveats Presentation, 1/9/74 ...................................... 263
Report, Committee on the Executive Department on Document VI, 12/20/73 ....... 269

Committee Proposal No. 7
Document XVII, 12/13/73 ......................................... 271
Document XXIII, 12/22/73 ......................................... 304
Caveats Adopted, 12/22/73 ........................................ 336
Education and Welfare Recommendations, 1/5/74 ............... 337
Caveats, Committee on Education and Welfare, 1/5/74 .......... 345
Floor Presentation, 1/8/74 ........................................ 347
Caveats Presentation, 1/10/74 .................................... 380

Committee Proposal No. 9
Document XXX, 1/11/74 ........................................... 383
[Note] Document XXX, 1/7/74 .................................... 412
[Note] Floor Presentation, 1/12/74 .............................. 412

Committee Proposal No. 10
Document XXV, 1/3/74 ............................................. 412
Document XXXI, 1/7/74 ............................................ 417
[Note] Floor Presentation, 1/7/74 ............................... 421

Committee Proposal No. 11
Document XVIII, 12/13/73 ....................................... 421
Document XXII, 12/22/73 ......................................... 427
[Note] Floor Presentation, 1/8/74 ............................... 432
Caveats, 1/10/74 .................................................... 433
[Note] Style and Drafting Committee Action 12/22/73 .......... 435
Caveat: Committee Action, 1/5/74 ............................... 435

Committee Proposal No. 12
Document XXVI, 1/2/74 ........................................... 435
[Note] Floor Presentation, 1/8/74 ............................... 436

Committee Proposal No. 14
Document XXVII, 1/2/74 ........................................... 436
[Note] Floor Presentation, 1/8/74 ............................... 436

Committee Proposal No. 15
Document XXI, 1/9/74 ............................................. 437
[Note] Document XXI, 1/3/74 .................................... 465
[Note] Floor Presentation, 1/12/74 ............................. 465
Comparative Presentation: Henry, Pugh Amendment, 1/15/74 .......... 465

Committee Proposal No. 17
Comparative Presentation, 11/23/73 ................................ 466
Caveats, 11/23/73 .................................................. 540
Caveats, 12/6/73 .................................................... 540
Local and Parochial Government Committee Recommendations, 1/10/74 ....... 541
Memorandum on Committee Report to Style and Drafting, 1/8/74 .......... 615
Report: Committee on Local and Parochial Government on Document XV, 1/10/74 .......... 617

[vii]
Floor Presentation, 1/11/74 ................................................................. 618
Caveat Presentation, 1/12/74 ............................................................... 689

Committee Proposal No. 21
Document VII, 11/2/73 ................................................................. 690
Caveats, 11/2/73 ................................................................. 732
Caveats, 11/27/73 ................................................................. 732
Document XIV, 11/29/73 ............................................................... 733
Report: Committee on Judiciary on Document XIV, 12/17/73 .......................... 775
[Note] Floor Presentation, 1/3/74 ............................................................... 776
Caveat Presentation, 1/3/74 ............................................................... 781

Committee Proposal No. 22
Document XXVIII, 1/2/74 ............................................................... 785
[Note] Floor Presentation, 1/8/74 ............................................................... 786

Committee Proposal No. 23
Document X, 11/13/73 ................................................................. 786
[Note] Document XIII, 11/21/73 ............................................................... 787
[Note] Floor Presentation, 1/8/74 ............................................................... 787

Committee Proposal No. 25
Document VIII, 11/13/73 ............................................................. 787
Document XI, 11/21/73 ............................................................... 809
Floor Presentation, 1/3/74 ............................................................... 832
Caveats, 11/2/73 ................................................................. 854
Recommendations of Committee on Bill of
Rights and Elections, 1/16/74 ............................................................. 854
[Note] ............................................................... 855

Committee Proposal No. 26
Document XVI, 12/12/73 ............................................................. 855
Document XXIV, 1/2/74 ............................................................... 895
[Note] Floor Presentation, 1/9/74 ............................................................... 934
Caveats: Committee Action, 1/7/74 ............................................................... 943
Caveats: Comparative Presentation, 1/11/74 ............................................................... 944
Floor Presentation, Henry, Pugh Amendment, Undated
Letter from Carlos G. Spaht to Chairman Tate in
re: Tax Exemptions for Dedicated Places of
Burial, 11/2/73 ............................................................... 950
Memorandum from Carlos G. Spaht on Tax Exemptions
for Dedicated Places of Burial, 11/21/73 ............................................................... 951

Committee Proposal No. 30
Document XXXVII, 1/13/74 ............................................................. 953
[Note] Floor Presentation ............................................................... 956

Committee Proposal No. 33
Document IX, 11/12/73 ................................................................. 956
Document XII, 11/21/73 ............................................................... 961
[Note] Floor Presentation ............................................................... 965
Caveats, 11/2/73 ................................................................. 966
Memorandum from Chairman Tate on Unresolved
Conflicts, 12/21/73 ............................................................... 966

Committee Proposal No. 34
Document XXXIV, 1/11/74 ............................................................. 966
[Note] Document XXXIV, 1/8/74 ............................................................. 977
Report of Committee on Natural Resources and
the Environment, 1/12/74 ............................................................. 977
Floor Presentation, 1/12/74 ............................................................. 977
Caveats: Comparative Presentation, 1/12/74 ............................................................. 986

Committee Proposal No. 35
Document XXXII, 1/8/74 ............................................................. 991
[Note]
III. Miscellaneous Documents

Memorandum from Audrey LeBlanc to Mrs. Norma M. Duncan in re: Definitions of "Law" and "Statute" and the Manner in Which the Two Words are Used, October 3, 1973 ........................................ 1023

Memorandum in re: Uses of "Law, Statute, and Ordinance" in the Proposed Legislative, Executive, Judiciary, and Bill of Rights Articles, October 4, 1973 ........................................ 1024

Personal Analysis by Jean Conner to Dr. Asseff in re: January 3, 1973 Report on Document VI, 10/12/73 ........................................ 1024

Instructions from the Convention to Various State Officials on Holding the Proposed Constitution Referendum, January 8, 1974 ........................................ 1025

Chart of C.P. or D.P. Origins of the Proposed Articles, Undated .......................... 1026

Explanation of Proposed Derbes, et al. Amendment on Juvenile Procedures, Undated .......................... 1027
I. Minutes

Minutes of the January 30, 1973, organizational meeting of the Style and Drafting Committee of the Constitutional Convention of 1973

Held, pursuant to call by the Chairman of the Convention in accordance with the rules of Independence Hall, Baton Rouge, La.,

Tuesday, January 30, 1973, 5:30 P.M.

Presiding: Chris J. Roy, Vice President of the Convention,

Then, Albert Tate, Jr., elected Chairman of the Committee.

Present: Absent

Asseff Kelly None
Avant Perez
Conroy Rachael
Dennis Schmitt
Gravel Tate
Guarisco Tobias
Keen Willie

Plus Roy, Vice President

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

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

Committee's

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

The organizational committee meeting then adjourned.

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

ALBERT TATE, JR., Chairman

Minutes of the February 16, 1973, meeting of the sub-committee on Drafting Guidelines of the Committee on Style and Drafting of the Constitutional Convention of 1973

Held, pursuant to notice mailed by the Secretary of the Convention on February 1, 1973 at

Committee Room 8, State Capitol
Baton Rouge, Louisiana

Friday, February 16, 1973, 2:00 P.M.

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

Present: Absent

Asseff
Gravel
Keen
Tate
Tobias

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

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

The draft is attached as Appendix A.

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

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

ALBERT TATE, JR., Chairman

February 16, 1973

I respectfully dissent from the procedure followed in the adoption of the manual and its content, and I protest. It is unrealistic, too legalistic, and too authoritarian. I resent my manual being used without consulting me and without my consent.

Emmett Asseff
Delegate, District 2
MANUAL ON STYLE AND DRAFTING

February 1971

Prepared by the Committee on Style and Drafting

Appendix A

Example

FR. PROPOSED ARTICLE

Article ___, Section ___. Right of assembly and Petition
Section ___. The people have the right to assemble peacefully and to seek from those vested with the powers of government a redress of grievances.

Examples: Modernization of language; no change of substance.

1. If there is a single division among the numbers of any substantive article or any proposed section, it shall be noted on and in effect of the proposal.

2. If there are no substantive articles or any proposed section, the entire article shall be noted.

3. Rule 1 shall provide that any article or any proposed section shall be noted.

4. Rule 2 shall provide that any article or any proposed section shall be noted.

5. Rule 3 shall provide that any article or any proposed section shall be noted.

6. Rule 4 shall provide that any article or any proposed section shall be noted.

Example:

A Article ___, Section ___. Right of assembly and Petition

Sources: L. Const., 1921, art. 1, § 5.

Examples: Modernization of language; no change of substance.
Rule 1. Words and phrases shall be interpreted as nearly as to their common and ordinary meaning as is consistent with the context and the purpose of the sentence.

Rule 2. Terms of art, trade, and practice shall be interpreted in accordance with their intended meaning as used in the particular context.

Rule 3. Words and phrases shall not be interpreted to expand or contract the meaning of the sentence unless explicitly stated.

Rule 4. The construction of the sentence shall be such as to give effect to its purpose.

Rule 5. Technical terms shall be interpreted in the context of the sentence.

Rule 6. The meaning of a word or phrase shall be determined by its context.

Rule 7. Words and phrases shall not be interpreted to mean something different from their ordinary meaning unless clearly indicated.

Rule 8. The interpretation of the sentence shall be such as to give effect to the intent of the drafter.

Rule 9. Words and phrases shall be interpreted to avoid ambiguity and to give effect to the purpose of the sentence.

Rule 10. The construction of the sentence shall be such as to avoid absurdity or contradiction.

Rule 11. Words and phrases shall not be interpreted to contradict other provisions of the same document.

Rule 12. The meaning of a word or phrase shall be determined by its context.

Rule 13. The construction of the sentence shall be such as to give effect to the intent of the drafter.

Rule 14. Words and phrases shall be interpreted to avoid absurdity or contradiction.

Rule 15. The interpretation of the sentence shall be such as to give effect to the purpose of the sentence.

Rule 16. The construction of the sentence shall be such as to give effect to the intent of the drafter.

Rule 17. Words and phrases shall be interpreted to give effect to the purpose of the sentence.

Rule 18. The construction of the sentence shall be such as to avoid absurdity or contradiction.

Rule 19. Words and phrases shall not be interpreted to expand or contract the meaning of the sentence unless clearly indicated.

Rule 20. The interpretation of the sentence shall be such as to give effect to the purpose of the sentence.

Rule 21. Words and phrases shall be interpreted to give effect to the purpose of the sentence.

Rule 22. The construction of the sentence shall be such as to avoid absurdity or contradiction.

Rule 23. Words and phrases shall not be interpreted to expand or contract the meaning of the sentence unless clearly indicated.

Rule 24. The interpretation of the sentence shall be such as to give effect to the purpose of the sentence.

Rule 25. Words and phrases shall be interpreted to avoid absurdity or contradiction.

Rule 26. The construction of the sentence shall be such as to give effect to the purpose of the sentence.

Rule 27. Words and phrases shall be interpreted to avoid absurdity or contradiction.

Rule 28. The interpretation of the sentence shall be such as to give effect to the purpose of the sentence.

Rule 29. Words and phrases shall be interpreted to avoid absurdity or contradiction.

Rule 30. The construction of the sentence shall be such as to give effect to the purpose of the sentence.

Rule 31. Words and phrases shall be interpreted to give effect to the purpose of the sentence.

Rule 32. The construction of the sentence shall be such as to avoid absurdity or contradiction.

Rule 33. Words and phrases shall not be interpreted to expand or contract the meaning of the sentence unless clearly indicated.

Rule 34. The interpretation of the sentence shall be such as to give effect to the purpose of the sentence.

Rule 35. Words and phrases shall be interpreted to avoid absurdity or contradiction.

Rule 36. The construction of the sentence shall be such as to give effect to the purpose of the sentence.

Rule 37. Words and phrases shall be interpreted to give effect to the purpose of the sentence.

Rule 38. The construction of the sentence shall be such as to avoid absurdity or contradiction.

Rule 39. Words and phrases shall not be interpreted to expand or contract the meaning of the sentence unless clearly indicated.

Rule 40. The interpretation of the sentence shall be such as to give effect to the purpose of the sentence.

Rule 41. Words and phrases shall be interpreted to avoid absurdity or contradiction.

Rule 42. The construction of the sentence shall be such as to give effect to the purpose of the sentence.

Rule 43. Words and phrases shall be interpreted to give effect to the purpose of the sentence.

Rule 44. The construction of the sentence shall be such as to avoid absurdity or contradiction.

Rule 45. Words and phrases shall not be interpreted to expand or contract the meaning of the sentence unless clearly indicated.

Rule 46. The interpretation of the sentence shall be such as to give effect to the purpose of the sentence.

Rule 47. Words and phrases shall be interpreted to avoid absurdity or contradiction.

Rule 48. The construction of the sentence shall be such as to give effect to the purpose of the sentence.

Rule 49. Words and phrases shall be interpreted to give effect to the purpose of the sentence.

Rule 50. The construction of the sentence shall be such as to avoid absurdity or contradiction.
Rule 4. Capitalize political terms that also is a legal act of a specific proper name.

Examples:

the parish
the parish of Jefferson
Jefferson Parish
Levee District
Parish Levee District
City of Monroe
Incorporated City

Rule 5. Legal authorities shall be abbreviated as shown in the following Examples:

Cases:

Roe v. Wade, 410 U.S. 113 (1973)

Jones v. Smith, 261 U.S. 61 (1923)


Simon v. Vonder, 4 R.B. 436 (1842)

Statutes:

Act 2 of 1972

La. R. S. 44:150

La. Civ. Code Art. 91

La. Code Civ. P. Art. 95

La. Code, Civ. Art. 312, 32

La. Code, Civ. Art. 51 (as amended by Act 22 of 1955)

Act 3 of Extra. Sess. of 1972

APPENDIX II

Rule No. 41. Form of Proposals. Delicate 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 3/4-inch paper in a type face with excellent reproduction qualities and 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. If a draft is submitted, it shall be printed, placed in front of the document written. The convention will, if a proposal be submitted to the Convention, by a majority vote of the delegates, 1973.

Constitutional Convention - Minutes of 1973

PROPOSAL

Date: 1973

[MINUTES]

Minutes of the February 23, 1973 meeting of the Committee on Style and Drafting of the Constitutional Convention of 1973.

Held, pursuant to notices mailed by the
Secretary of the Convention - February 1
and February 19, 1973, at
Committee Room 8, State Capitol
Baton Rouge, Louisiana
Friday, February 23, 1973

Present: Albert Tate, Jr., Chairman
Absent: Asseff
Avant
Conroy
Dennis
Kean
Kelly
Rachal
Schmidt
Tate
Tobias
Willis

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

The meeting was called to order by Chairman Tate.

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

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

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

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

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

6. Delegate Kean moved that the Chairman appoint a subcommittee to review substantive committee proposals during the drafting stages, and to make recommendations for stylistic change, if any, in accord with the guidelines and in the interests of uniformity and consistency, and further moved that the staff and this subcommittee will advise all members of the full committee of the proposal considered and the recommendations, if any, for change, so that the

MINUTES
Minutes of meeting of the Committee on Style and Drafting, held pursuant to notice mailed by the Secretary of the Convention on June 6, 1973, Committee Room 1, State Capitol Building, Baton Rouge, Louisiana, June 14, 1973, 6:30 p.m.

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

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

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

NOTES
Appendix A is reproduced above as an Appendix to Minutes of February 16, 1973. Appendix B, Manual on Style and Drafting, as adopted is found at I Journal 769-771.
The minutes of the meeting of February 23, 1973 were read and approved.

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

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

The committee's decisions were as follows:

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

Motion adopted.

2. The committee's attention was directed to the conflict between Rules 39, 40 and 41, with respect to the stating of the author of committee proposals. The rules are not clear as to whether the author should be designated as (1) the committee chairman on behalf of the committee, or

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

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

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

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

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

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

The meeting adjourned at 9:00 p.m.

MINUTES

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

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

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

6:20 p.m.

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

Present:

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

Absent:

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

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

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

After a brief explanation and discussion of DELEGATE RESOLUTION NO. 20, Mr. Kean moved to defer action on the resolution. Motion carried.

The meeting was adjourned at 6:30 p.m.
Minutes of the Committee on Style and Drafting of the Constitutional Convention of 1973

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

Senate Lounge, State Capitol
Baton Rouge, Louisiana

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

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

Absent:
Dr. Emmett Assoff

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

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

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

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

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

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

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

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

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

On page 1, line 27, delete the words "of the legislature" and add at the end of line 28 the words "and be withdrawn from the files of the legislature." Delegate Gravel accepted the amendment. The motion carried with Delegates Dennis and Conroy opposed to it.

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

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

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

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

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

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

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

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

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

Delegate Gravel offered a substitute motion to commend the staff on the work done on the article and to instruct them to continue in the manner in which the legislative article was prepared. Delegate Schmitt called for a division of the question. The commendation to the staff was adopted without opposition. The motion to instruct them to continue in the same manner carried with eight for and three against.

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

Albert Tate, Jr., Chairman
Max N. Tobias, Vice Chairman
Dr. Emmett Assoff, Secretary
Chairman Tate called the meeting to order and asked the Secretary to call the roll. A quorum being present, the meeting proceeded.

Mr. Tate moved the adoption of the minutes printed and offered the following correction to the minutes printed:

"Mr. Tate, offered the following amendment no. 3 on page 1 that would read as follows:

Mr. Tate moved the following amendment at Mr. Tatum's direction:

"Mr. Tate, have the word "not" inserted at the end of line 5 of the above amendment as follows:

The aye's of the committee as printed were and the nay's were as amended as corrected.

Present: Every member had a copy of the proposed resolution present.

Chairman Tate reconsidered the aforesaid action of the President in which he asked the staff to continue to review and draft changes in the proposed resolution to this amendment and thereafter submit the same to the appropriate committee for further consideration. The motion carried.

A copy of the proposed resolution was received and filed with the President for information.

There was a motion to strike from the minutes of the present meeting.

Mr. Tate moved that the Secretary read the minutes of the present meeting.

The aye's of the committee as printed were and the nay's were as amended as corrected.

After much discussion the committee reconvened and the Chairman submitted a report containing side by side, but proposal opposite and the proposal as it changes suggested by the staff. On or before a date fixed by the Chairman, committee members could submit written comments and suggestions for consideration. Those comments and suggestions may then be read to the committee with a vote required to determine what changes, if any, would be made in the staff revision proposal.

Dr. Arseff asked that the committee continue to provide with the marked up work copy of the proposed changes.

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

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

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

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

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

After much discussion, the committee reconvened on a motion by Delegate Gravel that the resolution as submitted be carried.
Chairman Tate called the meeting to order and asked the secretary to call the roll. A quorum being present, the meeting proceeded.

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

The committee immediately began consideration of COMMITTEE PROPOSAL No. 1 as styled by the research staff. Justice Tate asked Lee Harprave, coordinator, to explain each change, as printed in the right-hand column of Document 1. Document 1 is attached to and made part of these minutes as Appendix A.

Section 1. (A)

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

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

Motion carried.

Section 1. (B)

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

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

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

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

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

Mr. Kean moved to adopt the title of line 1 and insert in lieu thereof the following: "Domicile: Special Privileges." Motion carried.

Mr. Avant moved to delete the "the" in line 9 and insert in lieu thereof the word "a". Motion carried.

Mr. Avant moved to delete line 11 and insert in lieu thereof line 10. Motion carried.

Mr. Avant moved to adopt the title of line 13 and insert in lieu thereof the following: "Domicile: Special Privileges." Motion carried.
ambiguity. Substitute motion withdrawn.

Mr. Kean's original motion carried.

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

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

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

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

Delegates Dennis and Avant withdrew their motions.

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

Section 4. (D) adopted as amended.

Section 4.
Adopted as amended.

Section 5. (A)
Mr. Gravel moved to delete "total state" on line 25 and
insert in lieu thereof "state's". Motion withdrawn.

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

Section 5. (A) adopted as amended.

Section 5. (B)
Mr. Gravel moved that "itself" on line 1 and "of this
Section" on line 4 be deleted. Motion carried.

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

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

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

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

Section 5.
Adopted as amended.

Section 6. (A)
Mr. Conroy moved to delete "consent" on line 31 and insert
in lieu thereof the word "concurrence". Motion carried.

Section 6. (A) adopted as amended.

Delegate Conroy moved to reconsider Section 6. (A) and
delete "consistent" on line 27 and insert in lieu thereof the
words "not inconsistent". Motion carried.

Section 6. (A) readopted.

Section 6. (B)
Adopted.

Section 6. (C)
Adopted.

Section 6.
Adopted with amendments.

Section 7.
Mr. Conroy moved to delete "Except for felony," on line 10
and insert "except for felony" after the word "arrest" on line 12.
Motion carried.

Section 7 adopted as amended.

Section 8.
Delegate Schmitt moved to delete "violates" on line 28 and
insert in lieu thereof "is a violation of". Motion carried.

Section 8 adopted as amended.

Section 9. (A)
Adopted.

Section 9. (B)
Adopted.

Section 9. (C)
Adopted.

Section 9.
Adopted.

Section 10.
Delegate Dennis moved to adopt the section as proposed
by the staff. Motion withdrawn.

Mr. Conroy moved to delete lines 26 and 27 and insert in
lieu thereof the following: "fiscal records of the State, 148
agencies, and political subdivisions. We shall". Motion
carried.

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

Section 10 adopted as amended.

Section 11.
Delegate Rachal moved to change "Officials" on line 13 to
"Officials" and change "no elected public officer" on line 16 to
"an elected public official" and insert "not" on line 17
after the word "shall". Motion carried.

Section 11 adopted as amended.
Section 11.
Delegate Gravel moved to delete "effecting" on line 7 and insert in lieu thereof "to enact". Motion carried.
Mr. Gravel moved to delete the comma on line 8 after the word "published" and add a comma on line 9 after the word "days". Motion carried.
Mr. Gravel further moved to delete "or things" on line 12 and change "are" to "is" on line 13. Motion carried.
Section 13 adopted as amended.

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

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

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

Section 15. (A)
Delegate Gravel asked the staff to prepare a draft combining (C) and (D) of Section 14. Upon completion of the draft by the staff, the following was adopted:

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


Section 15.
Delegate Kelly moved to change "execute" to "perform" on line 17. Motion carried.
Section 15 adopted as amended.

Section 16.
Delegate Conroy moved to change the "style of laws" on line 29 to "style of a law". Motion carried.
Section 16 adopted as amended.

Section 17. (A)
Delegate Kean moved to insert "only" after "taken" and before "in" on line 28. Motion carried.
Mr. Conroy moved to add "only" after "taken" on line 28. Motion carried with Mr. Kelly objecting.
Section 17. (A) adopted as amended.

Section 17. (B)
The research staff members suggested adding a period after "revived" on line 6 and deleting "and" on line 7 and capitalizing "no" on line 7. Change adopted.
Section 17. (B) adopted as changed.

Section 17. (C)
Adopted.

Section 17. (D)
Delegate Avant moved to insert "and until" after "unless" on line 31. Motion defeated.
Delegate Dennis moved to delete lines 31-33 and insert in lieu thereof the following: "unless a committee has held a public hearing and reported on the bill." Motion carried.
Mr. Rachal moved to delete "Every" on line 26 and insert in lieu thereof "A". Motion withdrawn.
Delegate Schmitt moved to delete "Every" on line 26 and insert "Each" in lieu thereof. Motion carried.
Section 17. (D) adopted as amended.

Section 17. (E)
Adopted.

Section 17. (F)
Adopted.

Section 17. (G)
Delegate Kelly moved to change "consent" on line 26 to "favorable vote". Motion carried.
Section 17. (G) adopted as amended.

Section 17.
Adopted as amended.

Section 18. (A)
Adopted.

Section 18. (B)
Mr. Avant moved to adopt the convention language with the title suggested by the staff. Motion carried.
Section 18. (C)
Adopted.

Section 18. (D)
Adopted with "for" added at the end of line 18.

Section 18. (E)
Delegate Kelly moved to delete "consent" on line 33 and insert in lieu thereof "favorable vote". Motion carried.
Section 18. (E) adopted as amended.

Section 18.
Adopted as amended.

Section 19. (A)
Delegate Gravel moved to delete "he, the governor for his signature..." on lines 15-16 and insert:
"to the governor" after "delivered" on line 14. Motion carried.

Section 19. (A) adopted as amended.

Section 19. (B)
Delegate Avant moved to adopt the section as proposed by the staff.
Delegate Gravel offered a substitute motion to add at the end of line 20 the following: "to become effective." Motion carried.
Section 19. (B) adopted as amended.

Section 19.
Adopted as amended.

Section 20. (A)
Mr. Gravel moved to delete "its" on line 8. Motion carried.
Section 20. (A) adopted as amended.

Section 20. (B)
Section 20. (B) was adopted as follows:

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

Section 24. (C)
Mr. Congroy moved to delete "with the consent" on line 22 and insert in lieu thereof "upon the vote". Motion carried.
Mr. Congroy moved to delete "officers" on line 31 and insert in lieu thereof "officer of the respective houses". Motion carried.
Mr. Gravel moved to delete "indicate" on line 27 and insert in lieu thereof "declare" and delete "notice" on line 29 and insert in lieu thereof "declaration". Motion carried.
Section 20. (C) adopted as amended.

Section 20.
Adopted as amended.

Section 21.
Mr. Gravel moved to delete "thereafter" on line 13.
Delegate Dennis offered a substitute motion to adopt the language of the convention. Motion carried.
Delegate Evan moved that the following language be included:

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

Motion carried.

Section 21.
Adopted as amended.

Section 22.
Delegate Gravel moved to delete lines 16 and 17 and insert in lieu thereof the following: "the sixtieth day after final adjournment of the next regular. Motion carried.
Section 22 adopted as amended.

Section 23.
Adopted with note that it may belong in the general government article.

Section 24. (A)
Adopted.

Section 24. (B)
Section 24. (B) was adopted with the following changes:
On line 6, delete "consent" and insert in lieu thereof "concurrence".
On line 12, delete "thinks" and insert in lieu thereof "deems".
Delete lines 15-17 and insert in lieu thereof the following: "Nothing herein shall prevent other action, prosecution, or punishment authorized by law."

Section 24.
Adopted as amended.

Section 25.
Adopted.

Section 26.
Adopted.

Section 27.
Adopted with caveat.

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

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

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

Emmett Asseff, Secretary
Chairman's, Jr., Chairman
Max N. Tobias, Vice Chairman

NOTES

Comparative presentations are found in Chapter II, below.
STATEMENT BY EMMETT ASSEFF
Delegate, District 7

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

1. The word "expire" is used by the Committee in Section 1 (B) but not by the Committee on Legislative Powers and Function.
   I oppose the use of the word and wish that it be deleted.

2. The use of such terms as the concurrence of a majority of the elected members of each house, and with the concurrence of a majority of the elected members of each house, sounds pretty.
   However, they add nothing and do not change the meaning or intent.
   They certainly do not require a particular procedure for the election of anyone.
   The phrase "he shall be elected by a majority vote of the elected members of each house" and "he shall be elected with the concurrence of a majority of the elected members of each house" mean exactly the same.
   Each house may proceed as it pleases as long as each votes by a majority of the elected members of each house. If a particular course of action is desired, we should say it specifically by concurrent resolution.

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

3. We should vote by a "show of hands." Upon request there should be a record vote.

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

Minutes

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

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

House Chamber, State Capitol
Baton Rouge, Louisiana
Wednesday, October 11, 1973

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

Absent: Emmett Asseff

Present:

Albert Tate, Jr.
David Conroy
James L. Dennis
Camille F. Gravel, Jr.
Chalin G. Perez
Earl J. Schmitt, Jr.
Max N. Tobias, Jr.
J. Burton Willis
"Chris J. Roy, Ex O.

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

Without objection, the committee voted to submit Committee
Proposal No. 4 as styled by the research staff. A copy of that document is attached to and made part of these minutes as
Appendix A.

Delegate Tobias moved that the adjournment be delayed until a later date. Motion carried.

Chairman Tate reported that the Committee on Legislative
Powers and Functions had been unable to get a quorum to meet and call a review of the work contained in the minutes
on Style and Drafting.

Delegate Asseff moved that the chairman authorize the
appoint a subcommittee to work with any substantive matter
relative to the recommendations of this Committee. Motion carried.

Delegate Asseff held the Committee to the Committee

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

Section 1. (A) Delegate Asseff moved to add "attorney general" on line 7 after "state." Motion carried.

Section 1. (A) adopted as amended.

Section 1. (B) Adopted.

Section 1. (C) Delegate Dennis moved that Section 22 become 3

Section 1. (C). Delegate Dennis moved that Section 22 become 3

Section 1. (C). Motion carried.

Section 1.

Adopted as amended.

Section 2. (A) Delegate Asseff moved to add at the end of line 12 the following: "United States and of this". Motion carried.

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

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

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

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

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

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

Section 2.

Adopted as amended.

Section 3. (A) Delegate Kean moved to delete the title on line 19 and insert in lieu thereof the following: "Commencement of Term." Motion carried.

Section 3. (B) adopted as amended.

Section 3. (C) Delegate Kean moved to delete the title of the subsection on lines 10-11 and insert in lieu thereof "Additional Limitation." Motion carried.

Section 3.

Adopted as amended.

Section 4.

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

Section 5. (A) Adopted by the committee with "of" inserted on line 8 after the word "and" and before the word "the".

Section 5. (B) Delegate Asseff moved to delete line 21 and insert in lieu thereof the following: "at other times may make reports". Motion carried.

Section 5. (B) adopted as amended.

Section 5. (C) The committee voted to delete the title on lines 1-2 and insert in lieu thereof "Departmental Reports and Information." Delegate Asseff moved to delete "upon request of" on line 1 and insert in lieu thereof the following: "When requested by". Motion carried.

Section 5. (C) adopted as amended.

Section 5. (D) Adopted.

Section 5. (E) Delegate Asseff moved to add "shall" at the end of line 8. Motion carried.

Section 5. (E) adopted as amended.

Section 5. (F)

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

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

Section 5. (G)

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

The committee voted to delete "when" on line 3 and insert in lieu thereof "of delivery to the governor of" and delete "is delivered to the governor".

[16]

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

Section 5. [H] adopted as amended.

Section 5. [I](1)
Delegate Dennis moved to adopt the paragraph as styled by the staff. Motion carried.

Section 5. [I](2)
The committee voted to change "When" on line 13 to "If". Section 5. [I](2) adopted with amendment.

Section 5. [I](3)
Mr. Kean moved to adopt the paragraph with the following change: On line 22, delete "When" and insert in lieu thereof "If". He also requested a caveat to the convention concerning the omission of the word "regular" on line 26 before the word "session". Section adopted as amended.

Section 5. [I](4)
Adopted.

Section 5. [I]
Adopted as amended.

Section 5. [J]
Adopted.

Section 5. [K]
Adopted.

Section 5. [L]
Adopted.

Section 5.
Adopted as amended.

Section 6.
Delegate Asseff moved to put a period after the word "serves" on line 8, delete the word "and" and insert in lieu thereof "He shall" and on line 10, delete the period after the word "governor" and insert in lieu thereof the word "and". Motion carried.

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

Section 6 adopted as amended with a caveat.

Section 7.
Delegate Kean moved to adopt the section with the following title: "Secretary of State: Powers and Duties". Motion carried.

Section 8.
Delegate Kean moved to adopt the section. Motion carried.

Delegate Kelly asked the staff to prepare a caveat about amending this section with theme in the Judiciary Article.

8

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

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

Section 8 adopted as amended.

Section 9.
Delegate Asseff moved to delete "state" on line 3 and adopt the section as amended. Motion carried.

Section 10.
Delegate Kelly pointed out the first part of the first sentence of Sections 7-12 of the language adopted by the convention and suggested using it in the staff revision.

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

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

Delegate Asseff moved to delete "of Agriculture" on line 6 and adopt the section as amended with a caveat to the convention. Delegate Kelly offered a substitute motion to use the language adopted by the convention in the last sentence and include a caveat to the convention. Substitute motion defeated. Delegate Asseff's original motion carried.

Section 10 adopted as amended.

Section 11.
The committee voted to change the title to read as follows: "Commissioner of Insurance: Powers and Duties" and delete "of Insurance" on line 6. The same caveat will be used here as used for Section 11.

Section 11 adopted as amended.

Section 12.
The committee voted to change the title to read as follows: "Commissioner of Elections: Powers and Duties" and to delete "of Elections and Registration" on lines 7-8.

Section 12 adopted as amended.

Section 13.
Delegate Stagg suggested adding "Appointee" at the end of line 4. The committee adopted the change.

The staff member suggested removing "that" on line 17 and adding the word "the". The committee adopted the change.

Delegate Kelly moved to delete "Submission of the appointment" on line 47 and insert thereof "The official shall submit the appointment in the Senate".

Motion carried.

Section 13 adopted as amended.

Section 14.
Delegate Tate moved to delete line 14 and insert in lieu thereof the following: "lives, and then (7) as pro-"). Motion carried.
Section 14. adopted as amended.

Section 15. adopted as amended.

Section 16. Delegate Kean moved to delete "However," on line 9. Motion carried.
Section 16 adopted as amended.

Section 17. (A) Delegate Avant moved to delete "law" on line 9 and insert in lieu thereof "statute". Motion carried.
Delegate Kean moved to delete "when" on line 14 and insert in lieu thereof "at the time".
Delegate Kelly offered a substitute motion to keep the language proposed by the staff. Motion defeated.
Delegate Kean withdrew his original motion.
Delegate Dennis moved to delete "If" on line 14 and add "and" at the end of line 15, deleting the comma after "office". Motion carried.
Section 17. (A) adopted as amended.

Section 17. (B) adopted as amended.

Section 17. adopted as amended.

Section 18. Delegate Kelly moved to add at the end of line 3 the words "as used in this constitution". Motion carried.
Delegate Stagg suggested a caveat noting that perhaps this section should be placed elsewhere in the constitution.
Section 18 adopted as amended.

Section 19. Delegate Kelly moved that the following title suggested by Mr. Stagg be adopted: "Declaration of Inability by Statewide Elected Official". Motion carried.
Delegate Asseff moved to delete "his official" on line 9 and insert in lieu thereof "the" and add "of the office," at the end of line 9. Motion carried.
Section 19 adopted as amended.

Section 20. (A) Delegate Asseff moved to delete "his official" on line 9 and insert in lieu thereof "the" and on line 10 add after "duties" the word "of the office". Motion carried.
Delegate Stagg suggested the following changes that were adopted by the committee.

On line 2, after "inability" add "of Statewide Elected Official".
On line 11, after "mit" add "a written declaration to this effect".
On line 13, after the word "file" add a copy of the declaration and delete "their written declaration of his inability" on lines 15-16.
On line 21, delete "filing" and insert in lieu thereof the words "declaration is filed".
On line 26, after the word "officers" add of each house."
Section 20. (A) adopted as amended.

Section 20. (B) adopted as amended.

Section 20. (C) Delegate Stagg suggested adding "that" after the word "declaring" on line 22. The committee adopted the change.
Section 20. (C) adopted as amended.

Section 20. (D) Delegate Asseff moved to delete "said" on line 16 and insert in lieu thereof "the". Motion carried.
Section 20. (D) adopted as amended.

Section 20. (E) adopted as amended.

Section 20. adopted as amended.

Section 21. adopted as amended.

Section 22. adopted as Section 1. (C) previously.

Section 23. The committee voted to delete the word "state" on lines 13 and 16 and renumber the section as Section 22.
Delegate Asseff asked that the minutes reflect that he made no recommendations on Section 23.

The committee voted to rearrange the listing of statewide elective officials on lines 13-17 in order that it be consistent with the listing in Section 1. (A).
Section 23 adopted as amended.

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

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

[Handwritten signatures]

R. Tate, Jr., Chairman
Max V. Tobias, Vice Chairman
Emmett Asseff, Secretary
NOTES
Comparative presentations are found in Chapter II, below.

MINUTES
Minutes of the Committee on Style and Drafting of the Constitutional Convention of 1973
Held pursuant to notice by the Secretary in accordance with the Rules of the Convention.
Treaty Room, White House Inn
Baton Rouge, Louisiana
Tuesday, November 6, 1973, 6:15 p.m.

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

Present:
Albert Tate, Jr.
John L. Avant
David Conroy
James L. Dennis
Camille F. Gravel, Jr.
Donald G. Kelly
Chalin D. Perez
Anthony N. Rachal, Jr.
Earl J. Schmitt, Jr.
Man V. Tobias, Jr.
J. Burton Willis

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

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

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

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

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

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

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

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

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

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

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

Motion carried.

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

[Signature]
Max N. Tobias, Vice Chairman

Emmett Asseff, Secretary

APPENDIX A
November 2, 1973
Committee on Style and Drafting
Objections by the Committee on Legislative Powers and Functions to the suggested changes by the Committee on Style and Drafting:

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

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

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

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

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

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

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

APPENDIX B
November 2, 1973
Committee on Style and Drafting
Additional Amendments to conform with Caveats to be suggested by the Committee on Legislative Powers and Functions:

Section 20(A) shall read:

"(A) Lack of Gubernatorial Action. A bill, except a joint resolution, shall become law if the governor signs it or if he fails to sign or veto it within ten days after delivery to him if the legislature is in session. If the governor shall not sign or veto a bill after the legislature adjourns, he shall return the bill with his objections, as provided by law. A bill returns as an vetore, or by two-thirds if the elect the veto is subject to override by two-thirds vote of the legislature."

[19]
Section 21 should read:
"Section 21. All laws shall take effect on the sixtieth day after final adjournment of the session in which they were enacted, and shall be published in the official journal of the state as provided by law. However, any bill may specify an earlier or later effective date."

APPENDIX B
Page 2

November 2, 1972
Committee on Style and Drafting
Amendment to conform with the possible intent of the Drew amendment

Section 27 would read:
"Section 27. (A) Members of the legislature shall take office on the same day as the governor and other officials elected statewide.
(B) A person elected to fill the remainder of an unexpired legislative term shall take office within thirty days after the secretary of state promulgates the election returns."

MINUTES
Minutes of the Committee on Style and Drafting of the Constitutional Convention of 1973
 Held pursuant to notice by the Secretary in accordance with the Rules of the Convention
Treaty Room White House Inn
Baton Rouge, Louisiana
Wednesday, November 21, 1973, 9:30 a.m.

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

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

Absent:
Emmett Assoff
Anthony J. Guarisco, Jr.
Donald G. Kelly
Cherie G. Perez
Anthony H. Roach, Jr.
Earl J. Schmitt, Jr.
Chris J. Roy, ex officio

Chairman Tate called the meeting to order. The roll was called and a quorum was established. The chairman announced that the committee would consider COMMITTEE PROPOSALS NO. 25, PREAMBLE AND DECLARATION, OF RIGHTS; NO. 32, ELECTIONS; and NO. 23, DUAL EMPLOYMENT AND DUAL OFFICEHOLDING, as styled by the research staff. Copies of those documents are attached to and made part of these minutes as Appendices A, B, and C, respectively.

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

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

COMMITTEE PROPOSAL NO. 25, A PREAMBLE
Mr. Tobias moved to delete "A" from the heading.
Motion carried.
Mr. Conroy moved to adopt the preamble without further change. Motion carried.

ARTICLE I. DECLARATION OF RIGHTS

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

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

Section 3.
Mr. Avant moved to amend line 5 to read:
"of the laws. No law shall dis-
and to instruct the staff to add an explanation that this is the same as the phrase in the United States Constitution. Motion carried.

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

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

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

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

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

Section 5.
Mr. Avant moved to delete the staff language beginning with "No warrant shall" on line 9 through "reason for the search," on line 17 and to substitute in lieu thereof the language adopted by the convention as printed in the left column beginning with "no warrant shall" on line 7 and continuing through "for the search" on line 13; this latter language to be amended to conform to Article 4, Bill of Rights, of the U.S. Constitution, and to clarify the intent regarding a warrant; therefore the language would read:

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

Motion carried.

Section 5 was adopted as amended.

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

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

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

Section 9.
Mr. Avant moved to delete the staff language and substitute
in lieu thereof the language of Section 9 as adopted by the convention. Motion carried.

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

Section 10.

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

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

Section 11.

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

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

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

Section 12.

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

Section 13.

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

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

Section 14.

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

-4-

Section 15.

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

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

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

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

Section 16.

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

Section 17.

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

Section 17 was adopted without further objection and without change.

Section 18.

Section 18 was adopted without objection.

Section 19.

Section 19 was adopted without objection.

Section 20.

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

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

Section 20 was unanimously adopted as amended.

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

Section 21.

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

Section 22.

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

Section 23.

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

Section 24.

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

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

Section:

Former No. of Section:

1. Origin and Purpose of Government
2. Due Process of Law
3. Right to Individual Dignity
4. Freedom of Expression
5. Freedom of Religion
6. Freedom of Assembly and Petition
7. Right to Vote
8. Right to Homicide and Its Determination
9. Right to Keep and Bear Arms
10. Right to Privacy
11. Freedom from Intrusion
12. Freedom from Discrimination
13. Prohibited Laws
14. Unenumerated Rights

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

COMMITTEE PROPOSAL NO. 25

ARTICLE X. ELECTIONS

Section 1.

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

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

Motion carried and Section 1 was adopted as amended.

Section 2.

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

"Section 2. In all elections by the people,
Motion carried.

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

Section 3.

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

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

Motion carried.

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

Section 4.

Mr. Avant moved to amend Section 4 to read:

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

Motion carried.

Mr. Avant moved to adopt Section 4, as amended. Motion carried.

Section 5.

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

Motion carried.

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

Section 5 was adopted as amended.

COMMITTEE PROPOSAL NO. 23

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

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

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

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

The meeting adjourned at 2:30 p.m.

Albert Tate, Chairman

Max N. Tobias, Vice Chairman

Emmett Asseff, Secretary

NOTES

Comparative presentations are found in Chapter 11, below.
Jude Dennis moved to amend Section 6, Paragraph (E), in lines 12 through 15, to read "In addition to other appeals provided by this constitution, a case shall be," Motion carried.

Mr. Willis moved to amend Paragraph (D) by revising the order of the first sentence so that it would begin with the words from line 3 "A case shall be," Motion withdrawn.

Mr. Avant moved to amend Paragraph (B) by deleting the first phrase beginning on line 3 and ending with the partial word "judgment," on line 3, and adding the revised language at the end of Paragraph (B) to read "if or (3) an appeal is otherwise provided for in said constitution." Motion carried.

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

Mr. Avant moved to amend Paragraph (F) of Section 5, in line 16, to read "review, as provided by this constitution or by law." There were objections. Mr. Avant withdrew his motion but requested that the record reflect his suggested amendment. Mr. Avant's suggested amendment would have caused Paragraph (F) Mr. Avant's suggestion is underscored to read:

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

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

Section 5 was adopted as amended.

Section 6.

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

Section 7.

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

Section 7 was adopted as amended.

Section 8.

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

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

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

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

(A) Circuits; Panels
(B) Judgments
(C) Terms

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

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

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

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

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

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

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

Section 9.

The committee unanimously adopted amendments to Section 9 as follows:

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

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

Mr. Kelly moved that the staff prepare a caveat to report the inconsistency in the Convention adopted delegate proposal of NO. 11 and Section 9. A copy of DP 32 in attached to and made a part of these minutes as APPENDIX B. Motion carried.

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

Section 10.

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

Mr. Tobias moved to insert Paragraph headings as follows:

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

On line 11, "(B) Scope of Review." Motion carried.

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

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

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

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

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

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

Section 11.

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

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

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

Section 11 was adopted as amended.

Section 12.

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

Section 12 was adopted as amended.

Section 13.

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

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

Section 14.

The committee unanimously adopted Section 14 without change.

Section 15.

The committee unanimously amended Section 15, on line 3, to read "district by the favorable vote of two-thirds." Motion carried.

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

Section 15 was adopted as amended.

Section 16.

Dr. Asself moved to amend the heading to read "Section 16. District Courts: Jurisdiction." Motion carried.
Mr. Avant moved to amend line 19 by changing the word "subdivision" to "corporation." Motion carried.

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

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

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

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

Section 16 was adopted as amended, subject to caveats.

Section 17.

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

Section 18.

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

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

Section 18 was adopted as amended.

Section 19.

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

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

The committee concurred in the need for a caveat regarding the phrases "by the legislature" and "by law" in Section 19. Section 19 was adopted as amended, subject to the caveat.

Section 20 was deleted on the floor.

The staff will renumber the succeeding Sections by amendments.

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

Section 21. (Page 26)

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

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

Section 22. (Pages 27 and 28)

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

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

Section 22 was adopted as amended.

Section 23. (Page 29)

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

Section 23 was adopted as amended.

Section 24. (Page 31)

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

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

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

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

Section 25. (Pages 32 - 34)

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

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

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

Section 26. (Page 35)

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

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

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

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

The substitute motion carried.

Section 26 was adopted as amended.

Section 27. (Page 36)

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

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

Motion carried.

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

Section 28. (Page 38)

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

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

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

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

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

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

Section 30. (Page 41)

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

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

Mr. Kelly moved the adoption of Section 30 as amended. Motion carried.
Section 31. (Page 42)

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

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

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

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

Section 32. (Page 43)

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

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

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

Section 33. (Page 44)

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

Section 34. (Page 45)

Mr. Conroy moved to amend the Section by striking out the word "no" on line 5 and inserting in lieu thereof the word "an." Motion carried.

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

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

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

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

Section 35. (Page 46)

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

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

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

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

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

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

Section 36. (Page 47)

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

Section 36 was adopted as amended.

Section 37. (Page 48)

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

Section 37 was adopted as amended.

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

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

The meeting adjourned at 11:30 a.m. on Friday, November 1, 1973.

Max H. Toblan, Vice Chairman
Emmett Asseff, Secretary

NOTES

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

Minutes of the Committee on Style and Drafting

Present:
Emmett Asseff
John L. Avant
David Conroy
James L. Dennis
R. Gordon Kea, Jr.
Donald C. Holly
Chalin G. Perez
Earl J. Schmitt, Jr.
Albert Tate, Jr.
Max S. Toblan, Jr.
J. Brion Willis

Absent:
Camille F. Gravel, Jr.
Anthony Guarisco, Jr.
Anthony M. Rasmal, Jr.
Chris F. Nagle, Jr.

Chairman Tate called the meeting to order at 9:45 a.m.
The roll was called and a quorum was established. Chairman Tate announced that the committee would consider COMMITTEE PROPOSAL NO. 17.

First enrollment. ARTICLE VI. LOCAL GOVERNMENT, was stated by the research draft on date December 21, 1973.

Articles 1 through 6 of that document are attached and make a part of these minutes as APPENDIX A.

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

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

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

ARTICLE VI. LOCAL GOVERNMENT

PART I. GENERAL PROVISIONS

Section 1. (Page 1 and 2)

Dr. Asseff moved to amend the reading to read "Parishes, Boundaries, and Parish Seats," with changes in apposition were heard.
Mr. Conroy moved the previous question. The substitute motion carried by a show of hands with five votes for the motion and three against it.

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

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

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

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

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

Section 1 was adopted as amended.

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

Section 3. (Page 4)

Mr. Conroy moved to delete the punctuation and words ", 1. Charter" on line 15 and to substitute in lieu thereof the word "it".

Mr. Avant offered a substitute motion to delete lines 1 through 17 in their entirety and to substitute in lieu thereof the following:

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

The substitute motion carried.

Mr. Tobias moved to change the word "create" to "establish" on line 16. By a show of hands there were three votes in favor of the motion and four against it. The motion failed.

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

Section 3 was adopted as amended.

Section 4. (Page 5)

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

Mr. Avant moved to adopt the language in the left column with deletion of the phrase "Except as provided in this constitution." and to begin the Section with "The Legislature may classify." Mr. Avant's motion failed.

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

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

Mr. Avant moved to amend Section 4 as follows: On line 8, change the word "this" to "the". On line 11, place a period after "classification" and begin a new sentence with "Legislation may be limited in its effect." Motion carried.

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

Section 5. (Page 6)

Mr. Bell moved to amend the heading by deleting the phrase "Municipality and Municipalities. Parliament" on lines 1 and 4. Motion carried.

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

Mr. Asseff moved to strike line on the other of the phrase on line 14 so that the word "they" shall also." Motion carried.

Mr. Avant moved to add Section 5, as amended.

Mr. Avant offered a substitute motion to adopt Section 5 as amended and to prepare a note to the substantive committee, calling attention to the use of the phrases "Except as inconsistent with this constitution" and "Subject to and not inconsistent with this constitution." Motion carried and the question was divided.

Chairman Tate asked for a show of hands on the motion to adopt Section 5 as amended. There were 5 votes in favor of the motion and 3 votes against it. Motion carried.

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

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

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

Section 6.

Paragraph (A) (Page 7)

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

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

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

Paragraph (B) (Page 8)

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

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

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

Paragraph (D) (Page 9)

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

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

Paragraph (E) (Page 11)

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

Judge Dennis objected.

Mr. Conroy offered a substitute motion to submit a detailed caveat to the substantive committee, pointing out the erroneous raising of this language into the new Section 7 (Page 14).

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

Paragraph (F) (Page 12)

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

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

The committee concurred in the adoption of Section 6 as amended and subject to notes and caveats to the Committee on Local and Parishial Government.
Paragraph 8. (Page 16)

Mr. Perez moved to amend Paragraph 8, in line 17-18, by striking out the phrase "...assigned by a majority of the electors voting therein in an election held for the purpose..." and inserting the language, from the left column, viz.,

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

Motion carried. The committee concurred in adopting Paragraph 8A, amended.

Paragraph 9. (Page 16)

Mr. Kelly moved the adoption of Paragraph 9. Motion carried.

The committee concurred in adopting Section 9 as amended.

Paragraph 10. (Page 16)

Mr. Kelly moved the adoption of Section 10, without change. Motion carried.

Section 10. (Page 19)

Mr. Kean moved to amend Paragraph 10 by changing lines 16 and 18 to read "...an ordinance governing private or civil relationships." Motion carried. Paragraph 10 was adopted as amended.

The committee concurred in adopting Section 10 as amended.

Section 11. (Page 19)

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

Section 12. (Page 20)

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

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

Section 13. (Page 21)

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

Section 14. (Page 22)

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

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

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

Section 14 was adopted without other objection.

Section 15. (Page 23)

Dr. Asseff moved to amend the heading to read "Increasing Financial Burden of Political Subdivision." There was no objection to the amendment. Motion carried.

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

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

recommended that the same had been discussed at length in the full committee. Mr. Avant suggested that the sentence should remain as it was intended.

Section 16. (Page 24)

Mr. Kean moved to amend the heading to read "Local Governmental Subdivisions and Local Public Agencies." Motion carried.

Mr. Perez moved to amend Paragraph B by deleting the word "shall" in the right column and adding the language, as passed by the convention, with stylistic changes so that the Paragraph would read:

"...upon..." (A) Assumption of Debt. If the special district or local public agency which is consolidated and merged has outstanding indebtedness, then..."
authority provided by this Section shall not be exercised unless provision is made for the assumption of the indebtedness by the governing authority of the local governmental subdivision involved."

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

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

Section 17 was adopted as amended without other objection.

Section 18. (Page 29)

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

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

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

Motion carried.

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

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

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

Section 19. (Pages 30 and 31)

Paragraph (A) was adopted without objection.

Paragraph (B):

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

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

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

"Access by Public Road; Police Protection. When an industrial area is so created, provision shall be made for access by public road to each entrance to the premises of every plant in the area, which is provided for use by employees of the company, or for use by employees of independent contractors working on the premises, or for delivery of materials or supplies, other than by rail or water transportation, to the premises. Police protection provided by any plant in an industrial area shall be confined to the premises of that plant.""

There was no objection and the motion carried.

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

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

Section 19 was adopted as amended.

Section 20. (Page 32)

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

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

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

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

Section 21. (Page 33)

The committee unanimously adopted Section 21 without change.

Section 22. (Page 34)

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

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

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

There was no objection. Motion carried.

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

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

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

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

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

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

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

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

Paragraph (B) was adopted as amended.

Paragraph (C) was adopted without change.

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

Section 23. (Page 36)

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

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

Section 23 was adopted as amended.

Section 24. (Page 37)

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

Section 24 was adopted as amended.

Section 25. (Page 38)

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

Section 26. (Page 38)

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

Section 27. (Page 39)

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

PART II. FINANCE

Section 28. (Pages 40 through 43)

Mr. Conroy moved the amendment of the heading to read "Parish Ad Valorem Tax". Motion carried without objection.
Mr. Conroy moved the amendment of Paragraph (A) on line 8 by inserting the words "annually," after the word "levy" and, on line 10 by deleting the phrase "and within any one year," and the motion carried without objection.

The committee unanimously adopted Paragraph (A) as amended.

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

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

Paragraph (D) was adopted as amended without objection.

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

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

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

Mr. Perez's substitute motion carried without objection.

Paragraph (A) was adopted as amended.

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

The committee unanimously adopted Section 28 as amended.

Section 29. (Page 44)
Mr. Conroy moved to amend the Section heading to read "Municipal Ad Valorem Tax." Motion carried.

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

Motion carried.

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

Paragraph (A) was adopted as amended.

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

The committee unanimously adopted Section 29 as amended.

Section 30. (Page 46)
Mr. Conroy moved to amend the heading to read "Local Governmental Subdivisions; Occupational License Tax." Motion carried.

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

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

Mr. Conroy moved to delete the word "not" at the space line 4. Motion carried.

Mr. Avant moved to change lines 11, 15, and 17 to read "authorized by law enacted by the favorable vote of two-thirds of the elected members of each house of the legislature." Motion carried.

Section 31. (Page 47)
Mr. Assent moved to amend the heading to read "Local Governmental Subdivisions and School Board. Sales Tax." Motion carried.

Mr. Babiss moved to amend Paragraph (A) on line 3 to read "Section 5 to "Section 4." Motion carried.

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

Mr. Perez moved to amend Paragraph (A) on line 10 after the word "persons," on line 11 and before a new paragraph with the word "However." Motion carried.

Mr. Kean moved to add the new paragraph to read: "In Additional Sales Tax Authorization."

Mr. Kean carried.

"However, the legislature, in general, other than special laws, shall not by the provisions of this Section authorize the issuance of any bonds or other evidence of indebtedness, if approved by a majority of the elected voting therein in an election held for that purpose." Motion carried.

Mr. Kean moved to amend the Section by ending Paragraph 30 with the above text and to begin a new paragraph headed "Revenue Security" which would include the last sentence of the motion so it appears in lines 1 to 10 on page 48. Motion carried.

Mr. Kean moved to amend Paragraph 31 by striking the word "Paragraph" to "Section" on line 4. Motion carried.

Paragraph 31 was adopted as amended.

Section 32. (Page 50)
Mr. Conroy moved to amend the heading to read "Political Subdivisions; Taxing Power." Motion carried.

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

with stylistic changes to read: "A political subdivision may exercise the power of taxation, subject to limitations elsewhere provided by this constitution, under authority granted by the legislature for fiscal, municipal, and other local purposes strictly public in nature. This section shall not affect similar grants to political subdivisions under self-operative sections of this constitution." Motion carried.

Section 32 was adopted as amended.

Section 33. (Page 51)
Mr. Conroy moved to amend the heading to read "Special Taxes; Ratification." Motion carried.

Mr. Kean moved to amend Section 33 to read: "Section 33. Any special tax being levied by a political subdivision under prior legislative or constitutional authority on the effective date of this constitution is ratified." Motion carried.

Mr. Kean moved that Paragraph 31 on page 51 be amended to become a new Section, as the foregoing amendment to Section 32 deleted Paragraph (A) on page 51. Motion carried.

The new section was unnecessarily headed "Special Taxes; Amendment" and was subsequently renumbered.

Section 34. (Page 52)
Mr. Kean moved the amendment of line 8 by deleting the phrase after the words "issued by it" and rewriting the language as adopted by the convention so that line 4 would read "issued by it for the purpose or the statute is unenforceable pursuant to which it is issued. The governing." Motion carried.

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

Mr. Perez moved to amend line 2 by changing the word "5", to read "4.

Mr. Avant moved to amend line 5 by changing the word "taxes" to "tax." Motion carried.

Mr. Conroy moved to amend line 7 by changing the word "political" to "local." Motion carried.

Mr. Babiss moved to amend Paragraph 4 of Chapter II of the Constitution to read: "Section 4. Political subdivision obligations may not be ended except by a vote of the voters at a general election."
with the paragraphs headed:

"(A) Authorization," and

"(B) Full Faith and Credit"

Section 36. (Page 54)

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

Section 36 was adopted as amended.

Section 37. (Pages 55 and 57)

Mr. Perez moved the adoption of Paragraph 4Without change. Motion carried.

Mr. Perez moved the amendment of Paragraph 4, on line 39, by changing the word "an" to the word "the," and, on line 31, by inserting the word "the" before the word "bonds." Motion carried.

Section 37 was adopted as amended.

Section 38. (Pages 59 and 60)

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

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

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

Mr. Perez moved the adoption of Section 3 as amended. Motion carried.

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

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

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

Section 39 was adopted as amended.

PART III. LIVEL DISTRICTS

Section 40. (Pages 62 and 63)

Mr. Perez moved to amend Paragraph (A), (2), by deleting lines 74 through 26, both inclusive, in their entirety, and by restoring the language as adopted by the convention:

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

Paragraph (B) was adopted without objection.

Section 40 was adopted as amended.

Section 41. (Pages 64-66)

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

Mr. Perez moved the amendment of Paragraph (A), on line 10, to read "Authority of a levee district may" and by deleting lines 11 through 20, both inclusive, in their entirety, and restoring the language as adopted by the convention:

"Except the Board of Levee Commissioners of the Orleans Levee District which may levy annually a tax not to exceed two and one-half mills, on the dollar of the assessed valuation of all taxable property situated within the alluvial portions of the district of the district subject to overflow." Motion carried and Paragraph (A) was adopted as amended.

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

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

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

[signature]

Albert Tate, Jr., Chairman

Max N. Tobias, Jr., Vice-Chairman

CC/73
Staff Memorandum
October 19, 1973

RE: Alien Land Laws

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

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

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

In the 1948 case of [TatG, v. Calif., 332 U.S. 633], the United States Supreme Court invalidated a part of the alien land law of California on equal protection grounds. There, the state sought to escheat land owned by an American-born son of a Japanese father under a provision of the alien land law which made payment by an alien of the consideration for a transfer of land to a third person prima facie evidence of intent to evade the statute.

Though the entire alien land law itself was not passed upon, the concurring opinions of four justices took the position that the whole law and its prohibitions against alien land ownership was incompatible with the Fourteenth Amendment.

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

APPENDIX B

under a provision of the alien land law which made payment by an alien of the consideration for a transfer of land to a third person prima facie evidence of intent to evade the statute.

Though the entire alien land law itself was not passed upon, the concurring opinions of four justices took the position that the whole law and its prohibitions against alien land ownership was incompatible with the Fourteenth Amendment.

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

NOTES

Comparative presentations are found in Chapter II, below.

MINUTES

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

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

Chairman Tate asked Lee Harraway, research coordinator, to explain the staff suggestions and annotations in the right column of the document. These minutes reflect the committee's action as printed in the right column and Sections are referred to as they are numbered in APPENDIX A.

Section 41. Page 61

Dr. Assoff moved to amend Paragraph 81, on line 2, by changing the word "necessity" to "purpose." Motion carried. Dr. Assoff moved that a caveat be submitted to the substantive committee, asking them to consider revision of the first sentence of Paragraph 81. Objections were heard. On motion of Mr. Perez, the motion failed.

Mr. Perez moved to amend Paragraph 81 by deleting the second sentence, beginning on line 3, in the right column; suggested a substitute sentence which he believed was more in accord with the language as adopted by the convention which would read:

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

Motion carried.

Mr. Perez moved the adoption of Paragraph 81 as amended. Motion carried. The committee concurred in amending Section 41 as amended.

Section 42. (Pages 67 and 68)

Mr. Tetia moved the amendment of Paragraph 82 on line 6 by changing the word "any" to "a." Motion carried.

Mr. Conroy moved the amendment of Paragraph 82 on line 8 by deleting the comma ";" following the word "bonds." Motion carried.

Mr. Kelly moved to amend line 11 by deleting the word and numeral "Section 41" and inserting in its place "Section 17." Motion carried.

Dr. Assoff moved to amend line 12 by restoring language adopted by the convention so that line 11 would read "Article IV, if the funding of payment of any". Motion carried.

Paragraph (A) of Section 4, was adopted as amended.

Mr. Perez moved to amend Paragraph 4, on line 1, deleting the text in the right column; he offered a substitute paragraph which he believed was more in accord with the language as adopted by the convention. It read:

"Sale, lease, transfer of utility in Paragraph 4 shall be made subject to the law concerning the issuance of bonds which shall state:"

Motion carried.

Dr. Assoff moved the amendment of Paragraph 4, on line 4, as amended.

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

Section 44. (Pages 72 and 73)

Mr. Perez moved the amendment of Section 44 as that the same in lines 4, 5, and 6, would read "taxes shall be collected and used and continue to exist," and the motion carried.

Mr. Perez moved the adoption of Section 44 as amended. Motion carried.

APPENDIX A

Section 131. Page 77

Judge Dennis moved to reconsider the vote by which Mr. Perez amendment was adopted. By a show of hands, there were 3 votes in favor of reconsideration and 4 against it. Motion failed. Judge Dennis again moved to reconsider the vote and requested a roll call vote. Chairman Tate declared the motion out of order, but asked that the roll be called. It was determined by voice vote the motion failed. Mr. Perez moved the suspension of the rules in order to reconsider the vote by which Mr. Conroy amendment was adopted. By voice vote the motion failed. Dr. Assoff requested that the motion be reconsidered by vote of 3 in favor and 4 against it was ordered.

Mr. Perez moved to amend Paragraph 82 on line 4 by deleting the period ".;" after the word "decreased" and adding the period ";" to the word "property." Motion carried.

Paragraph 1 was adopted as amended with the following change, Paragraph 81 was adopted without change, and Paragraph 82 was adopted as amended.

Section 44 was adopted as amended.

Mr. James G. Derbes, member of the Committee on Natural Resources and Environment, asked to be heard regarding amendment. He said that the author intended the last sentence of the section to apply to the Virus Care Commission but the word "virus" was used instead of the word "compartment". Chairman Tate said that this had been noted in the committee meetings in Baton Rouge and that a caveat would be submitted to the convention to that effect that the matter would be clarified.

PART IV. PORTS

Page 72

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

Section 44. (Pages 72 and 73)

Mr. Perez moved the amendment of Section 44 as that the same in lines 4, 5, and 6, would read "taxes shall be collected and used and continue to exist," and the motion carried.

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

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

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

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

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

PART IV, Section 45, was adopted as amended.

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

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

PART V, Section 46, was adopted as amended.

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

Albert Tate, Jr., Chairman
Max N. Tobias, Jr., Vice-Chairman

NOTES
Comparative presentations are found in Chapter II, below.

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

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

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

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

Absent:

David Conroy
James L. Dennis
Anthony J. Guarisco, Jr.
Donald G. Kelly
Cheryl G. Perez
Anthony M. Rachal, Jr.
Earl J. Schmitt, Jr.
Albert Tate, Jr.
Max N. Tobias, Jr.
J. Burton Wallis

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

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

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

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

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

A. Stylistic Changes Suggested by Judiciary Committee:

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

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

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

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

The committee adopted the second and third suggestions without objections.

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

Article I. Declaration of Rights

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

10. Right to Vote
11. Right to Keep and Bear Arms
12. Freedom from Discrimination
with 13. Rights of the Accused, and the succeeding titles renumbered in sequence. Motion carried.

Changes in Particular Sections:

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

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

The suggestion regarding Section 13 was adopted.

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

The committee did not want to change the last sentence to another Article, as suggested in the note to Section 16.

The recommendations regarding Section 17, 20, and 22 were adopted.

Chairman Tate declared the meeting adjourned after the noon recess in order that the members could return to the convention.

Albert Tate, Jr., Chairman

Max N. Tobias, Jr., Vice-Chairman

Anchored 1. In Sec. 8, the Committee recommends the following:

"The right of the people to take part in the making of laws shall be vested in the legislative branch of the state government."

A. Suggested by:

The Committee on Style.

Adopted 1. In Sec. 9, the Committee recommends that the following shall be inserted:

"The right of the people to take part in the making of laws shall be vested in the legislative branch of the state government."

"Secs. 1. Provisions of Section 9 shall take effect September 1, 1973, and shall be applied to the actions of the 1973 Constitutional Convention."

The following appendices are annotated to reflect the recommendations of the Committee on the Bill of Rights and Elections.
December 18, 1973

The Committee on Bill of Rights and Elections has agreed to accept the recommendations of your committee dated [1921], with respect to style and drafting changes of the "Preamble" and "Declaration of Rights" with the following modifications:

A. The sections should be arranged in the following order with the following titles:

PREAMBLE

Article I. Declaration of Rights

Section 1. Origin and Purpose of Government

Section 2. Due Process of Law

Section 3. Right to Individual Liberty

Section 4. Right to Property

Section 5. Right to Privacy

Section 6. Freedom from Intrusion

Section 7. Freedom of Expression

Section 8. Freedom of Religion

Section 9. Right to Privacy and Petition

Section 10. Right to Vote

Section 11. Rights of the Accused

Section 12. Right to Preliminary Examination

Section 13. Initiation of Proceedings

Section 14. Right to a Fair Trial

Section 15. Jury Trial in Criminal Cases

Section 16. Right to Bear Arms

Section 17. Right to Privacy

Section 18. Right to a Speedy and Fair Trial

Section 19. Freedom from Lawless Detention

Section 20. Right to a Speedy and Fair Trial

Section 21. Right to a Speedy and Fair Trial

Section 22. Right to a Speedy and Fair Trial

APPENDIX B

[33]
B. Change in Particular Sections.

Section 4. Right to Property

Adopted

On page 9, line 5, after the words "right to", delete the words "acquire, control, own" and insert in lieu thereof the words "acquire, own, control"

Adopted

On page 10, at the beginning of line 7, delete "completion" and insert in lieu thereof the words "competition"

Adopted

On pages 9 and 10, delete all subtitles and subparagraphs in the "Right to Property" Section.

Section 5. Right to Privacy

Adopted

On page 12, line 18, after the word "seizure" delete the words "which violates" on lines 18 and 19 and insert in lieu thereof the words "conducted in violation of"

Section 7. Freedom of Expression

Adopted

On page 5, line 6, after the word and punctuation "press" delete the word "any" and insert in lieu thereof "every"

Section 9. Right of Assembly and Petition

Adopted

On page 6, line 19, after the word, "of", delete the word, "every" and insert in lieu thereof the word, "any"

Section 10. Rights of the Accused

Adopted

On page 16, delete lines 3 through 7 and insert in lieu thereof Section 10. When any person has been arrested or detained in connection with the investigation or commission of any offense, he shall be advised fully

Adopted

On page 16, line 14, before the word "to", add the words, "his right"

Adopted

On page 16, delete lines 28, 29 and 30 and insert in lieu thereof the words, "and compensating qualified resources for indigents."

Section 11. Right to Preliminary Examination

Left in

Note: The Committee may also wish to shift the last sentence of this section to a more appropriate article.

Section 12. Initiation of Prosecution

Rejected

On page 19, line 9, add a comma after the word, "imprisonment"

Section 13. Right to a Fair Trial

Adopted

On page 20, line 4, after the word "until", delete the word "proved" and insert in lieu thereof the word "proven"

Section 15. Right to Bail

Rejected

On page 21, line 8, after the word "proof" delete the word "is" and delete all of line 9

Adopted

On page 21, line 16, after the word "less" delete the comma and insert in lieu thereof, punctuation and word "", and

Adopted

On page 23, line 24, after the word "less" delete the comma and insert in lieu thereof, punctuation and word "", and

Section 16. Right to Judicial Review

Left in

Note: The Committee may wish to shift the last sentence of this section to a more appropriate article.

Section 17. Right to humane Treatment

Adopted

On page 9, line 9, after the word "state" delete the word "and"

Section 20. Right to Vote

Rejected

On page 7, delete line 7 and insert in lieu thereof "vote, except that this right may be sus-

Section 22. Freedom from Discrimination

Rejected

On page 13, line 5, add a comma after the word "facilities"

C. Presentation of this Report

Delegate Woody Jenkins will appear before your committee and explain the changes proposed above by the Committee on Bill of Rights and Elections.

-3-

MINUTES

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

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

Treaty Room, White House Inn
Batton Rouge, Louisiana
9:30 a.m., December 22, 1973

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

Present:
Emmett Ansilff
John L. Avant
David Conroy
James L. Dennis
P. Gordon Kean, Jr.
Donald G. Kelly
Anthony M. Rachal, Jr.
Earl J. Schmidt, Jr.
Albert Tate, Jr.
J. Burton Willis

The roll was called and a quorum was established. Chairman Tate announced that the committee would consider the following documents which are attached to and made part of these minutes:

APPENDIX A: CP 7, Article IX, Education, as styled by the staff.
APPENDIX A:1: (Counsel to Appendix A as adopted at this meeting.)
APPENDIX B: CP 11, Article VII, Human Resources as styled by staff.
APPENDIX B:1: (Counsel to Appendix B as adopted at this meeting.)
APPENDIX C: Recommendation from the Committee on Bill of Rights and Elections, regarding this committee's styling of CP 33, Elections.

Chairman Tate asked Research Coordinator Lee Hararaye to explain the styling changes as they appeared in the right column of each document.

The action taken by this committee is annotated in the appendices. These minutes will reflect adopted Sections of each Article. Objections and hand-count votes will be recorded in these minutes.

COMMITTEE PROPOSAL 1, ARTICLE IX, EDUCATION (Appendix A)

The preamble and section 1 were adopted without objection.

Sections 2 and 3 were adopted as amended without objection.

Section 4 was adopted without change and without objection.

Sections 5 and 6 were adopted as amended without objection.

Section 7: Judge Quinn moved to amend the heading to read "Section 7. Board of Supervisors", and objections were heard. By a show of hands there was 1 vote in favor of the amendment and 4 votes against it. Motion failed. Section 7 was adopted as amended without further objections.

Section 8: Paragraph (A) was amended without objection. There were several objections to the styling of Paragraph (B), and the language was revised. Paragraph (B) adopted as amended. Paragraph (C) was amended without objection. Section 8 was adopted as amended without further objections.

Section 9 was adopted as amended without objection.

Section 10: Paragraph (A) was amended without objection. Mr. Conroy objected to the deletion of language adopted by the Convention in Paragraph (B). The committee concurred in restoring the language from the left column, lines 21 through 34, with stylistic changes. Paragraph (B) was adopted as amended without further objection. Paragraph (C) was amended without objection. Paragraph 10 was adopted as amended without further objections.

Section 11 was adopted as amended without objection.

Section 12 was adopted without change and without objection.

Section 13: Paragraphs (A) and (B) were adopted without change and without objection. Judge Dennis objected to the deletion of language as adopted by the convention within the "charity of city," respectively. The committee concurred in retaining this phrase at the end of line 14, right column. Paragraph 13 was adopted without objection. Section 13 was adopted as amended without further objection.

[34]
Section 14 was adopted without change and without objection.

ARTICLE IX. EDUCATION was adopted as styled by the staff and amended by this committee without further objections. The committee concurred in submitting caveats which are included in Appendix A-1.

CP 20, 21, ARTICLE VII, HUMAN RESOURCES, (Appendix D)

Section I: Paragraph (A) was adopted as amended without objection. The Committee in restoring the language adopted by the convention, with amendments to lines 24, 21, and 22 to conform with the amendment to Paragraph (B) was adopted as amended without further objections. The Committee in changing the order of Paragraphs (C) and (D). The new Paragraph (D) on page 4, was amended by restoring language as adopted by the convention in lines 4 through 10 from the left column. The new Paragraph (C), on page 5, was adopted without objection. Section 1 was adopted, as amended, without further objections.

ARTICLE VII, HUMAN RESOURCES, was adopted by this committee, as styled by the staff and as amended, without further objections. The committee concurred in submitting caveats which are included in Appendix B-1.

Recommendations from the Committee on Bill of Rights and Elections regarding this committee's styling of CP 16 ELECTRIC (Appendix C)

1. There were objections to this recommendation. On voice vote, it was rejected.
2. Recommendation was accepted without objection.

Chairman Tate declared the meeting adjourned at 1:30 p.m. He announced that the next meeting would be held as scheduled on Wednesday, January 2, 1974.

Max N. Tobian, Jr., Vice-Chairman

Chairman Tate, Jr., Chairman

Committee on Style and Drafting

Caveats to ARTICLE IX (APPENDIX A)

To make it clear that the consolidation provision of Section 10(C) applies to all school systems, the committee added the word "any" so that the reference is to "any two or more school systems."

The Committee on Style and Drafting requests the view of the Committee on Education and Welfare as to whether either change might make a substantive change. [See attached sheet containing original staff draft of Section 10(B).]

Section 11

The mandate to appropriate funds refers to "expenses of the boards created pursuant to this Article." Constrained literally, that language may include parish and city school boards since they are referred to in the article. In styling the section, the Committee on Style and Drafting used the expression "state boards" to indicated that the mandate does not apply to parish and city school boards. The committee requests the views of the Committee on Education and Welfare as to whether this makes a substantive change.
residing within the jurisdiction of the Monroe City School Board shall be eligible to vote for or be members of the Monroe City School Board. Only persons residing in that portion of Ouachita Parish outside the jurisdiction of the Monroe City School Board shall be eligible to vote for or be members of the Monroe City School Board.

Only persons residing in that portion of Ouachita Parish outside the jurisdiction of the Monroe City School Board shall be eligible to vote for or be members of the Ouachita Parish School Board.

Any member of either board at any time not satisfying the requirements of this Paragraph immediately shall vacate his position. The provisions of this Paragraph shall not become operative until the election of members to the Ouachita Parish School Board taking office in 1977 or upon the first reapportionment affecting the Ouachita Parish School Board, whichever occurs earlier.

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

4 the jurisdiction of the Monroe City School Board shall be eligible to vote for or be members of the Monroe City School Board. Only persons residing in that portion of Ouachita Parish outside the jurisdiction of the Monroe City School Board shall be eligible to vote for or be members of the Ouachita Parish School Board.

(1) The position of a member of either board shall be vacated when he no longer satisfies the requirements of this Paragraph. Notwithstanding any contrary provision of this constitution, this Paragraph shall become operative upon the election of members to the Ouachita Parish School Board taking office in 1977 or upon the first reapportionment affecting the Ouachita Parish School Board, whichever occurs earlier.

Aug 12/13/73
MEMORANDUM

TO: Members of the Committee on Style and Drafting

FROM: Albert Tate, Jr., Chairman

RE: Style and Drafting of the Elections Article

I have spoken with Chairman Alphonso Jackson of the Committee on Bills of Rights and Elections who indicated his concurrence with the styling changes suggested for the preceding article (Committee Proposal No. 3) as indicated in Document XII adopted November 21, 1973, except for the following:

1. On page 3 (Section 3), line 6, it is suggested that the phrase "qualified elector" be used instead of "eligible voter" as was done in the re-styled version.

2. On page 4, (Section 4) it is suggested that lines 3 through 6 be read as adopted by the Convention: "No public funds shall be used to urge an elector to vote for or against a candidate or pro-

Chairman Jackson
Representative Jenkins

APPENDIX C

Annotated according to action taken by the Committee on Style and Drafting December 22, 1973

MINUTES

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

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

Treaty Room, White House Inn, Baton Rouge, Louisiana

Wednesday, January 2, 1974, 9:30 a.m.

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

Abstent: R. Gordon Keen, Jr. Donald G. Kelly


Present: Albert Tate, Jr. Camille F. Gravel, Jr.

E. M. Assoff Anthony Guarisco, Jr.

John L. Avant Chaloin G. Perez

Anthony M. Rachal, Jr. Joe C. Tobias, Jr.

J. Burton Willis

Chairman Tate called the meeting to order. The roll was called and a quorum was established. The chairman announced that the first order of business would be consideration of Committee Proposal No. 26 (Property Tax) as styled by the Research Staff. A copy of the document, Document No. XVI dated 12/12/73, is attached here as a part of these minutes as Appendix A to this document. The convention was then adjourned in accordance with Document XVI, Adopted 12/12/73. The above paragraph adopted by the committee are noted in pencil and are as follows:

ARTICLE VI. REVENUES AND FINANCE

SECTION 1. The Legislature shall have the power to tax and regulate the business of corporations, including real estate enterprises, and to impose reasonable taxes to meet the public expenses according to the estimates of revenue. Such estimates shall be made annually by the Governor, with the advice and consent of the Legislative Appropriations Committee. The Legislatures shall have the power to make and enforce all laws necessary to the collection of the revenue granted by this or any other provision of the Constitution.
Section 1 (G), page 5, adopted as noted (becomes Section 10).

Section 2, page 6, adopted as printed.

Section 3 (A), inserted pages 7 and 8, adopted as noted.

Section 3 (B), inserted page 8, adopted as noted.

Section 4 (A), page 10, adopted as printed.

Section 4 (B), page 11, adopted as noted, with two requests to the substantive committee for recommendations with respect to the following:

1. Whether the language appearing on lines 4 and 5, "dedicated places of burial," should be moved to Section 4 (C), page 11, between lines 27 and 28.

2. The necessity of the wording "such as a lodge or club" on page 11. Line 18. A staff memo will be submitted with respect to this language.

- 2 -

The section was adopted with one objection. Delegate Avant objected due to the use of the word "none" at the beginning of line 31 on page 11.

Section 4 (C), pages 13 and 14, adopted as noted.

Section 4 (D), pages 15 and 16, adopted as noted.

A motion was adopted to prepare a caveat for each section, or paragraph thereof, in which the words "continental United States" appear, along with a staff memo with respect to this language applying to equal protection of all states.

Section 4 (E), page 18, adopted as noted.

Section 4 (F), pages 19 and 19, adopted as noted.

Section 5, page 20, adopted as noted (incorporated on page 19).

Section 6, pages 21 and 22, adopted as noted, with the understanding that Delegate Conroy would request the recommendation of the substantive committee with respect to the necessity of the language beginning with "However," on line 31 through line 36, page 21.

Section 7 (A), page 24, adopted as printed.

Section 7 (B), page 24, adopted as noted.

Section 7 (C), page 25, adopted as noted.

The staff was requested by the committee to change the language "provided by the legislature" to "provided by law" throughout the document.

Section 7 (D), page 27, adopted as noted.

Section 7 (E), page 28, adopted as noted.

Section 8 (A) and (B), page 36, adopted as noted.

- 3 -

Section 8 (C), page 32, adopted as noted.

Section 9 (A), (B), (C), and (D), adopted as noted.

Delegate Tobias presented an alternative suggested change for Section 9 and moved its adoption. After deliberation, a roll call vote was taken on whether it was in order for the Committee on Style and Drafting to consider this alternative. Voting that it was in order were Delegates Asseff, Guarisco, Rachal and Tobias. Voting that it was not in order were Delegates Avant, Conroy, Dennis, Perez and Willis.

Delegate moving to join Delegate Tobias in a petition as individual delegates to present the alternative to the sub-

stantive committee were Delegates Asseff, Conroy, Dennis, Guarisco, Rachal and Tate.

Section 10 (Section 1 (G), page 5, became the last Section of the Article).

A motion to adopt the Article as stylized and refer it to the Committee on Revenue, Finance and Taxation was adopted.

The next order of business was consideration of four short committee proposals. The actions taken by the committee were as follows:

COMMITTEE PROPOSAL NO. 22: A copy of CP #22 reflecting suggested changes in pencil is attached hereto and made a part of these minutes. The amendments to CP #22 as adopted by the committee by motions duly adopted are reflected in Document No. XXVIII, dated 1/3/74, a copy of which is attached hereto and made a part of these minutes. CP #22 is attached as Appendix "B." Document XXVIII is attached as Appendix "C."

- 4 -

By motion duly adopted CP #22 was referred to the Committee on the Executive Department.

COMMITTEE PROPOSAL NO. 12: A copy of CP #12 is attached hereto and made a part hereof. The pencil notations reflect the changes adopted by the committee. (Appendix "D")

By motion duly adopted CP #12 was referred to the Committee on Education and Welfare.

COMMITTEE PROPOSAL NO. 14: A copy of CP #14 is attached hereto and made a part of these minutes as Appendix "E." The pencil notations reflect the style changes adopted by the committee.

By motion duly adopted CP #14 was referred to the Committee on Education and Welfare.

COMMITTEE PROPOSAL NO. 31: A copy of CP #31 is attached hereto and made a part of these minutes as Appendix "F." The pencil notations reflect the style changes adopted by the committee.

By motion duly adopted CP #31 was referred to the Committee on the Executive Department.

The Chairman announced the next order of business as consideration of Committee Proposal No. 15. A copy of Document No. XXI, dated 1/3/74, is attached to the minutes of this committee's meetings of January 9, 1974. The action of this committee on the sections considered in this date's meeting are reflected in pencil on the attachment to the minutes of meeting January 9, 1974 labeled Appendix "B."

It is noted that Delegate Asseff objected to the adoption of Section 4 (A) as printed.

The meeting adjourned at 6:45 p.m.

[Signature]
Alfred Tate, Jr., Chairman

[Signature]
Max N. Tobias, Jr., Vice Chairman

Emmett Asseff, Secretary
ARTICLE 1

Section 2. Code of Ethics of Board

The legislature shall enact a code of ethics for all officials and employees of the state and its political subdivisions, and shall create the boards or boards thereof to administer the code. The board or boards and the code created by the legislature shall be administered by the legislature. The board or boards shall have jurisdiction over the administration of institutions, terms of office, duties, and powers provided by law.

Decisions of the board shall be appealable and the legislature shall provide the method of appeal.

Appendix "B"

ARTICLE VII. HUMAN RESOURCES

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

The legislature may establish a system of economic and social welfare, unemployment compensation, and public health.
A PROPOSAL

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

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

ARTICLE XIV. SCHEDULE

Section I. Mandatory Reorganization of State Government

Section I. (A) The legislature shall allocate, within
out not more than twenty departments, the functions, powers, duties, and responsibilities of all departments, offices, agencies, and
other instrumentalities within the executive branch, except
those allocated by this constitution. Such allocation, which
shall not be subject to veto by the governor, shall become
operative not later than December 31, 1977.

The meeting was called to order by the chairman and a quorum was present. The purpose of the meeting was to review the first Enrollment of Committee Proposal No. 4 with Staff Styling Suggestions adopted 10/12/73, and to hear a report on technical changes recommended by the Conference Committee of the Committee on Executive Department and Committee on Style and Drafting; and substantive changes recommended by the Committee on Executive Department.

At the outset of the meeting, Delegate Perez voiced objection against the inclusion of the attorney general in Section 1(A) of Article IV Executive Branch, stating he had authored an amendment, which was adopted by the convention, removing this office as one of the departments of state government and disagreed with Delegate Tate that there was any ambiguity that needed to be resolved by the whole convention. Delegate Willis then reminded the members that on hearing the attorney general, that he had agreed his office did not belong in the three departments of state government, but if the office were put in any department that it should be with the Judiciary. Delegate Conroy agreed that there was an ambiguity created by Section 1(A) and Section 8 that the convention needs to straighten out. At that point, Delegate Perez moved to delete from Article IV, Section 1(A) Composition of Executive Branch, the mention of the attorney general. The motion was defeated on a tie vote as follows:

YEAS: Asseff, Conroy, Dennis, Tate and Tobias (5)

NAYS: Perez, Avant, Kean, Guarisco and Willis (5)

A substitute motion by Delegate Conroy to issue a CAVEAT to let the convention determine if the attorney general should be included in this section. The substitute motion failed on a tie vote as follows:

YEAS: Perez, Avant, Kean, Guarisco and Willis (5)

NAYS: Asseff, Conroy, Dennis, Tate and Tobias (5)

Delegates Tate moved to pass over Section 1(A) until the next meeting. Delegate Dennis objected and a roll call vote was taken, with nine members voting favorably.

Delegate Asseff then made a report of the meetings of the Conference Committee regarding recommendations on Executive Branch. He stated that Delegates Denmorey, Stagg, Conroy, Tate and himself were in complete agreement to the technical changes, but that the substantive changes had come from the Executive Department.
On a motion by Tobias the word "responsibilities" was placed in lieu of the word "departments" in Section 1106. There were no objections to the motion.

Delegate Asseff moved for adoption of Section 2 regarding qualifications, as suggested by the Conference Committee, and there were no objections. Section 2, as adopted, reads as follows:

"Section 2. Qualifications
Section 2. To be eligible for any statewide elective office a person, by the date of his qualification as a candidate, shall have attained the age of twenty-five years, be an elector, and have been a citizen of the United States and of this state for at least the preceding five years. In addition, the attorney general shall have been admitted to the practice of law in the state for at least the five years preceding his qualification as a candidate. During his tenure in office, a state-wide elected official shall hold no other public office except by virtue of his elected office."

Delegate Dennis made a motion to revert back to the language in the first sentence as suggested by the Staff in Section 3. All Qualifications, but later withdrew his motion.

On a motion by Delegate Conroy the meeting adjourned at 1:30 p.m.

\[\text{Chairman}
\]
\[\text{Secretary}
\]

NOTES
Comparative presentations are found in Chapter II, below.

MINUTES

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

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

Treaty Room, White House Inn
Baton Rouge, Louisiana
Monday, January 7, 1974, 9:30 a.m.

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

Present:
Albert Tate, Jr.
Emmett Asseff
John L. Ayar
James L. Dennis
Donald G. Kolly
Earl J. Schmitt, Jr.
Max V. Tobias, Jr.
J. Burton Willis

Absent:
David Conroy
Camille F. Crawf, Jr.
Anthony J. Garuccio
R. Gordon Kean, Jr.
"Talin G." Perez
Anthony M. Pachal, Jr.

Chairman Tate called to order and asked the secretary to call the roll. With a quorum present, the committee began consideration of the changes in the Article in the drafts made by the Committee on the Executive Department. A copy of the changes recommended by the substantive committee is attached to and made part of these minutes as Appendix A. The changes adopted by the Committee on Style and Drafting are noted in pencil on the attachment.

A copy of the "Recapitulation of Caveats" by the Committee on the Executive Department is attached as Appendix B. The Committee on Style and Drafting adopted the caveats suggested by the substantive committee to Sections 2, 5, and 22.

The committee next considered changes in the styling of the Article on Education (COMMITTEE PROPOSAL NO. 7) recommended by the Committee on Education and Welfare. A copy of the editing notations recommended by the substantive committee are attached to and made part of these minutes as Appendix C. The changes adopted by the Committee on Style and Drafting are noted in pencil on the attachment.

A copy of the caveats to the Education Article is attached as Appendix D. The caveats to Sections 10(B) and 10(C) were adopted by the committee. Delegate Dennis moved that Section 11 be adopted as styled by the Committee on Style and Drafting. Motion carried.

Delegate Tobias moved to report COMMITTEE PROPOSAL NO. 7 to the floor of the convention. Motion carried.

Delegate Tobias moved to report COMMITTEE PROPOSAL NO. 12 to the floor of the convention. A copy of the proposal is attached to and made part of these minutes as Appendix E. Motion carried.

Delegate Tobias moved to report COMMITTEE PROPOSAL NO. 14 to the floor of the convention. Motion carried. A copy of the proposal is attached to and made part of these minutes as Appendix F.

The caveats to Article VII, Section 1, Human Resources, COMMITTEE PROPOSAL NO. 11, are adopted as written and made part of these minutes as Appendix G. The Committee on Style and Drafting adopted the actions of the Committee on Education and Welfare.

A copy of COMMITTEE PROPOSAL NO. 16 is attached to and made part of these minutes as Appendix H. The changes adopted by the committee are noted in pencil on the attached copy.

Delegate Tobias moved to refer COMMITTEE PROPOSAL NO. 19 to the Committee on Education and Welfare. Motion carried.

The meeting adjourned at 11:45 a.m.

\[\text{Chairman}
\]
\[\text{Secretary}
\]
APPENDIX B
Style and Drafting
January 7, 1974

1. Attorney General Question

(See note at end)

The original caveat of the Style and Drafting Committee was concerned in by the Committee on the Executive Branch. It would provide that the residency and practice requirements for the attorney general would have to be met at the time of qualification as a candidate, rather than at the time of election. (See Note on p. 5 of the original pink copy)

Section 1 (No Caveat)

Style and Drafting recommended a caveat amending the section refer to in each State's elected official, instead of each elected official. The Committee on the Executive Branch agreed in the change, but without the necessity of a separate caveat amendment. (See Note, p. 8).

Section 2

(1) Style and Drafting adopted a caveat relating to the ambiguity of the phrase "eligible for public service automatically." In its styled version, the Committee did not delete the word "automatically." (See Note, pp. 14-15)

The Committee on the Executive Branch recommended a caveat amendment in line with the second alternative of Style and Drafting's caveat. It would provide:

"However, a first offender who previously convicted of a felony shall be barred from service automatically upon completion of his sentence, without a recommendation of the Board of Parole and without action by the defendant."

(2) (No Caveat) Style and Drafting adopted a caveat dealing with the question of whether confirmation of members of the pardon board must be "public confirmation." By action taken with respect to Section 4(1), it would not be necessary for any amendment. (See Note, p. 15).

(3) In Section 5(1)(b), reference is again made to confirmation by the Senate. The Committee on the Executive Branch recommends a caveat amendment that the confirmation be public. (See Note, pp. 15, 19).

(4) In Section 5(1)(c), Style and Drafting adopted a caveat as to a problem dealing with interim appointments expiring at the end of the next regular session. The Committee on the Executive Branch recommended caveat amendments inserting the word "regular." (See Note, p. 19).

Section 6 (No Caveat)

Style and Drafting adopted a caveat clarifying the voting rights of the board and governor. When serve as a member of boards, the Committee on the Executive Branch did not recommend adoption of this caveat amendment or of any amendment to clarify whether the official has voting rights. (See Note, p. 22).

Sections 11 and 11 (No Caveat)

Style and Drafting added a caveat with respect to the meaning of the words "in the discretion of the commissioner" as they can be interpreted by the courts. The Committee on the Executive Branch did not accept this caveat amendment and recommends no change. (See pp. 18, 29).

Section 18 (No Caveat)

Style and Drafting adopted a caveat as to whether the definition of "intoxication" to be included in this section applies throughout the constitution. The Committee on the Executive Branch recommended changing the word "constitution" to "Article." to make it clear that the definition is applicable within the Article but not through the constitution. It is recommended a provision to this effect in the "General Provisions." (See p. 7).

Section 19

Style and Drafting created the caveat of following adoption of "members of the state constitution to the following effective date of this constitution."

Committee on the Executive Branch did recommend change to this effect by caveat amendment. (See p. 48).

Attorney General Note - Caveat Problem

The Committee on the Executive Branch recommends that the attorney general be included in the list of the composition of the executive branch in Section 1 on an advisory council. However, if the attorney general is a member of the executive branch, he is to be included in the Judicial Branch Act in. Their reference to the attorney general in Section 2 and 3 (pp. 15) should be deleted, or the Office of the Attorney General functions (referring to the Office of the Attorney General) should be transferred to the "Executive Branch Act Article 3-4."
Only persons residing within the jurisdiction of the Monroe City School Board shall be eligible to vote for or be members of the Monroe City School Board. Only persons residing in that portion of Ouachita Parish outside the jurisdiction of the Monroe City School Board shall be eligible to vote for or be members of the Monroe City School Board. Only persons residing in that portion of Ouachita Parish outside the jurisdiction of the Monroe City School Board shall be eligible to vote for or be members of the Ouachita Parish School Board.

Any member of either board at any time not satisfying the requirements of this Paragraph immediately shall vacate his position. The provisions of this Paragraph shall not become operative until the election of members to the Ouachita Parish School Board taking office in 1977 or upon the first reapportionment affecting the Ouachita Parish School Board, whichever occurs earlier.

The provisions of this Paragraph shall be operative notwithstanding anything in this constitution to the contrary.
Chairman Tate called the meeting to order and asked the secretary to call the roll. With a quorum present, the committee began consideration of the changes in the styling of the Article on Revenue and Finance recommended by the Committee on Revenue, Finance and Taxation (COMMITTEE PROPOSAL NO. 26). A copy of the sections with changes recommended by the substantive committee is attached to and made part of these minutes as Appendix A. The changes adopted by the Committee on Style and Drafting are noted in pencil on the attachment and are as follows:

Section 4(D), page 11, adopted with recommended change.
Section 4(C), page 14, adopted with recommended change.
Section 4(D), page 15, adopted with recommended change.
Section 4(D), page 16, adopted with recommended change.
Section 6, page 21, adopted with noted changes.
Section 6, page 22, adopted with recommended changes.
Section 9(A1), (B1), (C1), and (D1), pages 33 and 34, adopted with recommended changes.

The caveats to COMMITTEE PROPOSAL NO. 26 are attached to and made part of these minutes as Appendix B. All actions taken by the Committee on Revenue, Finance and Taxation are noted on the attachment and were adopted by the Committee on Style and Drafting.

Further changes in COMMITTEE PROPOSAL NO. 26 adopted by the committee are noted in Appendix C. They are as follows:

Section 1(A1), page 3, line 7, add "except as provided in Paragraph C," and add a comma "," after the word "which".
Section 3(A1), page 7, line 16, delete the word "the".
Section 8(A1), page 30, line 9, delete the word "for".
Section 8(B1), page 30, line 25, delete the word "for".

Delegate Kean moved to refer COMMITTEE PROPOSAL NO. 26 to the floor. Motion carried.

At the suggestion of Chairman Tate, the committee directed the staff to prepare caveat amendments to take Sections 2, 3, and 4 (attorney general), out of the Article on the Executive Branch and place them in General Provisions and to move Section 8 to the Article on the Judicial Branch. Another caveat amendment was adopted to add the attorney general to the listing of the composition of the executive branch in Section 1.

Delegate Dennis moved to refer COMMITTEE PROPOSAL NO. 4 to the
Section 11(D)

As used in this article, "fair market value" means the value that an arm's length transaction would be likely to result in, taking into account the nature and quality of the property, the location and condition of the property, the time of the transaction, and any other relevant factors.

The second sentence states, "An assessment shall determine the value in accordance with the rules of the Commissioner of Property."

However, in Section 6, which governs assessment and taxation criteria, the assessment of such property shall be made on the basis of the fair market value, and no other method shall be used.

If the intent of the convention was to have assessors determine the value of property as determined in accordance with the rules of the Commissioner of Property, the language should be changed to read as follows:

"Each assessor shall determine the value of all property which is subject to assessment under this act."

Adopted language suggested by State

In the section as amended, the phrase "fair market value" is grammatically incorrect. Also, placement of that phrase indicates that the dedication of burial is subject to the Commissioner of Property. The act also subjects the value determination of the Commissioner of Property. The intent of the convention was to extend the dedication of burial without qualification, the phrase "dedicated place of burial" could be defined to the property and added as a numbered section in Section 11(C).

Section 11(D)

Item 3 (property of an organization which is a lodge or club organized for charitable or fraternal purposes) and

practicing the same, may be treated as a separate section of the reference to lodges or clubs. Is that expression in terms of a location, an equivalent expression, or is it to give examples with or without limitations?

If the purpose is to limit, it might better read, "property of a lodge or club or similar organization..." if the purpose is to broaden, it could read, "property of an organization organized for charitable or fraternal purposes ..."
The meeting was called to order by Chairman Tate and the secretary called the roll. With a quorum present, the Committee began deliberation of a motion by Delegate Avant to adopt a caveat amendment to Sections 6(A) and 7(A) of COMMITTEE PROPOSAL NO. 7 to clarify possible ambiguous language by inserting "by this Article" in the text of Section 7(A).

A copy of Sections 6(A) and 7(A) is attached as Appendix A. Mr. Avant's motion carried.

The committee adopted a motion to refer COMMITTEE PROPOSAL NO. 7 to the floor.

Attached to and made part of these minutes is Appendix B containing a copy of COMMITTEE PROPOSAL NO. 15. The committee took action on the sections of the proposal not previously styled. The actions are reflected in the attachment and are as follows:

Section 10(A) and (B), page 19, adopted as printed.
Section 10(C) and (D), page 20, adopted as printed.
Section 11(A), page 21, adopted with noted changes.
Section 11(B), page 22, adopted as printed.
Section 12, page 23, adopted with noted change.
Section 13, page 24, adopted with noted change.
Section 14(A), page 25, adopted with noted change.
Section 14(B), page 26, adopted with noted change.
Section 14(C), page 27, adopted as printed.
Section 15(A), page 28, adopted with noted changes and a caveat to line 7 and 8 to offer the language "any person" instead of "a corporation or individual".
Section 15(B), page 29, adopted with noted changes.
Section 16, page 30, adopted as printed.
Section 17, page 31, adopted with noted changes.

At 1:45 p.m., the committee recessed until immediately after adjournment of the convention.

At 5:15 p.m., Chairman Tate called the meeting to order with the following members answering roll call:


The committee resumed consideration of the styling of COMMITTEE PROPOSAL NO. 15.

Section 4(A), page 3, reconsidered and adopted with the change in the last sentence of the section as noted.
Section 4(D), page 4, adopted as styled and inserted as page 4a.
Section 4(E), page 4a, adopted with noted changes and a caveat to the Committee on Revenue, Finance and Taxation to the words "of this Paragraph" on line 26.
Section 6(C), page 8, adopted with added language and a note to the substantive committee requesting its opinion.
Section 6(E), page 9, adopted with added language and a note requesting the opinion of the substantive committee.

Section 9(D), page 18, adopted as noted, adding "(C) Exception."
Section 4(A), page 2, adopted with a caveat to the substantive committee changing "the effective date of this constitution" to "January 1, 1974."

The meeting was adjourned at 6 p.m.

[Signature]
Albert Tate, Jr., Chairman
Max N. Tobias, Jr., Vice Chairman
Emmett Asseff, Secretary

NOTES
Comparative presentations are found in Chapter II, below.

MINUTES
Minutes of the Committee on Style and Drafting of the Constitutional Convention of 1973
Held pursuant to notice by the Secretary in accordance with the Rules of the Convention.

Treaty Room, White House Inn
Baton Rouge, Louisiana
Thursday, January 10, 1974, 1:00 p.m.

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

Absent: Camille F. Gravel, Jr.
Anthony J. Guarisco
Anthony N. Kachal, Jr.
Earl J. Schmitt, Jr.

Chairman Tate called the meeting to order and asked the secretary to call the roll. With a quorum present, the Committee began consideration of COMMITTEE PROPOSAL NO. 35.

A copy of the proposal is attached to and made part of these minutes as Appendix A. The changes adopted by the committee are noted in pencil and are as follows:

ARTICLE II. DISTRIBUTION OF POWERS

Section 1, page 1, adopted as noted.
Section 2, page 2, adopted as noted.

ARTICLE XII. GENERAL PROVISIONS

Section 1, page 3, adopted as printed.
Section 2, page 3, adopted as printed.
Section 3, page 4, adopted as noted.

[46]
Section 4, page 5, adopted as printed.
Section 5, page 5, adopted as printed.
Section 6, page 6, adopted as printed.
Section 7, page 7, adopted as printed.
Section 8, page 7, adopted as printed.

The committee adopted a motion to refer COMMITTEE PROPOSAL NO. 15 to the Committee on Bill of Rights and Elections.

A copy of Sec. 1(A) through 1(L) of the proposal is attached to and made part of these minutes as Appendix A. The changes adopted by the committee are noted in pencil and are as follows:

Section 1(A)(11), page 1, adopted as noted.
Section 1(A)(2), page 2, adopted as noted.
Section 1(B), pages 3 and 4, adopted as noted.
Section 1(C), pages 5 and 6, adopted as noted.

Section 1(D), pages 7 and 8, adopted as noted.

The meeting was adjourned at 1:45 p.m.

Albert Tate, Chairman

Max M. Tobias, Vice Chairman

Emmett Asseff, Secretary

NOTES

Comparative presentations are found in Chapter II, below.

MINUTES

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

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

Anti Room, White House Inn

Baton Rouge, Louisiana

Friday, January 11, 1974, 9:00 a.m.

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

Absent:

Albert Tate, Jr.
Emmett Asseff
John L. Avant
David Conn
James L. Dennis
R. Gordon Khan
Chalise E. Porec
Anthony H. Rachai, Jr.
Earl J. Schmidt, Jr.
J. Burton Willis

PROPOSAL NO. 9. Beginning with Section 1(E), Section 1 through Paragraph D, was styled and adopted at the last meeting. A copy of the proposal is attached to and made part of these minutes as Appendix A. The changes adopted by the committee are noted in pencil on the attachment.

Delegate Conroy moved to refer the proposal as styled to the Committee on Education and Welfare. Motion carried.

The committee next considered COMMITTEE PROPOSAL NO. 34, a copy of which is attached to and made part of these minutes as Appendix B. The changes adopted by the committee are noted in pencil on the attachment and are as follows:

Section 1, page 1, adopted as printed.
Section 2, page 2, adopted as noted.
Section 3, page 3, adopted as printed.
Section 4, page 4, adopted as printed.
Section 5, page 5, adopted as noted.
Section 6, page 6, deleted, with a caveat to the substantive committee that it is included in COMMITTEE PROPOSAL NO. 15.

Section 7, page 7, adopted as noted.

Section 8, pages 7 and 8, adopted as noted, with a caveat suggesting adding at the beginning of line 9, the words "Upon such settlement." to the substantive committee that it is included in COMMITTEE PROPOSAL NO. 15.

Section 9, page 8, adopted as noted, with a caveat to the substantive committee asking whether the commission is to be specifically excluded in the Executive Branch.

Section 10(A) and 10(B), page 10, adopted as noted, with two caveats to the substantive committee as stated in the attachment.

Section 11(C), page 11, adopted as printed.

Section 12, page 12, deleted with a caveat to the substantive committee that it is included in COMMITTEE PROPOSAL NO. 15.

Substantive Committee to be included in COMMITTEE PROPOSAL NO. 15 (Public Service) .

The committee adopted a motion to refer the proposal to the Committee on Natural Resources.

COMMITTEE PROPOSAL NO. 17, Natural Resources, was next considered by the committee. A copy of the proposal is attached to and made part of these minutes as Appendix C. The changes adopted by the committee are noted in pencil on the attachment and are as follows:

ARTICLE VIII. NATURAL RESOURCES

Section 14(A), page 1, adopted as noted.
Section 14(B), page 2, deleted with a caveat to the substantive committee that it is included in COMMITTEE PROPOSAL NO. 15.

Section 14(C), page 3, adopted as noted.

Section 14(D), page 4, adopted as noted.

Section 14(D)(1), page 4, adopted as noted.

Section 14(D)(2), page 4, adopted as noted.

Section 14(D)(3), page 4, adopted as noted.

Section 14(D)(4), page 4, adopted as noted.
The committee adopted a motion to refer the proposal to the Committee on Natural Resources.

The committee next considered the styling changes in COMMITTEE PROPOSAL NO. 5. A copy of the proposal is attached to and made part of these minutes as Appendix D. The changes adopted by the Committee are noted in pencil on the attachment and are as follows:

ARTICLE XII. DISTRIBUTION OF POWERS

Section 1, page 1, adopted as printed.
Section 2, page 2, adopted as printed.

ARTICLE XII. GENERAL PROVISIONS

Section 1, page 3, adopted as printed.
Section 2, page 3, adopted as printed.
Section 3, page 4, adopted as printed.
Section 4, page 5, adopted as printed.
Section 5, page 6, adopted as printed.
Section 6, page 7, adopted as printed.
Section 7, page 7, adopted as printed.
Section 8, page 7, adopted as noted.

COMMITTEE PROPOSAL NO. 17, Local Government, was next considered by the committee. A copy of the proposal is attached to and made part of these minutes as Appendix E. The changes adopted by the committee are noted in pencil on the attachment and are as follows:

Section 1(A) and (B), page 1, adopted as printed.
Section 1(C), page 2, adopted as printed.
Section 4, page 6, adopted as noted.
Section 5(A), page 7, adopted as printed.
Section 5(C), page 9, adopted as printed.
Section 5(D), page 9, adopted as noted.
Section 5(E), page 11, adopted as noted.
Section 6, page 14, adopted as noted.
Section 7(A), page 15, adopted as printed.

Section 8, page 18, adopted as noted.
Section 9, page 20, adopted as printed.
Section 11, page 26, adopted as printed.
Section 14(A), page 27, adopted as noted.
Section 16, page 30, adopted as noted.
Section 19, page 33, adopted as noted.
Section 20, page 34, adopted as printed.
Section 21, page 36, adopted as noted.
Section 23, page 38, adopted as printed.
Section 27(A), page 41, adopted as noted.
Section 27(B), page 42, adopted as noted.
Section 27(D), page 44, adopted as printed.

Section 28(A), page 45, adopted as noted.
Section 28(B), page 46, adopted as noted.
Section 29, page 47, adopted as noted.
Section 32, page 52, adopted as printed, with a caveat to the convention to delete the word "special" on line 4.
Section 33, page 52, adopted as printed.
Section 36(A), page 57, adopted as noted.
Section 36(B), page 59, adopted as noted.
Section 39(A), page 64, adopted as noted.

At 1:45 p.m. the meeting recessed until immediately after adjournment of the convention.

Chairman Tate called the meeting to order at 7:10 p.m. The following members answered roll call:

Albert Tate, Jr.
Emmett Asseff
John L. Avant
David Conroy
James L. Dennis
Camille F. Gravel, Jr.
Anthony J. Gaarisco
R. Gordon Keen, Jr.
Donald G. Kelly
Challin O. Perez
Earl J. Schmitt, Jr.
Max K. Tobias, Jr.
J. Burton Willis

Delegate Lanier addressed the committee and asked that the committee recommend a caveat amendment to delete Section 21(B) of COMMITTEE PROPOSAL NO. 17.

Delegate Dennis moved that a caveat be adopted that would delete Section 21(B). The motion was defeated in a roll call vote. The votes were as follows:

YEAS:  
Dennis  
Gaarisco  
Perez

PAYS:  
Asseff  
Avant  
Conroy  
Gravel  
Keen  
Kelly  
Schmitt  
Tate  
Willis

The committee resumed styling of COMMITTEE PROPOSAL NO. 17. Further changes adopted are as follows:

Section 40(B), page 67, adopted as noted.
Section 41(A), page 68, adopted as printed.
Section 41(B), page 69, adopted as noted.
Section 43(A), page 71, adopted as noted.
Section 44, pages 73 and 74, adopted as noted.

The memorandum from the Committee on Local and Parochial Government noting the exceptions by that committee to the styling suggestions proposed by the Committee on Style and Drafting is attached to and made part of these minutes as Appendix F.

Mr. Avant moved that the language "Except as inconsistent with this constitution" and "Subject to and not inconsistent with this constitution" be retained all places
it appears in the proposal. See Caveat No. 2 to Section 4 in Appendix F.

Deletion of the word "special" on lines 1 and 3 of page 52, Section 32, as suggested on page 4 of Appendix F, was adopted by the committee as a caveat amendment to the convention.

Further actions taken on the exceptions noted in Appendix F are reflected in Appendix E.

Delegate Tobias moved to refer COMMITTEE PROPOSAL NO. 17 to the floor as styled. Motion carried.

The meeting was adjourned at 9:30 p.m.

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

TO: Committee on Style and Drafting
FROM: Committee on Local and Parochial Government
RE: Report on Document No. XV, committee Proposal No. 17

The Committee on Local and Parochial Government concurs with the styling suggestions proposed by the Committee on Style and Drafting except as noted below:

Section 4.

Caveat No. 1: On page 6, lines 6 and 7, the phrase "...the power with this constitution" were substituted for the words "...when this constitution is adopted". Several members of the committee think this is a substantive change and recommend that further consideration be given this matter.

Caveat No. 2: On page 6, lines 10 and 13, the phrase "...as inconsistent with this constitution" is used. In other instances the phrase "...inconsistent with this constitution" is used. The committee recommends deleting these phrases as needless words (in conformity with Manual, Rule 5, 13 and Elements, 13-13, omit needless words) in each instance unless some provision of the constitution is shown to be inconsistent.

Answer to Note from Committee on Style and Drafting: The committee recommends that these phrases be left as they appear in the adopted proposal, subject to the reservation expressed in Caveat No. 2, supra.

Section 5(A). On page 7, lines 3 and 4, the phrase "Subject to and not inconsistent with this constitution" is used. See reservation expressed in Caveat No. 2, under Section 4, supra.

Section 15(A). On page 9, line 13, after the word "provision" insert the words "by law."

Answer to Note from Committee on Style and Drafting: The committee suggests that the phrase "provision" be corrected by inserting the word "law" and deleting the word "provision." The committee also recommends that the phrase "by law" be inserted. See reservation expressed in Caveat No. 2, under Section 4, supra.

Section 15(B). On page 9, line 19, after the word "provision" insert the words "by law."

Answer to Note from Committee on Style and Drafting: The committee suggests that the phrase "provision" be corrected by inserting the word "law" and deleting the word "provision." The committee also recommends that the phrase "by law" be inserted. See reservation expressed in Caveat No. 2, under Section 4, supra.

Section 15(C). On page 9, lines 1 and 3, the phrase "Subject to the strain and not inconsistent with this constitution" is used. See reservation expressed in Caveat No. 2, under Section 4, supra.

Section 21(A). On page 11, line 13, after the word "provision" insert the words "by law."

Answer to Note from Committee on Style and Drafting: The committee recommends that the phrase "provision" be corrected by inserting the word "law" and deleting the word "provision." Also, the phrase "by law" should be inserted. See reservation expressed in Caveat No. 2, under Section 4, supra.

Section 21(B). On page 11, line 13, after the word "provision" insert the words "by law."

Answer to Note from Committee on Style and Drafting: The committee recommends that the phrase "provision" be corrected by inserting the word "law" and deleting the word "provision." Also, the phrase "by law" should be inserted. See reservation expressed in Caveat No. 2, under Section 4, supra.

Section 21(C). On page 11, line 13, after the word "provision" insert the words "by law."

Answer to Note from Committee on Style and Drafting: The committee recommends that the phrase "provision" be corrected by inserting the word "law" and deleting the word "provision." Also, the phrase "by law" should be inserted. See reservation expressed in Caveat No. 2, under Section 4, supra.

Section 21(D). On page 11, line 13, after the word "provision" insert the words "by law."

Answer to Note from Committee on Style and Drafting: The committee recommends that the phrase "provision" be corrected by inserting the word "law" and deleting the word "provision." Also, the phrase "by law" should be inserted. See reservation expressed in Caveat No. 2, under Section 4, supra.

Section 21(E). On page 11, line 13, after the word "provision" insert the words "by law."

Answer to Note from Committee on Style and Drafting: The committee recommends that the phrase "provision" be corrected by inserting the word "law" and deleting the word "provision." Also, the phrase "by law" should be inserted. See reservation expressed in Caveat No. 2, under Section 4, supra.

Section 21(F). On page 11, line 13, after the word "provision" insert the words "by law."

Answer to Note from Committee on Style and Drafting: The committee recommends that the phrase "provision" be corrected by inserting the word "law" and deleting the word "provision." Also, the phrase "by law" should be inserted. See reservation expressed in Caveat No. 2, under Section 4, supra.

Section 21(G). On page 11, line 13, after the word "provision" insert the words "by law."

Answer to Note from Committee on Style and Drafting: The committee recommends that the phrase "provision" be corrected by inserting the word "law" and deleting the word "provision." Also, the phrase "by law" should be inserted. See reservation expressed in Caveat No. 2, under Section 4, supra.
On page 46, line 1, after the word "is" and before the word "delete" insert the words "at" and in lieu thereof the words "for other than"

Section 29. On page 47, line 8, after the word and punctuation "Statement" delete the word "Whereas" and at the beginning of line 9, delete the word "pays" and insert in lieu thereof the words "Those who pay"

Section 32. On page 52, line 1 after "Section 32," and before the word "Taxes" delete the word "Special". On page 52, at the beginning of line 4, delete the word "Special".

Caveat No. 1: The committee does not think this is a substantive change.

Caveat No. 2: On page 57, lines 1 to 5, the words "on the effective date of this constitution" are substituted for the words "when this constitution is adopted." See reservation expressed in Caveat No. 1 under Section 4, supra.

Section 36(a). On page 57, line 22, after the word "for" delete the comma "", and delete the word "held" and at the beginning of line 23 delete the words and punctuation "under this Section.

Section 36(b). On page 59, line 39, after the word "election" and before the word "at" insert the punctuation and words ", if any."

Caveat: The reason for this recommendation is refunding bonds at the same or a lower effective rate of interest need not be authorized at an election (see Section 34, supra.)

Section 39(a). On page 64, line 28, immediately after the word "Article" insert a period ".", and delete the remainder of the line and delete line 29 in its entirety.

Caveat No. 1: The committee thinks this paragraph is self-operative and therefore these words as well as the sentence adopted (this provision shall be self-operative) are needless words. However, the committee thinks this change should be cavedated to the convention.

Caveat No. 2: With respect to the use of the term "now" in Section 39 (page 64, left column, line 1) it was the intent of the committee that "now" meant the date of adoption of the provision by the convention.

The committee recommends consideration of a date certain such as January 1, 1974, or January 19, 1974, the final date of the convention, be inserted as the effective date.

Section 40(a). On page 67, line 1, after the word "Commissions" and before the word "and" delete the word "additional" and insert in lieu thereof the words "in" and after the words "to raise"

Section 41(a). The committee does not object to changing "Article X" to "Article 1" on page 69, line 17, but recommends this change be cavedated to the convention.

Section 41(b). On page 69, line 1, after the word "by" delete the words "the laws" and insert in lieu thereof the word "law"

Section 41(a). The committee recommends the insertion of Section 41(a), page 21, left column, line 3 which was adopted by the convention with the following changes:

(1) On page 71, line 1, after the words "in case of" and before the word "other" insert the words "the word "other" and insert in lieu thereof the word "contrary"

(2) On page 71, left column, line 19, after the word and punctuation "commerce," add the following: "If the district has no other funds or resources from which the payment can be made, it shall levy, on all taxable property within the district a tax sufficient to pay for police, fire and emergency purposes or destroyed to be used solely in the district were collected."

(3) On line 71, insert at the beginning of line 1, change "Section 49," to "Section 49."

(4) On page 71, left column, at the beginning of line 4, change "Section 49. to "Section 49."

VERBATIM OF STYLE AND DRAFTING MEETING
January 11, 1974

Judge Tate: Call the roll and the meeting will come to order. A quorum is present.

Judge Dennis: Mr. Lanier is back and he's been waiting patiently and could we entertain his speech or, his proposal, or whatever he has at this time?

Judge Tate: Would you like to talk, now?

Mr. Lanier: I'd be happy to, Judge. The reason I came was to request of Style and Drafting that they caveat subsection B of Section 21 of the proposal on Local and Parochial Government. On page 36, of the material that you have, this provision as it has been amended, prohibits the sale of property which has been expropriated by industrial districts to aliens. I believe that this provision is in direct conflict with the right to property which we have adopted in section 4 of our Bill of Rights. In addition, I believe it is in conflict with the 14th amendment to the United States Constitution, with 42 United States Code 1981 and with the United Nations Charter. Now the thing that I would request this committee to do, since what I am going to suggest is obviously a substantive change, is to caveat this point with the source materials that I will give you. If you conclude that my position is accurate or that it should be brought to the attention of the convention, so that this provision would be deleted from this Section.

It says at 42 United States Code 1981 which is under Chapter 21 of the United States Code dealing with civil rights, and is entitled Equal Rights Under the Law, and it states as follows: "All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, the parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exceptions of every kind, and to no other." I might further add that 42§2101 is enforceable by a law under 42§1983 which provides as follows: "Every person who, under cover of any statue, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress." This particular provision was considered by the United States Supreme Court in 1948 in the case of Takahashi vs. Fish and Game Commission and I would like to quote from that case. This is at 334 United States.
Prohibits all persons against state legislation bearing unequally upon them either because of alienage or color. The Fourteenth Amendment, and the laws adopted under its authority embody a national policy that all persons lawfully in this country shall abide 'in any state' on an equality of legal privilege with all citizens under non-discriminatory laws." I believe this is pretty clear language. I would further point out that in the case of Fuji vs. the State of California which is in 217 Pacific 2d. 481, the California Alien Land Law was declared in violation of the United Nations Charter, which is a treaty of the United States, and the supremacy law of the Constitution. This case—there is an excellent law review article on the case in 75 Tulane Law Review 117. I asked the staff to do some research for me on this problem, I think Law Europe did it. It's the Staff Memorandum -3-
dated October 19, 1973, which concluded considering that even in 1948 there was strong settlement against the constitutionality of prohibitions of alien land ownership with the expansion of equal protection doctirines, in recent years it seems that state laws prohibiting alien land ownership are quite suspect and would probably not be upheld today. This problem has also been written upon in 1971, Duke Law Review, page 583 and 1978 Utah Law Review, page 136. I feel, in my opinion, this provision is patently unconstitutional. It should not be in our constitution. I believe that I made some of the sources available to Mr. Avant. We've been discussing this problem now for a couple of months. As I understand Mr. Avant's position in this is a prohibition against the state or political subdivision. It's not a prohibition against the state by the way—it's a prohibition against the political subdivision that does this. However, the language that is used here also would prohibit any person who would buy such property from the political subdivision from thereafter selling it to an alien. It may well be that you could make a law that would prohibit the sale of property to an alien who is ineligible for citizenship. However, with one that is eligible for citizenship, I believe that the provision would be patently unconstitutional, and there is no limitation of the application of this to those who would be ineligible for citizenship. So what would ask is for the committee to consider this and if in its wisdom it concludes that there is a strong likelihood that this provision is unconstitutional, caveat same to the convention with at least some of the authorities that I've cited, so that those who are interested in this problem could check it out and make a meaningful decision.

Judge Tate: Mr. Avant, I think you were the author of the amendment I was.
Judge Tate: Now, if (B) were deleted, you would take out (C), too. I believe, but anyway, go ahead with (B).
Mr. Avant: Well, I'm going to wait until some member of the committee makes a motion.
Mr. Willis: Can we question Mr. Lanier?
Mr. Willis: Walter, of course I've seen the cases and the authorities that you have used in your discourse. Between whom was the contact, between a citizen and an alien or an alien and a state? Was that the private property that the alien was denied from purchasing or public property? Do you understand the thrust of my question?
Mr. Lanier: I think in Fuji it was private property. That would be like me selling to Fuji, and the state says I can't and Fuji goes into court and the California and declare that as to Fuji unconstitutional.
Mr. Lanier: Well, they declared the California Alien Land Act unconstitutional as being in violation of the United Nations Charter.
Mr. Willis: Let's put the California act and this provision together and see what then or if the provision is unconstitutional.
This provision says that no property expropriated under the authority. Now, the property, once it is expropriated is public property. The prohibition against alienation here to an alien selling or donating is that public property may not be sold or donated to an alien.
Mr. Lanier: This isn't completely accurate because it says that property expropriated under the authority of this section shall not ever be sold or donated, etc. This would mean that if it was expropriated, it became public property. It was then after that to a private person, that private person could not sell it.
Mr. Willis: Well, I understand that. You can convert public property to private property; and then this would be unconstitutional under the threat of that opinion. Let us assume, for the purposes of my question. I simplify it, that this situation—when the local unit is expropriated an industrial park, and doesn't want to sell it to Fujiyama, we took the tax in the last war, much to my regret. Would that be prohibited under the authority of this case?
Mr. Lanier: I'm not going to tell you that can deal with public property, because it didn't. But, I don't see where the principle would be any different if a state as
proscribed from making laws with reference to property, that would discriminate unreasonably against aliens vis a vis citizens, then, I don't see where it makes any difference whether the property is public or private.

-6-

Does that distinguish between the tall and the short - public and private property?

Mr. Lanier: I don't think it's the tall and the short, it's property. If you authorize the sale of property to anyone, then I would argue to you that you must treat the alien who is given equal rights under the Act of Congress, the same right to purchase this property, which I believe would have to be put at public auction under the laws of this state, the same right to bid it in, if he puts up the most money as would any citizen of the State of Louisiana or of the United States.

Mr. Willis: Well, let me approach it at another angle then. Don't you think that a government, whether it's a local government or a state government, has a right to protect itself by its constitution, whereby it's public properties will not be disposed of to aliens to the detriment of what we the people notably of Louisiana would possess?

Mr. Lanier: In view of the language of the statute that I cited to you in the case law in question, until that statute is changed - that case law is changed - my answer to you would have to be "no" at least in particular with reference to the alien who is eligible for citizenship.

Mr. Willis: It's a revolting development that a government can't protect its property.

Mr. Schmitt: Can't we just leave this in here and let somebody come challenge it later on if they want to? It's only one section.

-7-

Mr. Lanier: I believe that this committee can recommend whatever it wishes to recommend and the convention can also do otherwise. It is my position, and the reason for my appearance today is that I think that it is of such a patently unconstitutional nature that it should be deleted. That is my position.

Judge Dennis: As a courtesy to Mr. Lanier and in order to get on the right course, I am going to move that we caveat the matter to the convention, drawing attention to the possible unconstitutional nature and annexing thereto the statement of Mr. Lanier's argument.

Mr. Perez: It seems to me that before you caveat something, you have to make a specific suggestion, which would be to delete the provision - what would you do? We have got to do it to the convention some specific solution.

Mr. Avant: To which motion I would object, and I would like to be heard.

Judge Tate: Be heard.

Mr. Avant: In the first place, I do not view this as a limitation on the right of an alien to acquire and own property.

I view it as a limitation on the purposes for which government may expropriate and take from one of its citizens his property against his will, which I think is a horse of another color altogether. I do not interpret the section as prohibiting a person who had purchased such property in the ordinary course of events and in the ordinary course of commerce later on decided since it was then his private property, he had purchased it after it had been expropriated by local governmental subdivisions, from selling that property to an alien or anyone who he may choose to sell it to.

The phrase "directly or indirectly" is for the purpose of permitting the expropriation and then by subterfuge doing indirectly that which you could not accomplish directly. On the question of the unconstitutionality of the matter, while I haven't devoted the time and the research that Mr. Lanier, I feel that the entire section is patently unconstitutional under the Constitution of the United States and that property can be expropriated only for a public purpose and that the expropriation of property for the express and intent purposes of transferring it to another private industry who will devote it to a private enterprise is a deprivation of due process of law. That is my opinion, but that is neither here nor there. But, I say that there is just as much justice, or just as much reason, to caveat the entire section to the convention with the view of deleting it in its entirety as it would to caveat this particular little restriction. And for that reason I would object to the motion offered by Mr. Dennis.

Judge Tate: Mr. Gravel.

Mr. Gravel: I think you know, Jack, I have some feeling that real value to the observation made by Mr. Lanier, but it's my recollection that the convention considered this question of unconstitutionality---my question was, did not the convention have before it the question of the constitutionality and I think that they did and I voted against you, but I believe this matter has been considered and disposed of by the convention.

My point is, I know we have a lot of other work to do, and this matter has been discussed by this committee previously and we have been fully informed on the subject matter and I would like to move the previous question.

Judge Tate: Any objection to the previous question? The previous question was Judge Dennis's motion that we prepare a caveat amendment to the floor deleting Section (B) and remembering (C) and citing Mr. Lanier's reasons that it was unconstitutional. Is there any objection to the previous question? All those in favor of the motion will say "aye" when their name is called and all those opposed will say "nay".

[52]
Avant - No
Conroy - No
Dennis - Yes
Gravel - No
Guarisco - No
Kidd - No

Mr. Guarisco: I would like to change my vote to "yes".

Mr. Lanier: I do appreciate the opportunity to appear in a democratic fashion. Although I do not agree with your conclusions, I will forever defend you right to—

Judge Tate: We are about to conclude it. We can finish the remaining amendments. I think there are only three or four on the drafts that you have before you which are dated January 10 which elaborate the suggestions of the report of local government which is on your

white sheet and at this point up to - we just finished 41(B) - we have approved the change "by law." We are proceeding to go to Section 2) (A) which is on page 71 and which you see local government wishes to return to the original language except for the restyling in the last paragraph.

Mr. Perez: I might say with respect to that, the committee had agreed to change the words "however, no law shall authorize compensation for bettwe" and so forth, and I was formally notified by the committee that even though the committee had agreed to go with that language, now they may reconsider, so to make it easier for you, if that is what you want to do, our committee was satisfied that what is said on the left means the same thing as what is said on the right. But if you're worried about it, we're not going to make any kind of a fuss over it, unless you go back to the language on the left, so we made it easier for you in this situation.

Judge Tate: Would you have any objection - in style and drafting we don't use "and provided further" we use "however" instead of that.

Mr. Perez: I think if you're going with it, you go with it on the left, or you go with it as it is on the right. The point being this, that this is the way it was adopted on the left - there is a great deal of law with respect to the fact that a property owner is not entitled to any compensation whatsoever because of the fact that the court decision is subjected to a servitude - and it's only when—

the law gives him that right that he has it, because the law says that it's a gift to him. These are the words in the 1921 Constitution that appear on the left. I would like to stick with the words in the 1921 Constitution because they have been interpreted by the courts.

Mr. Conroy: Do you object to changing on line 10 the semicolon to a period, deleting "and provided further" and inserting "however"?

Mr. Perez: No, I have no objection to that.

Mr. Avant: On this other side, I interpret it on the right that

that would be a prohibition against the legislature. Has it been interpreted?

Mr. Perez: It has been held that a person has no right to receive compensation if that property, when it was divested from the sovereign, was subjected to the servitude. Now what we're doing above here is we're saying that the legislature may provide for compensation.--

Judge Tate: Mr. Conroy moves that we accept the suggested retention with the changes shown, suggested to us by local and parochial government, with the exception that on line 10 we change the see colon to a period, delete the word "and" and on page 11 delete "provided further" and insert "however". Is there any objection to that motion? So ordered.

Mr. Tobias: Deleting that "thereof" on line 18, that's something we had done before in the styled version.

Judge Tate: Is there any objection to that?

Mr. Perez: I want to be careful about this, because this is in the present constitution. I don't want the courts to have the opportunity to determine otherwise.

Judge Tate: Is there any objection to Mr. Tobias's amendment? There being no objection, it's so ordered. Now, we go to Section 43(B) on page 72, they want to put back the damn "said" but—

Mr. Schmitt: "Damn" is in here?

Mr. Perez: There is a very specific reason. You read this without the "said" and it may mean to prevent the appropriation of anybody's property. We're just trying to be sure it's limited to this particular purpose.

Judge Tate: Could we use "such" instead of "said"?

Mr. Perez: We'll go "such" instead of "said".

Judge Tate: Page 73 of Section 44. Park Commissions and Districts. They want to put that back in the title. It wasn't ever in the title - but that is a more accurate title. And, I don't suppose we have any objection, do we? On line 18, we want to put "only by law". We haven't been doing it but if there's a motion to that effect.

Mr. Tobias: So move.

Judge Tate: (General Discussion)

Judge Tate: Delete the "may" on line 21 and put the "may" on line 20 after the comma, on line 24 and 26 delete the "may". Is there any objection to those change? Adding "only by law" before it means—

Mr. Avant: Mr. Perez, would you have any violent objection to spelling the word "diminish" correctly?

Mr. Perez: I would hope that style and drafting would pick this up.

The next thing is the word "now" like we did in the previous section, we put the date certain there.

Judge Tate: Where is it?

Mr. Tobias: Line 6.

Judge Tate: Where they say "now" we have been using "on the effective date of this constitution" throughout.

[53]
In most instances it is referring to something that would not go into effect. Here, as Mr. Perez has correctly pointed out, "now" means in existence at the time we do it, so in that sort of thing we'll just use "on January 1, 1974". So on line 6 and on line 7, we're deleting "on the effective date of this constitution" and we're putting in "January 1, 1974". Any objection to that? So ordered.

Mr. Perez: The only remaining problem we have is that our local government committee raised the question, because of the fact that Style and Drafting had told us in one case with respect to the words "except as may be provided otherwise in the constitution" that those were needless words and we ought to strike them because they didn't mean anything. Can you go back and tell me where you did that?

Judge Tate: Here is where we did it—-

Mr. Avant: Judge, I don't mean to be rude, but Mr. Perez said, that at one point in our recommendations, with respect to the use of this language, in one particular place, we had recommended that it be deleted because there was no other provision in the constitution.

-14-

Judge Tate: Here it is on page 5, Section 1. I'll read it to you. As it passed the floor it was Section 6. It says "except as provided in this constitution the legislature may classify parishes and municipalities according to population or on any other reasonable base." It was deleted because no where else in the constitution did they have a provision otherwise that we could find. So, we restyled it to read "the legislature may classify parishes and municipalities according to population or any other reasonable basis."

Mr. Perez: And, so therefore the Committee on Local and Parochial Government—-

Judge Tate: Do you want to put it back in?

Mr. Perez: No, sir, we don't want to put it back in. We agree with that. All we said was, that in each and every other case in the local government article where reference is made—if the committee can find nothing which is inconsistent with it, then why don't we delete those unnecessary words also. That was the position of the committee.

Judge Tate: Can the chair report from the staff version first, why we didn't recommend initial deletion. Because most of them were added by floor amendment mostly by Mr. Craval.

Mr. Perez: I would like to ask that specifically in each case we look at it and say why did you put it here—what is inconsistent.

-15-

Judge Tate: And in each case, upon study we put firemen's pay and we say the reason—there was a reason—whether it was valid or not. How we can go one by one if you would like to?

Mr. Perez: Yes, sir, that's what I would like to do. The first one is on page 6, lines 10 and 11—-

Judge Tate: It reads "except it shall have powers, functions, duties and effect..."

Mr. Avant: I'll be happy to answer Mr. Perez's question. The legislature, and I do not recall the citation of the statute, in the year, maybe, 1956, provided a minimum pay plan and certain rules with reference to the pay of firemen. The case that went up from the 19th Judicial District Court on whether or not that was applicable to the city of Baton Rouge which operates under a home rule charter or plan of government. In the case of Lafleur vs. City of Baton Rouge, the court of appeal held that under the language of the home rule charter of the city of Baton Rouge — I'm not giving direct quotes—but the interpretation of the language "powers, functions and duties" that that statute did not apply to the city of Baton Rouge. The specific intent of that amendment, coupled with the provision that we later adopted, with respect to the pay of firemen and policemen and a prohibition on the legislature of enacting laws which increase the financial burdens on municipalities. The specific intent of those amendments in those two sections, was to make it clear that under this constitution, if the legislature passed any such act, it would be applicable to the city of Baton Rouge or any existing home rule charter. And if you take it out of there, it is a distinct substantive change.

Mr. Perez: I'm in complete agreement with you. The other question I would ask you then, would you be willing to be agreeable to say "except as inconsistent with Section so-and-so"?

Mr. Avant: No!

Mr. Guarisco: I'd like to ask Mr. Perez, first of all, it is definitely a substantive change. Because this issue, this very wording "except as inconsistent" was specifically before the convention—on that very issue and one of the arguments was very simple. Suppose, for example, that Mr. Perez, in his home rule charter in Plaquemines, which is a constitutional home rule charter, would have powers and functions or powers that would exceed those in the '74 document. Then, he may in fact have more powers than any subsequent home rule charter created under the new constitution and that issue was squarely before the convention, they understood what we were talking about and they realized that and voted accordingly. I think we're definitely making a substantive change, and it is not a style and drafting change.

Mr. Bonan: There was no comment made on the floor of the convention about the effect of this on any specific provision. I don't agree with Mr. Avant and his interpretation of it.

Mr. Perez: I can end this discussion now by saying I think there is sufficient merit to what has been said with respect to
Judge Tate: On page 7, lines 3 and 4.

Mr. Gravel: I'd like to speak on my amendment. Very simply, if we didn't have a provision like this, there would be nothing, for example, to prevent a home rule charter from conducting a lottery, or from doing something that would not otherwise be prohibited by the constitution.

Mr. Avant: In a nutshell, the intent obviously was to make every home rule charter, whether previously adopted or subsequently adopted to the adoption of this constitution or on its effective date, subject to the provisions of this constitution.

Judge Tate: Page 15, lines 5 and 6, is the next one. Same thing applies. The next one is on page 3, Section 19. Would you have any objection if we restyled the title and said "Special Districts; Creation"? No objection, so ordered.

(General Discussion)

Mr. Avant: I would move that the suggestion of the Committee on Local and Parochial Government that all of these phrases be retained in view of the explanation.

Mr. Schmitt: I'd like to make a substitute motion, that we strike out "subject to" on lines 3 and 4.

Judge Tate: All those in favor of the substitute motion will raise their hand. Opposed. The substitute motion is lost. Is there objection to the adoption of the Avant motion? The Avant motion carries. Send it to the floor of the convention. Meeting adjourned.

NOTES
Comparative presentations are found in Chapter II, below.

MINUTES
Minute of the Committee on Style and Drafting of the Constitutional Convention of 1973

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

Independence Hall, White Horse Inn
Baton Rouge, Louisiana
Saturday, January 12, 1974, 12:15 p.m.

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


Absent: Emmett Asseff Anthony W. Schacht, Jr. James L. Dennis Camille F. Gravel, Jr. E. Gordon Kean


Chairman Tate called the meeting to order and asked the secretary to call the roll. With a quorum present, the committee began consideration of the report from the Committee on Natural Resources on changes proposed by this committee to COMMITTEE PROPOSAL NO. 34. A copy of this report is attached to and made part of these minutes as Appendix A. The action taken on the exceptions to the suggested changes are as follows:

(1) Language suggested by the substantive committee rejected.

(2) Language suggested by the substantive committee rejected.

(3) "the" adopted in lieu of "this".

(4) Section deleted

(5) "These" adopted, with a caveat offering "Upon such settlement, these"

(6) Language suggested by the substantive committee adopted.

(7) Caveat adopted. (See 5 above.)

(8) Language suggested by the substantive committee rejected, retaining the caveat suggested by Style and Drafting.

(9) Language suggested by the substantive committee rejected, retaining the caveat suggested by Style and Drafting.

(10) Language suggested by the substantive committee adopted, without a caveat.

(11) Caveats adopted as noted above.

Delegate Kean moved to refer COMMITTEE PROPOSAL NO. 14 to the floor. Motion carried.

The report from the Committee on Natural Resources on changes proposed by the Committee on Style and Drafting to CP 17 is attached to and made part of these minutes as Appendix B. The exception noted in the report was adopted.

The committee adopted a motion to prepare a caveat to Section 14 of COMMITTEE PROPOSAL NO. 37, clarifying whether the Public Service Commission should be in the Executive Branch.

The Committee on Education and Welfare concurred in all changes suggested by the Committee on Style and Drafting in COMMITTEE PROPOSAL NO. 9 and 10. A motion was adopted to refer the proposals to the floor without further change.

Delegate Avant moved to report DELEGATE PROPOSAL NO. 1 to the floor, with amendment to delete it, noting in the caveat that the language appears in the Judiciary Article. Motion carried.

Delegate Kean moved to report DELEGATE PROPOSAL NO. 17 without amendment to the convention. Motion carried. A copy is attached to and made part of these minutes as Appendix C.

Delegate Tobias moved to report DELEGATE PROPOSAL NO. 18 without amendment to the convention. Motion carried. A copy of the proposal is attached to and made part of these minutes as Appendix D.
Delegate Tobias moved to report DELEGATE PROPOSAL NO. 16 to the floor without amendment. Motion carried. A copy of the proposal is attached to and made part of these minutes as Appendix E.

A copy of Delegate Proposal No. 22 is attached to and made part of these minutes as Appendix F. Delegate Tobias moved to refer the proposal to the chairman of the substantive committee with the changes noted on the attachment. Motion carried.

Delegate Perez moved that Chairman Tate suggest a suspension of the rules allowing the chairman of the substantive committees to concur in the changes suggested in the proposals adopted hereafter by this committee, without calling a meeting unless necessary. Motion adopted.

Delegate Tobias moved to report DELEGATE PROPOSAL NO. 28 to the convention without amendment. Motion carried. A copy of the proposal is attached to and made part of these minutes as Appendix G.

Delegate Conroy reported that the Committee on Revenue, Finance and Taxation concurred in the changes suggested by the Committee on Style and Drafting. Delegate Avant moved to refer it to the floor as amended. Motion carried.

The meeting adjourned at 2:00 p.m.

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

TO: Albert Tate, Jr., Chairman
Committee on Style and Drafting

FROM: Alvin Singletary, Secretary
Committee on Natural Resources and Environment

RE: Style and Drafting changes for Committee Proposal No. 16, First Enrolment

The committee on Natural Resources and Environment approved all of the style and drafting changes adopted by the Committee on Style and Drafting, as shown in Document XXXIII, dated 1/11/74, except the following:

1) On page 5, line 29, before the word "as" the words "if and" were inserted.

2) On page 6, line 14, the word "of" was inserted and in lieu thereof the word "with" was inserted.

3) On page 6, line 15, the word "to" was inserted and in lieu thereof the word "with" was inserted.

4) On page 6, line 20, the word "the" was inserted and in lieu thereof the word "this" was inserted.

5) On page 6, line 21, the word "of" was inserted and in lieu thereof the word "shall be inserted.

6) On page 6, line 22, the word "and" was deleted and the word "or" was inserted in lieu thereof.

7) On page 7, line 3, delete the CAVEAT

8) On page 9, line 5, after the word "Commission" delete the word "consisting" and insert the following: "The commission shall be the Executive Branch and shall consist."  

9) On page 10, line 17, after the partial word "mission" delete the word "consisting" and insert in lieu thereof the following: "The commission shall be in the Executive Branch and shall consist.

10) On page 10, line 23, delete the words "as ex officio" at the end of the line and insert in lieu thereof the words "ex officio as"

11) On pages 9 and 10, delete all CAVEATS.

January 12, 1974

TO: Albert Tate, Jr., Chairman
Committee on Style and Drafting

FROM: Alvin Singletary, Secretary
Committee on Natural Resources and Environment

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10) On page 10, line 23, delete the words "as ex officio" at the end of the line and insert in lieu thereof the words "ex officio as"

11) On pages 9 and 10, delete all CAVEATS.

January 12, 1974
19 (1) For the sale, and removal of electors, or fiduciaries, or for changing the place of voting.
20 (2) Changing the names of persons and altering the adoption or legitimation of children or the conversion of minors; affecting the estates of minors or persons under disabilities; granting dispositions; changing the law of descent or succession; giving effect to intestate or invalid wills or deeds; or to any illegal division of property.
21 (3) Concerning any civil or criminal actions, including changing the venue in civil or criminal cases; regulating the practice or jurisdiction of any court; changing the rules of evidence in any judicial proceeding or inquiry before courts; providing or changing methods for the collection of debts, or the enforcement of judgments; prescribing the effects of judicial sales.
22 (4) Authorizing the laying out, opening, closing, altering, or establishing of roads, highways, streets, or alleys; relating to ferries and bridges, or incorporation of bridge or ferry companies, except for the erection of bridges across streams which form (4-113):

D. R. No. 22

boundaries between town and city; authorizing the\n
construction of streets, avenues, railroads, or any

inhabitants; town or city.

(5) Exempting property from taxation; extending the time for

the assessment or collection of taxes; (for the relief of any) shoring

or collector of taxes from the performance of his official duties; or

of his societies from liability; remitting fines, penalties, and for-
surrenders; refunding monies legally paid into the treasury.

(6) Regulating labor, trade, manufacturing, or agriculture;

fixing the rate of interest.

(7) Creating private corporations, or amending, renewing, extending, or explaining the charters thereof; granting to any

private corporation, association, or individual any special or
exclusive right, privilege, or immunity.

(8) Regulating the management of parish or city, public

schools, the building or repairing of parish or city schoolhouses,

and the raising of money for such purposes.

(9) Legalizing the unauthorized or invalid acts of any of

officer, employee, or agent of the state, its agencies, or political subdivisions.

(10) Defining any crime.

(a) the Legislature shall not indirectly enact special or

local laws by the partial repeal or suspension of a general law.

NOTES

Appendices C, D, E and G are found reproduced above in Volume IV as D.P. Nos. 16, 17, 18 and 28.

MINUTES

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

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

Treaty Room, White House Inn
Baton Rouge, Louisiana
Monday, January 16, 1974, 8:00 a.m.

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

Absent: Emmett Asseff

Chairman Tate called the meeting to order and asked the secretary to call the roll. With a quorum present, the committee began consideration of the changes suggested by the staff in COMMITTEE PROPOSAL NO. 30. A copy of the proposal is attached to and made part of these minutes as

Appendix A. The changes adopted by the committee are noted in pencil in the attachment.

A copy of CP 16 is attached to and made a part of these minutes as Appendix B. The changes adopted by the committee are noted in pencil in the attachment.

A copy of the report from the Committee on Bill of Rights and Elections noting the exceptions to the changes in COMMITTEE PROPOSAL NO. 30 suggested by this committee is attached as Appendix C.

Delegate Tobias moved to refer COMMITTEE PROPOSAL NO. 30 to the convention, as amended. Motion carried.

The meeting adjourned at 9:10 a.m.

Chairman Tate, Jr., Secretary

Max N. Tobias, Jr., Vice Chairman

Emmett Asseff, Secretary
January 14, 1974

For: Chairman Committee on Style and Drafting

From: Chairman Committee on Bill of Rights and Elections

Re: Style and Drafting Changes in Committee Proposal No. Mi: Constitutional Revision (First Enrollment)

The Committee on Bill of Rights and Elections approves the changes proposed by the Committee on Style and Drafting in document No. XXXVI dated 1/13/74 with the following exceptions:

1. On page 1, delete lines 7 through 12, both inclusive, in their entirety, and insert in lieu thereof the following:

   "legislature, if prefixed at least ten days before the beginning of the session in accordance with the rules of the houses of the legislature. An amendment to this"

2. On page 4, delete lines 1 through 11, both inclusive, in their entirety, and insert in lieu thereof the following:

   "Whenever the legislature considers it desirable to revise this constitution or propose a new constitution, it may provide for the calling of a constitutional convention by law enacted by two-thirds of the elected members of each house."

3. On page 4, line 22, after the first word "of", delete the words "the State of"

4. In caveat no. 1 delete the caveat and insert in lieu thereof the following:

   "Section 1. (A) Procedure. An amendment to this constitution may be proposed by joint resolutions at any regular session of the legislature, or prefixed at least ten days before the beginning of the session in accordance with the rules of the house in which introduced."

NOTES

Comparative presentations are found in Chapter II, below.

MINUTES

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

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

Treaty Room, White House Inn

Baton Rouge, Louisiana

Wednesday, January 16, 1974, 12:40 p.m.

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

Absent:

Albert Tate, Jr.
Emmett Asseff
John L. Avant
David Conroy
James L. Dennis
Anthony J. Guarisco
Earl J. Schmitt, Jr.
Max N. Tobias, Jr.
J. Burton Willis

Chairman Tate called the meeting to order and asked the secretary to call the roll. With a quorum present, the committee adopted the styling changes in the amendment to COMMITTEE PROPOSAL NO. 26, by Delegates Henry, Pugh, et al.

A copy of the amendment with the changes adopted by the committee is attached to and made part of these minutes as Appendix A.

Mrs. Duncan, director of research, explained the reorganization of contents in the document titled "State of Louisiana of 1974," a copy of the proposed constitution with notations by the research staff. The document is attached to and made part of these minutes as Appendix B. Changes adopted by the committee are noted in pencil in the attachment.

Chairman Tate called a meeting of the subcommittee for 8:00 p.m. to consider further reorganization of the constitution.

The meeting adjourned at 1:45 p.m.

Albert Tate, Jr., Chairman

Max N. Tobias, Vice Chairman

Emmett Asseff, Secretary

NOTES

Comparative presentations are found in Chapter II, below.

MINUTES

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

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

Treaty Room, White House Inn

Baton Rouge, Louisiana

January 16, 1974, 8:00 p.m.

Present: Justice Albert Tate, Chairman of the Committee on Style and Drafting

Members present: Albert Tate, Jr.

David Conroy

James L. Dennis

Max N. Tobias, Jr.

J. Burton Willis

Chairman Tate called the meeting to order and announced that the subcommittee would consider the reorganization of the contents of the constitution and have it ready to report to the whole committee at 8:00 a.m. on January 17, 1974.

Chairman Tate appointed Delegates Tobias and Conroy as a subcommittee to work with the staff on the styling of the alternative proposals as they are adopted.
The recommendations adopted by the subcommittee are reflected in the minutes of the meeting of January 17, 1974. The meeting adjourned at 11:00 p.m.

Altbert Tate, Chairman

MINUTES

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

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

Treaty Room, White House Inn

Baton Rouge, Louisiana

Thursday, January 17, 1974, 8:00 a.m.

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

Absent: Emmett Asseff

Anthony J. Guarrisco

Albert Tate, Jr.

John L. Avant

David Conroy

James L. Dennis

Camille F. Gravel, Jr.

R. Gordon Kean

Donald Kelly

Chalin O. Perez

Anthony M. Rachal, Jr.

Earl J. Schmitt, Jr.

Max N. Tobias, Jr.

J. Burton Willis

The chairman called the meeting to order and asked the secretary to call the roll. With a quorum present, the committee adopted the amendments to COMMITTEE PROPOSAL NO. 7.

A copy of the amendments is attached to and made part of these minutes as Appendix A.

The amendment to COMMITTEE PROPOSAL NO. 4, Section 5, was adopted. A copy of the amendment is attached to and made part of these minutes as Appendix B.

The committee adopted the suggested changes to the amendment to COMMITTEE PROPOSAL NO. 98, Section 5(d). A copy of the section reflecting the suggested changes is attached to and made part of these minutes as Appendix C.

Mrs. Duncan, director of research, reported the recommendations of the subcommittee to the committee of the whole. Those recommendations and the actions adopted by the committee are reflected in Appendix D.

The committee recessed at 9:20 until the lunch recess of the convention.

The chairman called the meeting to order at 12:20 p.m. and asked the secretary to call the roll. The roll call was as follows:

Present

Albert Tate, Jr.

John L. Avant

David Conroy

James L. Dennis

Camille F. Gravel, Jr.

R. Gordon Kean

Donald Kelly

Chalin O. Perez

Anthony M. Rachal, Jr.

Earl J. Schmitt, Jr.

Max N. Tobias, Jr.

J. Burton Willis

Absent

Emmett Asseff

Anthony J. Guarrisco

The committee adopted further changes in the recognition of contents as reflected in Appendix D.

Judge Dennis moved to consolidate parts of Sections 14, 15, and 16 into one section to be placed in Transfunctional Provisions. The changes suggested by him are reflected in Appendix E. A copy of those changes is attached to and made part of these minutes as Appendix E. Motion defeated, with Delegate Tobias abstaining.

Judge Dennis moved to add "by law" in Section 15(1) and (8) as reflected on page 2 of Appendix E. Motion carried.

Delegate Avant requested the staff to prepare a typed copy of the changes adopted.

The meeting adjourned at 2:30 p.m.

Albert Tate, Jr., Chairman

Max N. Tobias, Vice Chairman

Emmett Asseff, Secretary

NOTES

Amendments are reproduced at 11 Journal 1320.
Section 4. Compensation

Section 4. Except as otherwise provided by this constitution, the compensation of each statewide elected official shall be provided by law.

Section 5. Governor; Powers and Duties

Section 5. (A) Executive Authority. The governor shall be the chief executive officer of the state. He shall faithfully support the constitution and laws of the state and of the United States and shall see that the laws are faithfully executed.

(B) Legislative Reports and Recommendations. The governor shall, at the beginning of each regular session, and may, at other times, make reports and recommendations and give information to the legislature concerning the affairs of state, including its complete financial condition.

(C) De-Departmental Reports and Information. When requested by the governor, a department head shall provide him with reports and information, in writing or otherwise, on any subject relating to the department, except matters concerning investigation of the governor."

Page 2
PROPOSAL AS AMENDED

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

SUGGESTED CHANGES

(B) Membership; Terms. The board shall consist of eight members elected from single-member districts which shall be determined by law and seven members appointed by the governor from the state at large, with consent of the Senate. Members shall serve overlapping terms of six years, following the initial terms which shall be fixed by law.
ARTICLE I. DECLARATION OF RIGHTS

Section 1. Origin and Purpose of Government
Section 2. Due Process of Law
Section 3. Right to Individual Dignity
Section 4. Right to Property
Section 5. Right to Privacy
Section 6. Freedom from Intrusion
Section 7. Freedom of Expression
Section 8. Freedom of Religion
Section 9. Right of Assembly and Petition
Section 10. Right to Vote
Section 11. Right to Keep and Bear Arms
Section 12. Freedom from Discrimination
Section 13. Rights of the Accused
Section 14. Right to Preliminary Examination
Section 15. Initiation of Prosecution
Section 16. Right to a Fair Trial
Section 17. Jury Trial in Criminal Cases
Section 18. Right to Bail
Section 19. Right to Judicial Review
Section 20. Right to Humane Treatment
Section 21. Right of Habas Corpus
Section 22. Access to Courts
Section 23. Prohibited Laws
Section 24. Uncounted Rights

Providing for general governmental provisions.

ARTICLE II. DISTRIBUTION OF POWERS

Section 1. Three Branches
Section 2. Limitations on Each Branch

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

ARTICLE III. LEGISLATIVE BRANCH

Section 1. Legislative Power; Composition; Continuous Body
(A) Legislative Power of State
(B) Continuous Body
Section 2. Sessions
(A) Annual Session
(B) Extraordinary Session
(C) Emergency Session
Section 3. Size
Section 4. Qualifications; Residence and Domicile Requirements, Term, Vacancies
(A) Age; Residence; Domicile
(B) Domicile; Special Provisions
(C) Term
(D) Vacancy

Section 6. Legislative Reapportionment; Reapportionment by Supreme Court; Procedure
(A) Reapportionment by Legislature

Section 12. Commencement of Legislative Session, Reduction

Section 13. Prohibited Local and Special Laws
(A) Prohibitions
(B) Additional Prohibitions
Section 14. Local or Special Laws; Notice of Intent; Publication
Section 15. Suits Against the State
(A) No Immunity in Contract and Tort
(B) Unfair in Other Suits
(C) Procedure; Judgments
Section 16. Continuity of Government
Section 17. Style of Laws; Enacting Clause
Section 18. Passage of Bills
(A) Introduction; Title; Single Object; Public Meetings
(B) No General Reference
(C) germane Amendments
(D) Three Readings
(E) Rejection; Bills; Reconsideration
(F) Concurrence in Amendments
(G) Majority Vote; Record Vote
Section 19. Appropriations
(A) Specific Appropriation for One Year
(B) Origin in House of Representatives
(C) General Appropriation Bill; Limitations
(D) Specific Purpose and Amount
(E) Extraordinary Session
Section 20. Signing of Bills; Delivery to Governor
(A) Signing; Delivery
(B) Resolutions
Section 21. Signature of Governor on Bills; Veto
(A) Governor's Action
(B) Veto
(C) Veto Session
Section 22. Effective Date of Laws
Section 23. Suspension of Laws

Section 24. Corporations; Perpetual or Infinite Duration; Dissolution; Perpetual Franchises or Privileges
ARTICLE IV. EXECUTIVE BRANCH

Section 1. Composition; Number of Departments; Reorganization

(A) Composition

(B) Number of Departments

(C) Reorganization

Section 2. Qualifications

Section 3. Election; Term

(A) Election

(B) Limitation on Governor

(C) Additional Limitations

Section 4. Compensation

Section 5. Governor; Powers and Duties

(A) Executive Authority

(B) Legislative Reports and Recommendations

(C) Departmental Reports and Information

(D) Operating Budget

(E) Capital Budget

(F) Pardon, Commutation, Reprieve, and Remission; Board of Pardons

(G) Receipt of Bills from the Legislature

(H) Veto

(I) Appointments

(J) Removal Power

(K) Commander-in-Chief

(L) Other Powers and Duties

Section 6. Lieutenant Governor; Powers and Duties

Section 7. Secretary of State; Powers and Duties

Section 8. Attorney General; Powers and Duties

Section 9. Treasurer; Powers and Duties

Section 10. Commissioner of Agriculture; Powers and Duties

Section 11. Commissioner of Insurance; Powers and Duties

Section 12. Commissioner of Elections; Powers and Duties

Section 13. First Assistant; Appointment

Section 14. Vacancy in Office of Governor

Section 15. Vacancy in Office of Lieutenant Governor

Section 16. Vacancies in Other Statewide Elective Offices

Section 17. Other Vacancies

(A) Vacatorial Appointment; Election

(B) Qualifications

Section 18. Definition of Vacancy

Section 19. Declaration of Inability by Statewide Elected Official

Section 20. Determination of Inability of Statewide Elected Official

(A) Declaration and Counter-Declaration

(B) Determination by the Legislature

(C) Assumption of Office by Constitutional Successor

(D) Determination by Supreme Court

(E) reconsideration by Supreme Court

ARTICLE V. JUDICIAL BRANCH

Section 1. Judicial Power

Section 2. Habit, Crime, Convicted Writs, Orders and Process; Contempt

Section 3. Supreme Court; Composition; Judgments; Terms

Section 4. Supreme Court; Districts

Section 5. Supreme Court; Jurisdiction; Rule-Making Power; Appointment of Judges

(A) Supervisory Jurisdiction; Rule-Making Power; Appointment of Judges

(B) Original Jurisdiction

(C) Scope of Review

(D) Appellate Jurisdiction

(E) Other Criminal Cases; Review

(F) Appellate Jurisdiction; Civil Cases; Extent

Section 6. Supreme Court; Chief Justice

Section 7. Supreme Court; Personnel

Section 8. Courts of Appeal; Circuits; Panels; Judgments; Terms

(A) Circuits; Panels

(B) Judgments

(C) Terms

Section 9. Courts of Appeal; Circuits and Districts

Section 10. Courts of Appeal; Jurisdiction

(A) Jurisdiction

(B) Scope of Review

Section 11. Courts of Appeal; Certification

Section 12. Courts of Appeal; Chief Judge

Section 13. Courts of Appeal; Personnel

Section 14. District Courts; Judicial Districts

Section 15. Courts; Retention; Jurisdiction; Judicial District Changes; Terms

(A) Court Retention; Trial Courts of Limited Jurisdiction

(B) Judicial Districts

(C) Terms

(D) Number of Judges

Section 16. District Courts; Jurisdiction

(A) Original Jurisdiction

(B) Appellate Jurisdiction

Section 17. District Courts; Chief Judge

Section 18. Juvenile Court; Jurisdiction

Section 19. Mayor's Courts; Jurisdiction of the Peace Courts

Section 20. Judges; E-vince in Terms and Compensation Prohibited

Section 21. Judges; Election; Vacancy
1) Ejection.
2) Change
3) Special
4) Powers.
5) Acqui.'ution
6) Powers
7) Judges;
8) Servitudes
9) Classification
10) LOCAL
11) Local
12) Property
13) Police
14) Grand
15) Adjustment
16) Additional
17) Vacancy
18) FINANCE
19) Adoption;
20) Authorization.
21) Clerks
22) Retirement
23) Additional
24) Orleans
25) Qualifications..
26) General
27) Terra;
28) Mandatory
29) Exception
30) Parish
31) Exemptions.
32) Home
33) Prohibition.
34) Municipal
35) Limitations.
36) Industrial
37) Courts
38) Subdivi.'-.icns
39) Powers
40) Judges;
41) Codification
42) Assistants
43) Structure
44) Millage
45) Right
46) Parish
47) Local
48) Home
49) Parishes
50) Municipalities
51) Powers.
52) Local
53) Home
54) Parishes
55) Sales
56) Department
57) Local
58) Home
59) Parishes
60) Municipalities
61) Millage
62) Other
63) Sheriffs
64) Access
65) Additional
66) OR-LA
67) Powers.
68) Local
69) Home
70) Parishes
71) Municipalities
72) Powers.
73) Local
74) Home
75) Parishes
76) Municipalities
77) Millage
78) Other
79) Sheriffs
80) Access
81) Additional
82) OR-LA
83) Powers.
84) Local
85) Home
86) Parishes
87) Municipalities
88) Millage
89) Other
90) Sheriffs
91) Access
92) Additional
93) OR-LA
94) Powers.
95) Local
96) Home
97) Parishes
98) Municipalities
99) Millage
100) Other
101) Sheriffs
102) Access
(C) Bonds: Security.
(B) Exceptions: Protection of Bonds.

Section 27. Political Subdivisions: Taxing Power
Section 28. Special Taxes; Ratification
Section 30. Political Subdivisions: General Obligation Bonds
(A) Authorization.
(B) Full Faith and Credit.

Section 31. Limitations on Bonded Indebtedness
Section 32. Contesting Political Subdivision Bonds
(A) Contesting Election; Time Limit.
(B) Contesting Ordinance or Resolution; Time Limit

Section 33. Local Improvement Assessments
(A) Authorization.
(B) Certificates of Indebtedness; Security.
(C) Exception

Section 34. Revenue-Producing Property
(A) Authorization.
(B) Exception.

PART III. LEVEE DISTRICTS
Section 35. Levee Districts
(A) Retention; Reorganization; Consolidation.
(B) Obligation of Contract Affirmed.

Section 36. Levee District Taxes.
(A) District Tax; Millage Limit.
(B) Millage Increase.

Section 37. Bond Issues
(A) Authorization.
(B) Sale

Section 38. Cooperation with Federal Government
Section 39. Compensation for Property Used or Destroyed; Tax
(A) Compensation.
(B) Appropriation.

PART IV. PORT COMMISSIONS AND DISTRICTS
Section 40. Port Commissions and Districts

PART V. DEFINITIONS
Section 41. Terms Defined

ARTICLES

ARTICLE I. PUBLIC SERVICES

ARTICLE II. FIRE AND POLICE

ARTICLE III. CIVIL SERVICE

ARTICLE IV. WILDLIFE AND FISHERIES

ARTICLE V. PUBLIC SCHOOL

ARTICLE VI. OTHER OFFICERS AND EMPLOYEES

ARTICLE VII. COMMISSIONERS AND COMMISSION

ARTICLE VIII. JUDICIAL

ARTICLE IX. LOCAL GOVERNMENT

ARTICLE X. LEVEE DISTRICTS

ARTICLE XI. PORT COMMISSIONS AND DISTRICTS

ARTICLE XII. DEFINITIONS

ARTICLE XIII. NATURAL RESOURCES

ARTICLE XIV. WILDLIFE AND FISHERIES COMMISSION

ARTICLE XV. LEVEE DISTRICTS

ARTICLE XVI. PORT COMMISSIONS AND DISTRICTS

ARTICLE XVII. DEFINITIONS

ARTICLE XVIII. NATURAL RESOURCES

ARTICLE XIX. WILDLIFE AND FISHERIES COMMISSION

ARTICLE XX. LEVEE DISTRICTS

ARTICLE XXI. PORT COMMISSIONS AND DISTRICTS

ARTICLE XXII. DEFINITIONS
Section 1. Public Educational System
Section 2. State Superintendent of Education
Section 3. Board of Elementary and Secondary Education
(A) Creation; Functions.
(n) Membership; Terms.
(C) Vacancy.
Section 4. Approval of Private Schools
Section 5. Board of Regents
(A) Creation; Functions.
(b) Membership; Terms.
(c) Vacancy.
Section 6. Board of Trustees for State Colleges and Universities
(A) Creation; Functions.
(b) Membership; Terms.
(C) Vacancy.
Section 7. Board of Supervisors of L.S.U. and Agricultural and Mechanical College; Board of Supervisors of Southern University and A and M College
(A) Creation; Powers.
(b) Membership; Terms.
(C) Vacancy.
Section 8. Board of Superintendents
(A) Creation; Functions.
(b) Membership; Terms.
(C) Vacancy.
Section 9. Parish School Boards; Parish Superintendents
(A) Boards.
(b) Superintendents.
Section 10. Existing Boards and Systems Recognized; Consolidation
ARTICLE XIII. CONSTITUTIONAL REVISION

Section 1. Amendments
(A) Procedure
(B) Form of Proposal.
(C) Ratification.

Section 2. Constitutional Convention

Section 3. Laws Effectuating Amendments

ARTICLE XIV. TRANSITION

Section 1. Legislative Repeals: (H. R. 4614, 35th No. 28)

Section 2. Transfers: Civil Service Commission; State Citiess, etc. (H. R. 4614, 35th No. 28)
(A) State Commission.
(B) City Commission

Section 2. Board of Regents: (Convention Prop. 31 No. 31)

Section 2. Board of Supervisors of LSU and A and M Colleges.

Section 2. Board of Trustees of State Colleges and Universities

Section 2. Board of Supervisors: New Appointments

Section 2. Mandatory Reorganization of State Government (Convention Prop. and No. 31)

NOTES
O.R. No. 43 may be found above in Volume IV.
jurisdiction and subject matter jurisdiction which shall be uniform throughout the state. Subject to the limitations in Sections 16 and 20 of Article V, the legislature by law may abolish or merge trial courts of limited or specialized jurisdiction.

13 Section 16. Trial Courts: Terms; Number of Judges
14 Section 16. (A) Term. The term of a district, parish,
15 or city court judge shall be six years.
16 (B) Number of Judges. The legislature may change the
17 number of judges in any judicial district by law enacted by
18 two-thirds of the elected members of each house.

TRANSLATIONAL PROVISIONS XIV

Section 14. District Court: Judicial Districts
Section 14. The state shall be divided into judicial
districts, each consisting of at least one parish and served by
one or more district judges.
Section 15. Court of Common Pleas
Section 15. The district, family, juvenile, parish, city,
and magistrate courts existing on the effective date of this
constitution are retained. The office of city marshal is continued
until the city court serves is abolished.

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

Held pursuant to notice by the
Secretary in accordance with the
Rules of the Convention.
Treaty Room, White House Inn
Baton Rouge, Louisiana
Friday, January 18, 1974, 8:20 a.m.

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

Absent: Camille F. Gravel, Jr.
Anthony J. Guarisco
R. Gordon Keon
Chris J. Roy, Ex O.

Albert Tate, Jr.
Emmett Asseff
John L. Avant
David Conroy
James L. Dennis
Donald Kelly
Anthony M. Bauch, Jr.
Earl J. Schmitt, Jr.
Max R. Tobias, Jr.
J. Burton Wallace

Chairman Tate called the meeting to order and asked the
secretary to call the roll. With a quorum present, the
committee adopted the "Table of Contents." A copy of the
"Table of Contents" is attached to and made part of these
minutes as Appendix A.

The meeting recessed until immediately after adjournment
of the convention.

At 11:55 p.m., the committee met, during a brief recess
of the convention. Delegate Dennis moved that Section 27 of
COMMITTEE PROPOSAL NO. 38 be tentatively adopted as Section 3
of Article XIV, Part I. Motion adopted. Delegate Kelly
and Avant objected to the motion.

The meeting adjourned until 8:00 a.m., January 19, 1974

Albert Tate, Jr., Chairman

Max N. Tobias, Vice Chairman

Emmett Asseff, Secretary
ARTICLE I. DECLARATION OF RIGHTS

Section 1. Origin and Purpose of Government

Section 2. Due Process of Law

Section 3. Right to Individual Dignity

Section 4. Right to Property

Section 5. Right to Privacy

Section 6. Freedom from Intrusion

Section 7. Freedom of Expression

Section 8. Freedom of Religion

Section 9. Right of Assembly and Petition

Section 10. Right to Vote

Section 11. Right to Keep and Bear Arms

Section 12. Freedom from Discrimination

Section 13. Rights of the Accused

Section 14. Right to Preliminary Examination

Section 15. Initiation of Prosecution

Section 16. Right to a Fair Trial

Section 17. Jury Trial in Criminal Cases

Section 18. Right to Bail

Section 19. Right to Judicial Review

Section 20. Right to Human Treatment

Section 21. Writ of Habeas Corpus

Section 22. Access to Courts

Section 23. Prohibited Laws

Section 24. Unenumerated Rights

ARTICLE II. DISTRIBUTION OF POWERS

Section 1. Three Branches

Section 2. Limitations on Each Branch

ARTICLE III. THE LEGAL SYSTEM

Section 1. Legislative Law. Constitution; Judicial Branch

(A) Legislative Law; (B) Constitutional Law

Section 2. Session

(A) Annual Session; (B) Extraordinary Session

Section 3. Size

Section 4. Qualifications; Terms; Vacancies

(A) Age Limitation; (B) Term Limitation; (C) Vacancy

Section 5. Election

Section 6. Constitutional Amendments

Section 7. Repeal

Section 8. Initiative and Popular Referenda

ARTICLE IV. EXECUTIVE BRANCH

Section 1. Composition; Number; Department; Reorganization

(A) Composition; (B) Number; (C) Reorganization

Section 2. Qualification

Section 3. Election; Term

(A) Election; (B) Limitation on Governor

Section 4. Compensation

Section 5. Governor; Power and Duties

(A) Executive Authority; (B) Legislative Authority; (C) Judicial Authority

Section 6. Appropriations

Section 7. Budget; Appropriations; and Expenditures

(A) Budget; (B) Appropriations; (C) Expenditures; (D) Legislative Authority

Section 8. Entirety of Bills

(A) Entirety of Bills; (B) Entirety of Veto

Section 9. Entirety of Amendments

(A) Entirety of Amendments; (B) Entirety of Session

Section 10. Entirety of Acts

(A) Entirety of Acts; (B) Entirety of Reorganization

January 17, 1974
Section 1. Judicial Power

Section 2. Labor, Corporal, Medical, Civil,f and Property; Location; Jurisdiction; Officers

Section 3. Supreme Court: District; Counties; Term

Section 4. Superior Court: District

Section 5. Superior Court: Jurisdiction: Civil, Penal, and Criminal; Power; Appointment of Judges

Section 6. Superior Court: Chief Justice

Section 7. Courts of Appeal: Circuits; panels; Judges

Section 8. Courts of Appeal: District

Section 9. Courts of Appeal: Jurisdiction

Section 10. Courts of Appeal: District

Section 11. District Courts: Jurisdiction

Section 12. District Courts: Chief Judge

Section 13. Juvenile and Family Courts: Jurisdiction

Section 14. Special Juvenile Courts

Section 15. Mayor's Courts: Justice of the Peace Courts

Section 16. Judges: Decrease in Term and Compensation Prohibited

Section 17. Judges: Election; Vacancy

Section 18. Judges: Qualifications

Section 19. Judges: Repeal

Section 20. Judges: Retention

Section 21. Judges: Repeal

Section 22. Judges: Disqualification

Section 23. Judges: Qualifications

Section 24. Judges: Repeal

Section 25. Judges: Retention

Section 26. Judges: Repeal

Section 27. Judges: Qualifications

Section 28. Judges: Retention

Section 29. Judges: Repeal

Section 30. Judges: Repeal

Section 31. Judges: Repeal

Section 32. Judges: Repeal

Section 33. Judges: Repeal

Section 34. Judges: Repeal

ARTICLE VI. LOCAL GOVERNMENT

Part I. General Provisions

Section 1. Parish

Section 2. Parish

Section 3. Parish

Section 4. Parish

Section 5. Parish

Section 6. Parish

Section 7. Parish

Section 8. Parish

Section 9. Parish

Section 10. Parish

Section 11. Parish

Section 12. Parish

Section 13. Parish

Section 14. Parish

Section 15. Parish

Section 16. Parish

Section 17. Parish

Section 18. Parish

Section 19. Parish

Section 20. Parish

Section 21. Parish

Section 22. Parish

Section 23. Parish

Section 24. Parish

Section 25. Parish

Section 26. Parish

Section 27. Parish

Section 28. Parish

Section 29. Parish

Section 30. Parish

Section 31. Parish

Section 32. Parish

Section 33. Parish

Section 34. Parish

[70]
Section 12. Report and Audits

Section 13. Investment of State Funds

Section 14. Donation, Loan, or Pledge of Public Credit
   (A) Prohibited Uses
   (B) Authorized Uses
   (C) Cooperative Endeavor
   (D) Prior Obligations

Section 15. Relocation of Illustrations to State, Parish, or Municipality

Section 16. Taxes: Prescription

Section 17. Legislation to Obtain Federal Aid

PART II. PROPERTY TAXATION

Section 18. Ad Valorem Taxes
   (A) Assessments
   (B) Classification
   (C) Use Value
   (D) Valuation
   (E) Review
   (F) Reappraisal

Section 19. Stat. Property Taxation; Rate Limitation

Section 20. Homestead Exemption
   (A) Homesteaders
   (B) Residential Leases

Section 21. Other Property Exemptions

Section 22. No Impairment of Existing Taxes or Obligations

Section 23. Adjustment of Ad Valorem Tax Millages

Section 24. Tax Assessors
   (A) Election; Term
   (B) Urban. Parish
   (C) Vacancy

Section 25. Tax Sales
   (A) Tax Sales
   (B) Proceedings
   (C) Annual
   (D) Variances; Tax Title
   (E) Notice of Tax Sales
   (F) Postponement of Tax Sales

PART III. REVENUE SHARING

Section 26. Revenue Sharing Fund
   (A) Creation of Fund
   (B) Annual Allocation
   (C) Distribution Formula
   (D) Distribution Officer
   (E) Bonded Debts

PART IV. REVENUE SHARING

Section 27. Real Estate

Section 1. Public Education System

Section 2. State Superintendent of Education

Section 3. State Board of Elementary and Secondary Education
   (A) Creation; Functions
   (B) Membership; Terms
   (C) Vacancy

Section 4. Approval of Private Schools

Section 5. Board of Regents
   (A) Creation; Functions
   (B) Membership; Terms
   (C) Vacancy
   (D) Powers
   (E) Powers Not Vested

Section 6. Board of Trustees for State College and University
   (A) Creation and Functions
   (B) Membership; Terms
   (C) Vacancy

Section 7. Board of Supervisors of Louisiana State University and Agricultural and Mechanical College; Board of Supervisors of Southern University and Agricultural and Mechanical College

Section 8. Boards; Membership; Compensation
   (A) Dual Membership
   (B) Student Membership
   (C) Compensation

Section 9. Parish School Boards; Parish Superintendents
   (A) Boards
   (B) Superintendents

Section 10. Existing Boards and Systems Recognized; Consolidation
   (A) Recognition
   (B) Ouachita Parish and Monroe City School Systems; Board Membership
   (C) Consolidation

Section 11. Appropriations; State Boards

Section 12. Appropriations; Higher Education

Section 13. Funding; Appropriation
   (A) Free School Books
   (B) Minimum Foundation Program
   (C) Local Fund
   (D) Municipal School System

Section 14. Taxable University

Section 15. Release of Obligation:
   (A) State
   (B) Parish
   (C) Municipally

Section 16. Taxes; Proscription

Section 17. Legislation to Obtain Federal Aid

PART I. PROPRIETARY TAXATION

Section 18. Ad Valorem Taxes
   (A) Assessments
   (B) Classification
   (C) Use Value
   (D) Valuation
   (E) Review
   (F) Reappraisal

Section 19. Stat. Property Taxation; Rate Limitation

Section 20. Homestead Exemption
   (A) Homesteaders
   (B) Residential Leases

Section 21. Other Property Exemptions

Section 22. No Impairment of Existing Taxes or Obligations

Section 23. Adjustment of Ad Valorem Tax Millages

Section 24. Tax Assessors
   (A) Election; Term
   (B) Urban. Parish
   (C) Vacancy

Section 25. Tax Sales
   (A) Tax Sales
   (B) Proceedings
   (C) Annual
   (D) Variances; Tax Title
   (E) Notice of Tax Sales
   (F) Postponement of Tax Sales

PART III. REVENUE SHARING

Section 26. Revenue Sharing Fund
   (A) Creation of Fund
   (B) Annual Allocation
   (C) Distribution Formula
   (D) Distribution Officer
   (E) Bonded Debts

PART IV. REVENUE SHARING

Section 27. Real Estate
ARTICLE XIV. Transitory Provisions

Section 1. Board of Regents

Section 2. Board of Supervisors of City, the State University and Community Colle... Colle... Colles and Institute.

Section 3. Board: New Appointments

Section 4. Mandatory Reorganization of State Government

Section 5. Legal and Institution

Section 6. Transition Civil Service System; State; Cities

Section 7. Reorganization of the Louisiana State

Section 8. Forfeitures Prior to 1880

Section 9. Effective Date of Property Tax Provisions

ARTICLE XV. SWAT OF OFFICERS
Treaty Room, White House Inn
Baton Rouge, Louisiana
Saturday, January 19, 1974, 8:20 a.m.

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

Present:

Albert Tate, Jr.
Emmett Asseff
John L. Avant
David Conroy
James L. Dennis
Donald Kelly
Anthony K. Rachal, Jr.
Earl J. Schmitt, Jr.
Max H. Tobias, Jr.
J. Burton Willis

Absent:

Camille F. Gravel, Jr.
Anthony J. Guarisco
R. Gordon Koan
Chalin O. Perez

Chairman Tate called the meeting to order and asked the secretary to call the roll. With a quorum present, the committee adopted styling changes in COMMITTEE PROPOSAL NO. 38 as noted in the copy of that proposal attached to and made part of these minutes as Appendix A.

The meeting recessed at 9:45 a.m. until further notice by the chairman.

The committee met at 7:45 p.m. in the Senate Lounge to style DELEGATE PROPOSAL NO. 98, incorporating language of the amendment to DELEGATE RESOLUTION NO. 52, proposed by Delegates Jenkins and Drew. A copy of the proposal and amendment is attached to and made part of these minutes as Appendix B. The committee adopted the proposal as noted on the attachment.

Without objection, the meeting adjourned at 8:55 p.m.

Albert Tate, Chairman

Max H. Tobias, Vice Chairman

Emmett Asseff, Secretary

NOTES

C.P. No. 38, D.P. No. 98, and D.R. No. 52 may be found in Volume IV, above.
The Proposed Constitution is reproduced as Volume III, above.
II. Comparative Presentations

Committee Proposal No. 3: First Enrollment

Staff Styling Suggestions: Comparative Presentation

<table>
<thead>
<tr>
<th>Proposal as Enrolled</th>
<th>Suggested Changes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Article III. Legislative Department</td>
<td>1. Article III. Legislative Branch</td>
</tr>
<tr>
<td>2. Section 1. Legislative</td>
<td>2. Section 1. Legislative</td>
</tr>
<tr>
<td>3. Power of State; Vesting; Continuous Body</td>
<td>3. Power; Composition; Continuous Body</td>
</tr>
<tr>
<td>4. Section 1. (A) The legislative power of the state is vested in a legislature, consisting of a Senate composed of one senator elected from each senatorial district and a House of Representatives composed of one representative elected from each representative district.</td>
<td>5. Section 1. (A) Legislative Power of State. The legislative power of the state is vested in a legislature, consisting of a Senate and a House of Representatives. One senator shall be elected from each senatorial district and one representative elected from each representative district.</td>
</tr>
</tbody>
</table>

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


(2) Manual, Rule 5—substitute word for phrase, see examples.


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 after midnight of the fifteenth calendar day, except by a favorable record vote of two-thirds of the elected members of each house. During any regular annual session held in an odd-numbered year, no measures levying new taxes or increasing existing taxes shall be introduced or enacted.

Section 2.11)

(1) Committee change to clarify meaning.

(2) Elements, II, 16 - Keep related words together.


(4) Ibid.
(5) Ibid.

(6) Standardization of language.

(7) Elements, I, 3--parenthetic expressions between commas.

(8) Elements, II, 15--parallelism.

Section 2. (B)

(B) The legislature may be convened at other times by the governor or, shall be convened upon the written petition of a majority of the elected members of each house, by the presiding officers of both houses. Such petition shall be in such form as shall be provided by law. 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 sessions, 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 shall be limited, under penalty of nullity, to the objects specifically enumerated in the proclamation. The
The power to legislate, under the penalty of nullity, shall be limited to the objects 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.

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.

Section 2 (B)

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

(1) Elements, V, 16--be clear; also see Webster's definition of "and" and "or"; Elements, I, 4--comma unnecessary when connective "and" and subject expressed only once.

(2) Elements, II, 16--keep related words together.


(4) Ibid.

(5) See Webster's definition of "in" and "into."
(6) Committee change--modernization.


(9) Elements, II, 15--parallelism.

(10) Ibid.; i.e. maintain consistent form and usage.

(11) Title added by committee for clarity.

(12) Modernization of language by committee.


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Section 3.

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


(2) Ibid.; and, for comma placement, see Webster's, Rule 4.2.6, ellipsis.
Section 4. Qualifications; Residence Requirements; Term; Vacancies; Salary

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

In general, Subsection (A) contains some material formerly in Subsection (B) because enrolled proposal contradictory.

(1) Manual, Rule 5, 13 and Elements II, 13--omit needless words; Elements, V, 16--be clear.

(2) Manual, Rule 11, present tense.

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

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

(B) No person shall be eligible to membership in the legislature unless at the time of the next regular election for
of qualification for the office
he shall have been a resident
of the state for two years and
actually domiciled within the
legislative district from which
he seeks election for one year
immediately preceding qual-
ification for office. However,
at the next regular election
for members of the legislature
following the reapportionment
of the legislature, a person
may qualify for election to
either house of the legislature
from any district created in
whole or in part from the
district existing prior to
reapportionment in which such
person was domiciled, if he was
domiciled in that prior district
for at least one year im-
mEDIATELY preceding his election
and if he was a resident of the
state for at least two years
immediately preceding his
election. The seat of any
member who changes his domicile
from the legislative district
he represents or, if elected
after reapportionment, whose
members of the legislature
following legislative re-
apportionment, an elector may
qualify as a candidate from any
district created in whole or in
part from the district existing
prior to reapportionment if he
was domiciled in that prior district
for at least one year immediately
preceding his qualification and
was a resident of the state for
the two years preceding his
qualification. The seat of any
member who changes his domicile
from the district he represents
or, if elected after reapportion-
ment, whose domicile is not
within the district he represents
at the time he is sworn into
office, shall be vacated thereby,
any declaration of retention of
domicile to the contrary not-
withstanding.
he is sworn into office, shall be vacated thereby, any declaration of a retention of domicile to the contrary notwithstanding.


(2) Elements, II, 15--maintain consistent usage; Elements, V, 16--be clear.

(3) Ibid.


(5) Elements, II, 15--maintain consistent usage; Elements, V, 16--be clear.


(7) Manual, Rule 5, use a word instead of a phrase.


(9) Elements, II, 15--maintain consistent usage; Elements, V, 16--be clear.


(11) Ibid.

Caveat: footnotes (2), (5), and (9) suggest changes for consistency which call for an interpretation of authors' intent.
Section 4. (C)

The members of the legislature shall be elected for terms of four years each.

(C) Term. A member of the legislature shall be elected for a four-year term. (1)

(D) Vacancy. A vacancy in the legislature shall be filled for the remainder of the term only by election. (1)

(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.


Section 5. (A)

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

Section 5. (A) 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 as equally as practicable on the basis of the total state population as shown by the census.

Section 5 (B)

(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

(1) Manual, Rule 5—substitute word for phrase.


(3) Elements, II, 15—maintain consistent usage; Elements, V, 16—be clear.
[See Section 4: "reapportionment" is used there.]
(1) Elements, VI, 15—maintain consistent usage; Elements, V, 16—be clear.

(2) Ibid.

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


Section 6. (A) Each house shall be the judge of the qualifications and elections of its own members, determine the rules of its procedure,
not inconsistent with the provisions of this constitution, 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.


(2) Webster's, Rule 5.1.3--semicolon as strong comma; Elements, I, 2--commas in series.


(4) Webster's, Rule 5.1.3--semicolon as strong comma; Elements, I, 2--commas in series.

(5) Ibid.

(6) Elements, II, 15--parallelism.


(B) Each house shall have power to compel the attendance and testimony of witnesses and the production of books and the judge of the qualifications and elections of its members; shall determine its rules of procedure, consistent with the provisions of this constitution; may punish its members for disorderly conduct or contempt; and may expel a member with consent of two-thirds of its elected members. Expulsion creates a vacancy in the office.

Section 6. (B)

(B) Subpoena Power; Contempt. Each house may 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 and shall have the power to punish for contempt those in willful disobedience of its orders.

(1) Manual, Rules 5, 13 and Elements, II, 13—substitute a word for a phrase; Manual, Rule 7—"may" is discretionary.


(3) Manual, Rules 5, 13 and Elements, II, 13—substitute a word for a phrase; Manual, Rule 7—"may" is discretionary.

(4) Elements, II, 16—keep related words together.

Section 6. (c)

(C) Each house shall choose its own officers, including a permanent presiding officer selected from its membership, who 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 shall be the clerk of the House.
of the two houses shall be the clerk of the House of Representatives and the secretary of the Senate, each of whom may administer oaths.


(4) Ibid.

(5) Manual, Rules 5, 13 and Elements, II, 13--substitute a word for a phrase; Manual, Rule 7--"may" is discretionary.

Section 7

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.

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

(1) Manual, Rule 18--place exceptions first when specific.


(3) Ibid.

(4) Ibid.


(7) Manual, Rule 5--Substitute word for phrase.


Section 8

Section 8. Conflict of Interest

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

Section 8. Conflict of Interest

Section 8. Legislative office is a public trust, and every effort to realize personal gain through official conduct violates that trust. The legislature shall enact a code of ethics prohibiting conflict between public duty and private interests of members of the legislature.
(1) *Elements*, I, 4--comma between independent clauses.

(2) *Manual*, Rule 5--substitute word for phrase.

**SECTION 9. (A)**

10 Section 9. Quorum; Compulsory Attendance; Journal;

11 Adjournment; Consent of Other House

14 Section 9. (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 power to compel the attendance of absent members.


**SECTION 9. (B)**

24 (B) Each house shall keep a journal of its proceedings, and cause the same to be published immediately after

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


(2) Elements, V, 16—be clear.

SECTION 9. (C)

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

(1) See Webster's definitions—meanings in this context identical; Manual, Rule 5—use short words.

(2) Webster's Rule 4.2.1—comma sets off introductory adverbial clause.


(4) Ibid.
Section 10. Legislative Auditor

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 a fiscal advisor to it. He shall perform such duties and functions relating to the auditing of the fiscal records of state and local governments as are provided by law. He shall serve as a fiscal advisor to the legislature.

(1) Elements, see II, 9--suggests topic sentence open paragraph; Manual, Rule 10--short sentences.

(2) Manual, Rules 5, 13 and Elements II, 13--substitute a word for a phrase, omit needless words.


(6) Ibid.
See Elements, II, 9—sentence placement to end unit of composition.

Section 11

Section 11. Compensation of Elected Public Officers; Reduction

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

Section 11. Compensation of Elected Public Officers; Reduction

Section 11. The compensation of no elected public officer shall be reduced during the term for which he is elected.


(2) Elements, II, 11—positive verb.


Section 13

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

Section 13. No local or special law shall be enacted by the legislature unless notice of the intention to introduce a bill effecting such

[94]
introduce such law has been published, without cost to the state, in the official journal of 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.


(2) See Webster's definitions—meanings in this context identical; Manual, Rule 5—use short words.

(3) Elements, V, 19—take no shortcuts at cost of clarity.

(4) Elements, II, 16—keep related words together.


(9) See Elements 1, 4, and II, 14—desirability of occasional loose sentence.

(10) Manual, Rules 5, 13 and Elements, II, 13—omit needless words, use instead...
Section 14. Suits Against the State

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

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


(2) Elements, II, 12—use specific language.

(3) Manual, Rules 5, 13 and Elements, II, 13—omit needless words; Webster's Rule 5.1.1—semicolon as weak period.

(4) Elements, II, 12—use specific language.

[Titling suggests (A) and (B) of enrolled proposal be combined into one paragraph.]
(C) The legislature shall provide for a method of procedure and the effects of the judgments which may be rendered in all cases against the state, its agencies and political subdivisions.

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

(C) Public Property; Payment of Judgment. No public property or funds shall be subject to seizure, and no judgment against the state, a state agency, or a political subdivision shall be exigible, payable, or paid except from funds appropriated for payment by the legislature or the political subdivision against whom judgment is rendered.
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. Except as otherwise provided in this constitution, it shall also provide for the prompt and temporary succession to the powers and duties of public offices, the incumbents of which may become unavailable to execute their functions.

Section 15. Continuity of Government

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

Caveat: Re: footnote (5). The State and its agencies don't appropriate money.

Manual, Rule 5—substitute word for phrase.

Elements, II, 12—use specific language.

Elements, II, 15—parallelism.

Section 16. Style of Laws; Enacting Clause

Section 16. The style of the laws enacted by the legislature 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.

(2) Ibid.
(3) Elements, III, p. 30—quotation used as direct object preceded by comma.
(4) Elements, II, 11—statements in positive form.
Section 17. Passage of Bills

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

(1) Elements, II, 12—use specific language.


(6) Elements, II, 11--sentences in positive form.


(2) Ibid.


SECTION 17 (B)

1
2 (B) All bills enacting, amending, or reviving laws shall set forth completely the provisions of the laws enacted, amended, or revived, and no system or code of laws shall be adopted by general reference to such system or code of laws.

SECTION 17 (C)

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

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


(2) Ibid.

(3) Ibid.

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

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

(E) No bill which has been rejected by either house may again be proposed or considered in the same house during the [102]
same session without the consent of a majority of the members elected to the house which rejected it.


(2) Elements, II, 12--use specific language, V, 16--be clear.

(3) Elements, V, 16--be clear.

(4) Ibid.

CAVEAT: In each ( ) are the words to be obliterated.

SECTION 17 (F)

(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.


(2) Elements, II, 15--parallelism.

(3) Ibid.

(F) Concurrence in Amendments.

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


(2) Elements, II, 15--parallelism.

(3) Ibid.
Section 17(g)

(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.

(1) Standardization of language.

(2) Elements, V, 16—be clear.


(4) Elements, V, 16—be clear.

Section 18. Appropriations

Section 18. (A) No money shall be withdrawn from the state treasury except through

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


26 (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.


(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.

CHANGE IN TITLE ONLY.

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


(2) Ibid.

(E) Any bill appropriating money in an extraordinary session of the legislature.

(F) Special Session. Except for expenses of the legislature, a bill appropriating money in a
convoked at 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.
ernor for his signature or other action. Delivery to the governor shall be within three days after passage.

(2) Ibid.
(3) Ibid.
(4) Elements, II, 12--use specific language.
(5) Elements, II, 16--keep related words together; Elements, II, 14--avoid succession of loose sentences.
(6) Elements, II, 12--use specific language.

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

CHANGE IN TITLE ONLY.
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.

(1) Elements, II, 11—put sentences in positive form.


(3) Webster's, Rule 4.4.2—comma for emphasis and to set off contrasting element.

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


(4) See Webster's definitions—meanings in this context identical; Manual, Rule 5—use short words; Elements, II, 15—maintain consistent form and usage.


SECTION 20.(C)

(C) The legislature shall meet in veto session at the seat of government at twelve o'clock noon on the fortieth 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 a Sunday the session shall convene at noon.

(C) Veto Session. The legislature shall meet in veto session in the state capital at noon on the fortieth day following final adjournment of the most recent session, to consider all bills vetoed by the governor. If the fortieth day falls on a Sunday, the session shall convene at noon on the succeeding Monday. No
12 convene at noon on the next succeeding Monday. No veto session shall exceed 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 five days prior to the day on which the veto session is to convene.

veto session shall exceed five (10) calendar days, and any veto session may be finally adjourned (11) prior to the end of the fifth (12) day with the consent of two-thirds of the elected members of each house. No veto session shall be held if a majority of the elected members of either house indicate in writing that a veto session is unnecessary. The written notice must be received by the presiding officers at least five days prior to the day on which the veto session is to convene.

SECTION 20.(c)

(1) Committee changed to clarify meaning.


(3) Elements, V, 20--avoid foreign languages; Elements, II, 15--maintain consistent form and usage.

(4) Manual, Rules 5, 13 and Elements, II, 13--omit needless words; Webster's Rule 4.4.2--insert comma to prevent confusion.

(6) Elements, II, 12--use specific language.


(8) Webster's, Rule 4.2.1--set off introductory adverb clause.


(10) Ibid.

(11) Elements, V, 20--avoid foreign languages; Elements, II, 15--maintain consistent form and usage.

(12) Standardization of language.


(14) Ibid.

(15) Elements, II, 11--put statements in positive form.


8 Section 21. Effective Date of Laws

9 Section 21. All laws shall

10 be published in the official

11 journal of the state as pro-

12 vided by law and thereafter

13 shall take effect on the

14 sixtieth day after final

15 adjournment of the session in

16 [112] (1) Ibid.

12 journal of the state and shall

13 take effect thereafter on the

14 sixtieth day after final adjourn-

15 ment of the session in which

16 enacted. However, any bill may
which they were enacted. However, any bill may specify an earlier or later effective date.


(2) Elements, II, 15--parallelism.


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 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 suspension, which shall not extend beyond the effective date of laws enacted at the next regular session.


(2) Elements, II, 15--parallelism.


(4) After the effective date of this constitution every resolution suspending a law shall fix the period of suspension, which shall not extend beyond the effective date of laws enacted at the next regular session.
19 the effective date of the laws
20 enacted at the next regular
21 session of the legislature.

(1) Elements, II, 15--parallelism; Elements, II, 11--
put sentences in positive form; Manual, Rules 5,
13 and Elements, II, 13--omit needless words;
Webster's Rule 4.2.1--comma to set off introduc-
tory clause.

(2) Manual, Rules 5, 13 and Elements, II, 13--omit
needless words.

(3) Webster's, Rule 4.2.1--comma to set off introduc-
tory phrases.

(4) Manual, Rules 5, 13 and Elements, II, 13--omit
needless words.

(5) Ibid.

(6) Ibid.

Section 23

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

Section 23. Neither the state nor any political subdi-
vision 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 or forfeiture of its charter or franchise, as provided by general law.


SECTION 24 (A)

Section 24. Impeachment

(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.

(1) See Webster's definitions--meanings identical in this context; Manual, Rule 5--use short words; Elements, II, 15--maintain consistent form and usage.

(2) Webster's, Rule 4.1.2-pair of commas to set off appositional phrase.

CAVEAT: Footnote (2) calls for consideration of authors' intent.
(B) All impeachments shall be by the House of Representatives, and shall be tried by the Senate, whose members shall be upon oath or affirmation for that purpose, and a vote of two-thirds of the senators elected shall be necessary to convict. The Senate may sit for said purpose whether the House be in session or not, and may adjourn as it thinks proper. Conviction upon impeachment shall result in immediate removal from office. Nothing herein shall prevent any other action, prosecution, or punishment authorized by statute.


(2) Elements, II, 15--parallelism.


(4) Elements, II, 12--use specific language; Manual, Rule 10--short sentences, Rule 14--unrelated ideas in separate sentences.

(5) Elements, II, 15--maintain consistent form and usage.

(6) Elements, II, 12--use specific language.

(7) Elements, II, 15--parallelism.

Section 25

Section 25. Removal by Suit; Officers Subject

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.

1) Elements, II, 16--keep related words together.
Section 26

Recall

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

(1) See Webster's definitions—meanings in this context identical; Manual, Rule 5—use short words; Elements, II, 15—maintain consistent form and usage.

(2) Manual, Rule 6—avoid hackneyed reference words.

Section 27

Taking Office

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

(2) Elements, II, 12—use specific language; Elements, V, 16—be clear.

(3) Use pronoun to avoid repetition.


CAVEAT: Footnote (2) calls for consideration of authors' intent.

SECTION 27 (B)

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

(1) Elements, V, 16—be clear; Elements, V, 19—no shortcuts at cost of clarity.

CAVEAT: Confusion exists about whether Section 27, both subsections (A) and (B), was adopted by convention.

November 6, 1973

SECTIONS OF COMMITTEE PROPOSAL NO. 3 WHICH THE COMMITTEE ON STYLE AND DRAFTING MAY WISH TO RECONSIDER IN ORDER TO MEET OBJECTIONS OF THE COMMITTEE ON LEGISLATIVE POWERS AND FUNCTIONS.
SECTION 1. (B)

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

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

---


(2) Manual, Rule 5—substitute word for phrase, see examples.


(4) Elements, V, 16—be clear.


CAVEAT: whether this provision as adopted affects "simple" resolutions, which do not require approval of both houses. As amended, (deletion of "by both houses") it would be clear that simple resolutions not finally passed by one house expire. The amended section would mean that a simple resolution finally passed by the one house in which introduced would not expire.
(B) The legislature may be convened at other times by the governor or, shall be convened upon the written petition of a majority of the elected members of each house, by the presiding officers of both houses. Such petition shall be in such form as shall be provided by law.

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 sessions, 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 objects specifically enumerated in the proclamation.

(B) Special Session. The legislature may be convened at other times by the governor and shall be convened by the presiding officers of both houses upon written petition of a majority of the elected members of each house. The form of the petition shall be provided by law. At least five days prior to convening the legislature in special session, the governor or the presiding officers, as the case may be, shall issue a proclamation stating the objects of the session, the date on which it shall convene, and the number of days for which it is convened. The power to legislate shall be limited, under penalty of nullity, to the objects specifically enumerated in the proclamation. The session shall be limited to the number of days stated therein, which shall not exceed thirty calendar days.
Section 2 (B)  

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

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

3. Days named therein, which shall never exceed thirty calendar days.

(1) Elements, V, 16--be clear; also see Webster's definition of "and" and "or"; Elements, I, 4--comma unnecessary when connective "and" and subject expressed only once.

(2) Elements, II, 16--keep related words together.


(4) Ibid.

(5) See Webster's definition of "in" and "into."

(6) Committee change--modernization.


(9) Elements, II, 15--parallelism.

(10) Ibid.; i.e. maintain consistent form and usage.

(11) Title added by committee for clarity.

(12) Modernization of language by committee.


26 (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.

CHANGE IN TITLE ONLY.

4 (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.

CHANGE IN TITLE ONLY.

SECTION 18 (B)

4 (C) General Appropriation Bill; Limitations. The general appropriation bill shall be itemized and shall contain only appropriations for the ordinary operating expenses of government, public charities, pensions, and the public debt and interest thereon.
(D) All other bills for appropriating money shall be for a specific purpose and for a specific amount.


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

(E) Special Session. Except for expenses of the legislature, a bill appropriating money in a special session convened after final adjournment of the regular session in the last year of the term of office of a governor shall require the favorable vote of three-fourths of the elected members of each house.

(1) Manual, Rule 18--place exceptions first when specific.

(2) See Webster's definitions--meanings in this context identical; Manual, Rule 5--use short words; Elements, II, 15--maintain consistent form and usage.

(3) Modernization of language by committee
(5) Elements, V, 16—be clear.

25 (B) No joint, concurrent,
26 or other resolution shall
27 require the signature or other
28 action of the governor.

25 (B) Resolutions. No joint, concurrent, or other resolution shall require the signature or other action of the governor to become effective.

(1) Elements, V, 16—be clear.

1 Section 20. Signature of Governor on Bills; Veto
2 Section 20. (A) A bill,
3 except a joint resolution,
4 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.

1 Section 20. Signature of Governor on Bills; Veto
2 Section 20. (A) Lack of Gubernatorial Action. A bill, except a joint resolution, shall become law if the governor fails to sign or veto it within ten days after delivery to him if the legislature is in session, or within twenty days if the legislature is adjourned.

(1) Elements, II, 11—put sentences in positive form.
17 (B) If the governor does not approve of a bill, he may veto it and shall return it to the legislature, with his veto message, within twelve days after its delivery to him if the legislature is in session. If the legislature has adjourned before the governor vetoes or returns one or more bills, he shall return them, with his veto message, to the legislature as provided by law. Any bill thus returned by the governor and subsequently approved by two-thirds of the elected members of each house shall become law.

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


(4) Webster's, Rule 4.2—comma for emphasis and to set off contrasting element.


(7) See Webster's definitions--meanings in this context identical; Manual, Rule 5--use short words; Elements, II, 15--maintain consistent form and usage.


Section 21

Section 21. Effective Date of Laws

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

NO CHANGE
Section 27. Taking Office

(A) Full Term. Members of the legislature shall take office thirty days prior to the date for the convening of the first session of each term for which members are elected every four years.

(B) Filling Vacancy. A person elected to fill a vacancy in an unexpired legislative term shall take office thirty days after the secretary of state promulgates the election returns.

(2) Elements, II, 12--use specific language; Elements, V, 16--be clear.
(3) Use pronoun to avoid repetition.

(1) Elements, V, 16--be clear; Elements, V, 19--no shortcuts at cost of clarity.
Section 10

Section 10. Legislative Auditor

Section 10. There shall be a legislative auditor responsible solely to the legislature. (1)

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

(1) Elements, see II, 9--suggests topic sentence open paragraph; Manual, Rule 10--short sentences.

(2) Manual, Rules 5, 13 and Elements II, 13--substitute a word for a phrase, omit needless words.


(6) Ibid.

(7) Standardization of language.

(8) Elements, V, 16--be clear.

(9) Ibid.

17. Section 14. Suits Against the State
18. Section 14. (A) Neither the state nor any of its agencies or political subdivisions shall be immune from suit and liability in contract or for injury to person or property.

17. Section 14. Suits Against the State
19. (I) the state nor its agencies or political subdivisions shall be immune from suit and liability in contract or for injury to person or property.


26. (B) In other cases the legislature may authorize
27. The legislature may authorize

26. (B) Waiver in Other Suits.
suit to be filed against the state, its agencies and political subdivisions and any concurrent resolution enacted for the purpose shall waive immunity from suit and liability.

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

(D) Public property and funds shall not be subject to seizure, and no judgment against the state, its agencies or political subdivision shall be exigible, payable, or paid except out of funds appropriated therefor by the legislature or

\[ \text{(1) Elements, II, 12--use specific language; Manual, Rules 5, 13 and Elements, II, 13--omit needless words.} \]

\[ \text{(2) Manual, Rule 10--short sentences, Rule 14--unrelated ideas in separate sentences.} \]

\[ \text{(3) Elements, II, 12--use specific language.} \]
ed for payment by the state, its agencies or political subdivision against whom judgment is rendered.

In general, subject matter suggests combination of (C) and (D) of enrolled proposal.

(1) Manual, Rule 12—singularization; Elements, V, 16—be clear; Manual, Rule 14—unrelated ideas in separate sentences.

(2) Elements, II, 11—positive verb.

(3) Elements, II, 14—avoid a succession of loose sentences.


(5) Elements, II, 15—parallelism.

(6) Manual, Rule 5—substitute word for phrase.

(7) Ibid.

(8) Elements, II, 12—use specific language.

(9) Elements, II, 15—parallelism.

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

he shall return them, with his veto message, as provided by law. A bill returned and subsequently approved by two-thirds of the elected members of each house shall become law.


(7) See Webster's definitions—meanings in this context identical; Manual, Rule 5—use short words; Elements, II, 15—maintain consistent form and usage.

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

NO CHANGE

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


(2) Elements, II, 15--parallelism.


(4) Elements, II, 12--use specific language; Manual, Rule 10--short sentences, Rule 14--unrelated ideas in separate sentences.

(5) Elements, V, 16--be clear.

(6) Elements, II, 15--maintain consistent form and usage.

(7) Elements, II, 12--use specific language.

(8) Elements, II, 15--parallelism.


(10) Elements, II, 12--use specific language.


(12) Standardization of language.

Section 25. Removal by Suit; Officials Subject

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

(1) Standardization of language.

(2) Elements, II, 16--keep related words together.

(3) Standardization of language.

Section 26. Recall

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

(1) Standardization of language.

(2) See Webster's definitions--meanings in this context identical; Manual, Rule 5--use short words; Elements, II, 15--maintain consistent form and usage.


(4) Standardization of language.
Changes recommended by Committee on Legislative Powers and Functions and Committee on Style and Drafting to clarify possible ambiguous language in enrolled proposal, but involving possible substantive change in the provision as adopted by the Convention.

**COMPARATIVE PRESENTATION**

<table>
<thead>
<tr>
<th>SECTIONS AS ADOPTED:</th>
<th>FURTHER CHANGES RECOMMENDED BY BOTH COMMITTEES TO CLARIFY POSSIBLE AMBIGUITIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>INCORPORATING CHANGES</td>
<td>SECTION 20(B)</td>
</tr>
<tr>
<td>RECOMMENDED BY COMMITTEE ON STYLE AND DRAFTING</td>
<td></td>
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</tbody>
</table>

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

18 does not approve a bill, he may veto it. When he vetoes a bill, he shall return it to the legislature, with his veto message, within twelve days after delivery to him if the legislature is in session. If the legislature adjourns, he shall return it, with his veto message, as provided by law. A bill returned and subsequently approved by two-thirds of the elected members of each house shall become law.
CAVEAT: As adopted by the convention, the second sentence of Section 20(B) possibly could mean that if the governor vetoed even one bill before the legislature adjourned, the method provided by law for the return of vetoed bills would be inapplicable. An alternative is submitted above which satisfies the apparent intent of the convention that the legislature provide the method for the return of vetoed bills after adjournment.

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

(1) CAVEAT: As adopted by the convention, Section 21 appears to prohibit a law from going into effect before it is published in the official state journal. Because problems could arise if there are technical or practical difficulties in publishing the laws, resulting in confusion about effective dates and perhaps in the failure of necessary legislation to have an effect, an alternative is submitted above, which requires publication, but does not condition effectiveness on publication.
Section 27. Taking Office

(A) Full Term.

Members of the legislature shall take office thirty days prior to the convening date of the first regular session of each term for which they are elected.

(B) Filling Vacancy.

A person elected to fill a vacancy in an unexpired legislative term shall take office thirty days after the secretary of state promulgates the election returns.

CAVEAT: Some disagreement exists about the text of Section 27 (A)&(B). A check of the verbatim transcript reveals that the language recommended above was in fact the language adopted by the convention.
Change recommended by Committee on Style and Drafting to clarify possible ambiguity, but involving possible substantive change in the provision as adopted by the Convention.

COMPARATIVE PRESENTATION

SECTION AS ADOPTED:
INCORPORATING CHANGE RECOMMENDED BY COMMITTEE ON STYLE AND DRAFTING

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

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(F)

CAVEAT: The possibility exists under the language adopted in this subsection that the legislature could provide by law that a vacancy in legislative office be filled by an election held among the members of the house in which the vacancy occurred.

1 (D) Vacancy. A vacancy in the legislature shall be filled for the remainder of the term only by election, by the electors of the res-

pective district, as provided by law.

Section 4(D)
November 2, 1973

TO: Members of the Committee on Style and Drafting

FROM: Al Tate, Chairman

SUBJECT: Meeting to be Held November 6

I am calling a meeting of the Committee on Style and Drafting for Tuesday, November 6, after adjournment, in the Treaty Room. The meeting, which I expect will be a short one, is to consider the response of the Committee on Legislative Powers and Functions to our suggested changes of the Legislative Article. Particularly, we shall consider the five changes which we objected to, and possible alternative amendments that would clarify some of the ambiguities we pointed out in cavvats.

Attached are alternative amendment proposals that were drafted in accordance with the cavvats.

Also attached are a comparative presentation of the Judiciary Article as enrolled and with staff changes and a copy of the first enrollment of the Judiciary Article with staff-suggested editing. These will be discussed at a later meeting, and not at the meeting of November 6.

Sincerely yours,

Al Tate, Jr.
Chairman

November 2, 1973

Committee on Style and Drafting

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

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

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

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

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

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

4. In Section 2(a), the committee recommends the addition of the words "will be filed with the governor" so that the section would read:

"(a) Law of Gubernatorial Action. A bill, except a joint resolution, shall become law if the governor signs it or if he fails to sign or veto it within ten days after delivery to him; if the legislature is in session, or within twenty days if the legislature is adjourned."
Staff Styling Suggestions: Comparative Presentation

### PROPOSAL AS ENROLLED

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<tbody>
<tr>
<td>1</td>
<td>Section 1. Composition</td>
</tr>
<tr>
<td>2</td>
<td>Section 1. (A) The executive branch shall consist of the governor, lieutenant governor, secretary of state, treasurer, commissioner of agriculture, commissioner of insurance, superintendent of education, commissioner of elections, and all other executive offices, agencies, and instrumentalities of the state.</td>
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### SUGGESTED CHANGES

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<thead>
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<th></th>
<th></th>
</tr>
</thead>
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<tr>
<td>2</td>
<td>Number of Departments</td>
</tr>
<tr>
<td>3</td>
<td>Section 1. (A) Composition. The executive branch shall consist of the governor, lieutenant governor, secretary of state, treasurer, commissioner of agriculture, commissioner of insurance, superintendent of education, commissioner of elections, and all other executive offices, agencies, and instrumentalities of the state.</td>
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**COMMENT:**

CHANGE IN TITLE ONLY
Section 1. (B)

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

(B) Number of Departments.

Except for the offices of governor and lieutenant governor, all offices, agencies, and other instrumentalities of the executive branch and their functions, powers, duties, and responsibilities shall be allocated according to function within not more than twenty departments.

COMMENT:

(1) Manual, Rule 18—place exceptions first when specific.


(3) Ibid. See also Elements, IV, p. 51: "Respective" may "usually be omitted with advantage."

(4) Webster's, Rule 4.1.2.1—phrase essential to main idea of sentence not set off by commas.

Section 2. Qualifications

Section 2. (A) To be eligible for any statewide elective office a person must have attained the age of twenty-five

Section 2. Statewide Elected Officials;
Qualifications; Dual Officeholding

Section 2. (A) Qualifi-
years by the date of his qualification as a candidate for office, be an elector and be a citizen of the United States and of this state for at least five years immediately preceding the date of his qualification as a candidate. He shall hold no other public office, except by virtue of his office, during his tenure in office.

(B) The attorney general shall be the state's chief legal officer, head the department of justice, and shall have been admitted to the practice of law in this state for at least the five years immediately preceding his election.

(B) Dual Officeholding Prohibited. No statewide elected official shall hold any other public office, except by virtue of his office, during his tenure.
COMMENT:

(1) Webster's, Rule 4.2.1--commas to set off introductory phrase.

(2) Rearrangement of verbal constructions to allow elimination of words later in sentence.


(4) Tense change for clarity; Elements, V, 16--be clear.

(5) Manual, Rules 5, 13 and Elements, II, 13--omit needless words. (One must be a citizen of the United States before he can be a citizen of a state.)

(6) Ibid.

(7) Duties of attorney general omitted here because they are also in Section 8.


(9) Inclusion of additional qualification of attorney general suggested by content and title of paragraph (A).

(10) Manual, Rule 14--develop unrelated ideas in separate paragraphs.


CAVEAT: Arrangement of materials suggested by footnotes 7-11 requires consideration of authors' intent.
SECTION 3. (A) Election; Limitation on Governor. The governor, lieutenant governor, secretary of state, attorney general, commissioner of agriculture, commissioner of elections, commissioner of insurance, superintendent of education and treasurer shall each be elected for a term of four years by the electors of the state, at the time and place of voting for members of the legislature. A person who has served as governor for more than one and one-half terms in two consecutive terms shall not be elected governor for the next succeeding term.

COMMENT:
(2) Elements, II, 16--keep related words together.
(3) Webster's, 4.1.2.1--phrase essential to main idea of sentence not set off by commas.
(B) The term of office of each elected official enumerated in this section shall begin at noon on the second Monday in March next following the election.

COMMENT:

(1) Manual, Rules 5, 13 and Elements, II, 13—omit needless words; substitute a word for a phrase.

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

COMMENT:

(1) Manual, Rule 18—place exception first when specific.
Section 4

Section 4. Compensation

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

COMMENT:

(1) Standardization of language.

Section 5. (A)

Section 5. Powers and Duties of Governor

(A) Executive Authority. The governor shall be the chief executive officer of the state and shall faithfully support the constitution and laws of the state and the United States.

COMMENT:

(1) Manual, Rule 10—short sentences; and Rule 14—unrelated ideas in separate sentences.
(B) Legislative Reports and Recommendations. The governor shall, at the beginning of each regular session of the legislature, and may at other times, make reports and recommendations and give information to the legislature concerning the affairs of state, including its complete financial condition.

COMMENT:

(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.

COMMENT:
(1) Phrase placed at beginning of sentence to improve flow of lines 4-6; Elements, V, 16--be clear.
(2) See Webster's definitions--meanings in this context identical; Manual, Rule 5--use short words.

(3) Use pronoun to avoid repetition.


(5) Ibid.

(6) Manual, Rule 5--substitute word for phrase; avoid repetition.

**SECTION 5. (D)**

17  (D) Operating Budget.
18  The governor shall submit to the 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.

COMMENT:

NO CHANGE

**SECTION 5. (E)**

4  (E) 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.

5  (E) Capital Budget. The governor shall submit to the legislature, at each regular session, a proposed five-year capital outlay program and request implementation of the first year of the program.
COMMENT:
(1) Elements, V, 16--be clear; Webster's, Rule 4.1.1 --commas to set off parenthetical expressions.
(3) Ibid.

Section 5. (F) Pardon, Commutation, Reprieve, and Remission; Board of Pardons. (1) The governor shall have the power to grant reprieves to those convicted of offenses against the state and upon the recommendation of the Board of Pardons may grant commutation of sentence, may pardon those convicted of offenses against the state and may remit fines and forfeitures imposed for such offenses; provided, however, that each first offender who has never previously been convicted of a felony shall be eligible for pardon automatically upon completion of his sentence without the aforementioned recommendation.

(2) The Board of Pardons shall consist of five electors appointed by the governor, subject to confirmation by the Senate. Each member of the board...
(1) Manual, Rules 5, 13 and Elements, II, 13—Substitute a word for a phrase; Manual, Rule 7—"may" is discretionary.

(2) Elements, V, 16—be clear; "those" is a demonstrative pronoun with no antecedent: noun required for clarity.

(3) Webster's, Rule 4.1.1, and Elements, I, 3—commas to set off parenthetic phrases.

(4) Manual, Rules 5, 13 and Elements, II, 13—omit needless words; substitute a word for a phrase.


(7) Elements, II, 15—parallelism.

(8) Manual, Rule 5—substitute a word for a phrase; Rule 10—use short sentences.


(10) Ibid.

(11) Ibid.

(12) Elements, II, 16—keep related words together.


(14) Ibid.

(15) Ibid.
Section 5. (G)

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

COMMENT:

(1) Manual, Rule 6--approved usage.

Section 5. (H)

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

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

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

(2) The governor shall (2) veto line items or use means provided in the bill in order that total appropriations for the year shall not exceed anticipated revenues for that year.
COMMENT:


(2) Manual, Rule 6—approved usage.

(3) Use of "either...or" implies governor must select one method only; Elements, V, 16--be clear.

(4) Webster's, Rule 4.1.2.1--phrase essential to main idea of sentence not set off by commas.

(5) Use of "other" implies line item veto provided in bill; Elements, V, 16--be clear.

(6) Webster's, Rule 4.1.2.1--phrase essential to main idea of sentence not set off by commas.

(7) Substitution of "that" for "the", to avoid repetition and to emphasize time period.

SECTION 5. (H)

1 (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.

SECTION 5. (I)

1 (I) Appointments. (1) The governor shall appoint, subject to confirmation by the Senate, the head of each department in the executive branch whose election or appointment is not provided for by this constitution and the members of each board and commission in the executive branch whose election or appointment is not provided for by this constitution or by law. (2) When the legislature is in session, the governor shall
be in session, the governor shall submit for confirmation by the Senate the names of those appointed within forty-eight hours after the appointment is made. Failure of the Senate to confirm, prior to the end of the session, shall constitute rejection.

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

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

SECTION 5 (I)

COMMENT:


(2) Elements, II, 15—parallelism.


(5) Standardization of language.


(8) Webster's, Rule 4.1.2.1—phrase essential to main idea of sentence not set off by commas.


SECTION 5. (J)

19 (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.

19 (J) Removal Power. The governor may remove from office a person he appoints, except a person appointed for a term fixed by this constitution or by law.

COMMENT:

(1) Title change to reflect subject matter.

(2) Elements, V, 16—be clear—"those" is a demonstrative pronoun with no antecedent: noun required for clarity; Manual, Rule 12—Singularization.

(3) Ibid.


(5) Standardization of language.
SECTION 5. (K)

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

COMMENT:

SECTION 5. (L)

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

COMMENT:
(3) Standardization of language.
Section 6

Section 6. Powers and Duties of the Lieutenant Governor

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

COMMENT:


(2) Manual, Rule 6--avoid hackneyed reference words.


(4) Standardization of language.
Section 7. There shall be a department of state headed by the secretary of state, who shall be the chief election officer of the state. He shall prepare and certify the ballots for all elections and promulgate all election returns; administer the election laws, except those relating to voter registration and custody of voting machines; administer the state corporation and trademark laws; serve as keeper of the Great Seal of the State of Louisiana and attest therewith all official laws, documents, proclamations, and commissions; administer and preserve the official archives of the state; promulgate, publish, and retain the originals of all laws enacted by the legislature; and countersign all commissions and keep an official registry of same. He may administer oaths, and shall have such other powers and perform such other duties as may be authorized by this constitution or provided by statute.
COMMENT:

(1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words; Manual, Rule 11 and Elements, II, 10--active voice; Manual, Rule 8--rewrite "there is."

(2) Manual, Rule 23--capitalize name of government department.


(4) Webster's, Rule 4.4.2--comma for emphasis and to set off exception.


(6) Elements, V, 16--be clear.


(10) Standardization of language.

Section 8

Section 8. Powers and Duties of the Attorney General

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

Section 8. The attorney general shall head the Department of Justice and shall be the state's chief legal officer.
Section 9. Powers and Duties of the Treasurer

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

COMMENT:


(2) Manual, Rule 23—capitalize name of government department.
Section 10. Powers and Duties of the Commissioner of Agriculture

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

Section 10. The commissioner of agriculture shall head the Department of Agriculture and shall exercise all functions of the state relating to the promotion, protection, and advancement of agriculture, except research and educational functions expressly allocated by this constitution or by law to other state agencies. He shall have other powers and perform other duties authorized by this constitution or provided by law.
COMMENT:

(1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words; Manual, Rule 11 and Elements, II, 10--active voice; Manual, Rule 8--rewrite "there is."

(2) Manual, Rule 23--capitalize name of government department.


(5) Standardization of language.

(6) Elements, V, 16--be clear.


(9) Standardization of language.

CAVIAT: footnote (6) suggests deletion of a sentence. Can department exercise functions?

24

Section 11

Section 11. Powers and Duties of the Commissioner of Insurance

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

(1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words; Manual, Rule 11 and Elements, II, 10--active voice; Manual, Rule 8--rewrite "there is."

(2) Manual, Rule 23--capitalize name of government department.

(3) Elements, V, 16--be clear.


(5) Standardization of language.

CAVEAT: footnote (3) suggests deletion of a sentence. Can departments exercise functions?

Section 12

Section 12. Department of Elections and Registration

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

Section 12. Powers and Duties of Commissioner of Elections and Registration

Section 12. The commissioner of elections shall head the Department of Elections and Registration and shall administer the laws relating to custody of voting machines and voter registration. He shall have other powers and perform other duties authorized by this constitution or provided by law.
Section 13. Each statewide elected official, except the governor and lieutenant governor, shall appoint a first assistant, subject to public confirmation by the Senate, and may remove him at his pleasure. The official shall submit such appointment to the Senate in the same manner in which the governor submits appointments, and shall be subject to the same procedures and limitations in connection therewith as are imposed upon the governor.
The first assistant shall possess the same qualifications as those required for election to that office.

COMMENT:

(1) Webster's, Rule 4.1.2.1--phrase essential to main idea of sentence not set off by commas.

(2) Elements, V, 16--be clear.


(4) Ibid.
16 serve the remaining term for 16 shall serve the remainder of
17 which the governor was elected. 17 the term for which the governor
18 was elected.

COMMENT:

(1) Manual, Rule 11--active voice.

(2) Webster's, Rule 4.2.1--comma sets off introductory adverbial clause.

(3) Standardization of language.


(5) Elements, V, 16--be clear.

Section 15

Section 15. Vacancy in Office of Lieutenant Governor

Section 15. Whenever there is a vacancy in the office of the lieutenant governor, the governor shall nominate a lieutenant governor, who shall take office upon confirmation by a majority vote of the elected members of each house of the legislature.

COMMENT:

(1) Manual, Rule 8--rewrite "there is." ; Manual, rule 11--active voice.

(2) Elements, V, 16--be clear.
Section 16. A vacancy in any statewide elective office, other than that of governor or lieutenant governor, shall be filled by the first assistant of such official; however, if the unexpired term remaining is more than one year, the office shall be filled by election held at the next regularly scheduled congressional election or statewide election and the first assistant shall serve only until the person then elected takes office.

COMMENT:

(1) See Webster's definitions—meanings in this context identical; Manual, Rule 5—use short words.

(2) Webster's, Rule 4.1.2.1—phrase essential to main idea of sentence not set off by commas.


(4) Manual, Rule 10—short sentences; Rule 14—unrelated ideas in separate sentences.

(5) Manual, Rule 5—substitute a word for a phrase.


(7) Ibid.
Section 17. Other Vacancies

Section 17. (A) Should no other provision therefor be made by this constitution, by statute, by local government charter, by home rule charter or plan of government, or by ordinance, the governor shall have the power to fill any vacancy occurring in any elective office. If, at the time a vacancy occurs in such office, the unexpired portion of the term of office is more than one year, the vacancy shall be filled at an election, as may be provided by statute. The appointment provided for herein shall be effective only until a successor is duly elected and qualified.

COMMENT:


(2) Standardization of language.

(3) Manual, Rules 5, 13 and Elements, II, 13—substitute a word for a phrase; Manual, Rule 7—"may" is discretionary.
(4) See Webster's definitions—meanings in this context identical; Manual, Rule 5—use short words.

(5) Manual, Rule 5—substitute a word for a phrase.


(7) Manual, Rule 5—substitute a word for a phrase.


(9) Standardization of language.

SECTION 17 (A)

(10) Elements, V, 16—be clear: lines 14 and 15 set conditions for lines 20-22.


(12) Elements, V, 16—be clear; standardization of language.

CAVEAT: Re: footnote (12). Uniformity suggests concluding words of Section 17(A) conform with concluding words of Section 16.

SECTION 17 (B)

28 (B) Nothing in this Section shall be construed as

29 changing the qualifications for

30 the various offices involved,

31 and all appointments must be of

32 persons who otherwise would be

33 eligible to hold offices to

34 which appointed.

[B] Qualifications. Nothing in this Section shall change the qualifications for any office, and every appointee must be otherwise eligible to hold the office to which appointed.
COMMENT:

(1) Manual, Rule 5--substitute word for phrase.
(5) Ibid.

SECTION 18

1 Section 18. Definition of
2 Vacancy
3 Section 18. A vacancy as
4 used in this constitution shall
5 occur in the event of death,
6 resignation, removal by any
7 means, or the failure to take
8 office for any reason.

COMMENT:

(1) Elements, V, 16--be clear.
(2) Elements, II, 15--parallelism.

CAVEAT: footnote (1) requires consideration of author's intent.
Section 19. Declaration of Inability

Section 19. Whenever a statewide elective official transmits to the presiding officer of the Senate and the presiding officer of the House of Representatives a written declaration that he is unable to discharge the powers and duties of the office and until he transmits to them a written declaration to the contrary, the person succeeding to the office in the event of a vacancy shall assume the powers and duties of the office as acting official.

COMMENT:

(1) See Webster's definitions—meanings in this context identical; Manual, Rule 5—use short words.

(2) Elements, II, 15—maintain consistent usage; Elements V, 16—be clear.


(4) Ibid.

(5) Ibid.

(6) Webster's Rule 4.1.1—commas to set off parenthetical expression; Elements, II, 15—parallelism.

(7) Elements, V, 16—be clear.

(8) Manual, Rule 5, substitute word for phrase.
Section 20. Determination of Inability

Section 20. (A) Whenever a majority of the statewide elected officials determine that any other such official is unable to discharge the powers and duties of his office, they shall transmit to the presiding officer of each house of the legislature and to such official, and shall file in the office of the secretary of state, their written declaration that such official is unable to exercise the powers and perform the duties of his office. Therefore, the constitutional successor shall assume the office as acting official unless, within forty-eight hours after such filing in the office of the secretary of state, such official files in said office and transmits to said presiding officers his written counter-

Section 20. (A) Declaration and Counterdeclaration.

(1) When a majority of the statewide elected officials determine that any other such official is unable to discharge his official powers and duties, they shall transmit to the presiding officer of each house and to the official, and shall file in the office of the secretary of state, their written declaration of his inability. Therefore, the constitutional successor shall assume the office as acting official unless, within forty-eight hours after the filing in the office of the secretary of state, the elected official files in that office and transmits to the presiding officers his written counter-
27 declaration that he is able to exercise such powers and perform such duties.  

27 declaration of his ability to exercise the powers and perform the duties of his office.

COMMENT:

(1) See Webster's definitions—meanings identical in this context; Manual, Rule 5—use short words.


(3) Ibid.


(6) Manual, Rule 20 and Webster's, Rule 4.2.1—comma to set off introductory adverbs.

(7) Manual, Rule 6—avoid hackneyed reference words; Elements, V, 16—be clear.


(9) Ibid.


(12) Ibid.

(13) Elements, V, 16—be clear.

Section 20 (B)

4 (B) The legislature shall convene at noon on the third calendar day after the filing of any counter-declaration, which determination by

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

COMMENT:

(2) Manual, Rule 6—avoid hackneyed reference words.
(5) Ibid.
(7) Elements, II, 16—keep related words together.

SECTION 20. (C)
of inability, the constitutional successor shall assume the powers and duties of the office and such resolution shall be transmitted forthwith to the Supreme Court of Louisiana.

COMMENT:

(3) Ibid.

SECTION 20 (D)

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

COMMENT:

(1) Elements, II, 15—parallelism.
(E) A judgment of the supreme court affirming inability may be reconsidered by the court, after due notice and hearing, either upon its own motion or upon the application of such official. Upon proper showing and by majority vote of its elected members, the court may, upon such reconsideration, determine that no inability then exists, whereupon such officer shall immediately resume the powers and duties of his office.

COMMENT:


Section 21. Absences
Section 21. In the event of a temporary absence of the
Section 22. Reorganization of the functions, powers, and duties of all departments, offices, agencies, and other instrumentalities of the executive branch except those functions, powers, duties, and departments allocated by this constitution shall be as provided by statute.

COMMENT:

(1) Webster's, Rule 4.1.1--commas to set off contrasting elements.

(2) Standardization of language.
Section 23.
Appointment of Officials; Merger, Consolidation of Offices and Departments

Section 23. After the first election of state officials following the effective date of this constitution, the legislature may, by a favorable vote of two-thirds of the elected members of each house, provide for appointment, in lieu of election, of the state superintendent of education, the commissioner of insurance, the commissioner of agriculture, or any of them. In such event, the legislature shall prescribe qualifications and method of appointment and by similar vote, may provide that any such office, its department, and functions be merged or consolidated with any other office or department in the executive branch. No action of the legislature pursuant hereto shall reduce the term or compensation of any incumbent elected official.
a vote of two-thirds of the elected members of each house, the legislature may reestablish any of such offices as an elective office and, in such event, shall prescribe qualifications. By consent of two-thirds of the elected members of each house, the legislature may reestablish any such office as elective and, in that event, shall prescribe qualifications.

**SECTION 23**

**COMMENT:**

(1) Elements, V, 16--be clear.

(2) Standardization of language.

(3) Elements, II, 16--keep related words together: do not separate the parts of a verb.


(6) Webster's, Rule 4.1.2.1--phrase essential to main idea of sentence not set off by commas.

(7) Elements, V, 16--be clear.

(8) Standardization of language.


**CAVEAT:** footnotes (1) and (7) require consideration of authors' intent.
**Document VI**

Committee Proposal No. 4: *First Enrollment*

Staff Styling Suggestions: Comparative Presentation

<table>
<thead>
<tr>
<th>Proposal as Enrolled</th>
<th>Suggested Changes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 ARTICLE IV. EXECUTIVE BRANCH</td>
<td>1 ARTICLE IV. EXECUTIVE BRANCH</td>
</tr>
<tr>
<td>2 Section 1. Composition</td>
<td>2 Section 1. Composition;</td>
</tr>
<tr>
<td>3 Section 1. (A) The executive branch shall consist of the</td>
<td>3 Number of Departments;</td>
</tr>
<tr>
<td>4 governor, lieutenant governor,</td>
<td>4 Reorganization</td>
</tr>
<tr>
<td>5 secretary of state, treasurer,</td>
<td>5 Section 1. (A) Composition.</td>
</tr>
<tr>
<td>6 commissioner of agriculture,</td>
<td>6 The executive branch shall consist</td>
</tr>
<tr>
<td>7 commissioner of insurance,</td>
<td>7 of the governor, lieutenant govern-</td>
</tr>
<tr>
<td>8 superintendent of education,</td>
<td>8 nor, secretary of state, attorney</td>
</tr>
<tr>
<td>9 commissioner of elections, and</td>
<td>9 general, treasurer, commissioner</td>
</tr>
<tr>
<td>10 all other executive offices,</td>
<td>10 of agriculture, commissioner of</td>
</tr>
<tr>
<td>11 agencies, and instrumentalities</td>
<td>11 insurance, superintendent of educa-</td>
</tr>
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<td>12 tion, commissioner of elections,</td>
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<td>13 and all other executive offices,</td>
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<td>14 agencies, and instrumentalities</td>
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<td>15</td>
<td>15 of the state.</td>
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**Comment:**

(1) Attorney general included to conform with Sections 2 and 8.
(B) All offices, agencies, and other instrumentalities of the executive branch of state government and their respective functions, powers, duties, and responsibilities, except for the offices of governor and lieutenant governor, shall be allocated, according to function, within not more than twenty departments.

COMMENT:

(1) Manual, Rule 18—place exceptions first when specific.


(3) Ibid. See also Elements, IV, p. 51: "Respective" may "usually be omitted with advantage."

(4) Webster's, Rule 4.1.2.1—phrase essential to main idea of sentence not set off by commas.

Section 22. Reorganization. Reallocation of the functions, powers, and duties of all departments, offices, agencies, and other instrumentalities of the executive branch, except the offices of governor and lieutenant governor, shall be allocated, according to function, within not more than twenty departments.
COMMENT:

(1) Webster's, Rule 4.1.1--commas to set off contrasting elements.

(2) Standardization of language.

Section 2. Statewide Elected Officials; Qualifications; Dual Officeholding

Section 2. Qualifications

Section 2. (A) 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 as a candidate for office, be an elector and be a citizen of the United States and of this state for at least five years immediately preceding the date of his qualification as a candidate for office. He shall hold no other public office, except by virtue of his office, during his tenure in office.

The attorney general also shall have been admitted to the prac-
The attorney general shall be the state's chief legal officer, head the department of justice, and shall have been admitted to the practice of law in this state for at least five years immediately preceding his election.

Dual Officeholding Prohibited. No statewide elected official shall hold any other public office, except by virtue of his office, during his tenure.

COMMENT:

(1) Webster's, Rule 4.2.1--commas to set off introductory phrase.

(2) Rearrangement of verbal constructions to allow elimination of words later in sentence.


(4) Tense change for clarity: Elements, V, 16--be clear.

(6) Duties of attorney general omitted here because they are also in Section 8.


(8) Inclusion of additional qualification of attorney general suggested by content and title of paragraph (A).

(9) Manual, Rule 14--develop unrelated ideas in separate paragraphs.


CAVEAT: As enrolled, the qualifications for statewide elective office include residence in the state for a certain time before the date "of qualification as a candidate". The additional requirement for the attorney general is phrased in terms of being admitted to the practice of law for five years "preceding his election." The amendments as proposed do not change this. The convention may consider that its intention was uniformly to provide that eligibility requirements be met at time of qualification rather than election. (See also CP 3, Legislative Branch, and CP 21, Judicial Branch) If this is the intent, the language referring to the attorney general could be revised to read:
"admitted to the practice of law in the state for at least five years immediately preceding the date of his qualification as a candidate."
intendent of education and treasurer shall each be elected for a term of four years by the electors of the state, at the time and place of voting for members of the legislature. A person who has served as governor for more than one and one-half terms in two consecutive terms shall not be elected governor for the next succeeding term. 

COMMENT:

(1) Manual, Rule 20--and Elements, I, 2--commas in series; offices rearranged to conform with listing order in Section I(A).

(2) Elements, II, 16--keep related words together.

(3) Webster's, 4.1.2.1--phrase essential to main idea of sentence not set off by commas.


Section 3. (B)

(B) The term of office of each elected official enumerated in this section shall begin [186] 

1 (B) Commencement of Term. 
2 The term of office of each 
3 statewide elected official
at noon on the second Monday in March next following the election.

COMMENT:

(1) Manual, Rules 5, 13 and Elements, II, 13—omit needless words; substitute a word for a phrase.

SECTION 3 (C)

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

COMMENT:

(1) Manual, Rule 18—place exception first when specific.

SECTION 4

Section 4. Compensation

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

COMMENT:

(1) Standardization of language.
CAVEAT: As enrolled, Section 4 (dealing with the fixing of compensation) refers to "each elected official" without qualification, and thus could be construed to include additional officials beyond those mentioned in the Executive Article. If the desire is to limit this provision to the officials mentioned in this Article, the section might be amended to refer only to "statewide elected officials", thus:

"Except as otherwise provided by this constitution, the compensation of each statewide elected official shall be fixed by the legislature."

Or it may be preferable to move this Section into another Article.

Section 5. Powers and Duties of Governor

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

COMMENT:
(1) Manual, Rule 10--short sentences; and Rule 14--unrelated ideas in separate sentences.

(2) Elements, II, 15--parallelism.
17 (B) Legislative Reports
18 and Recommendations. The governor shall, at the beginning
19 of each regular session of the legislature, and may at other
20 times, make reports and recommendations and give information
21 to the legislature concerning the affairs of state, including
22 its complete financial condition.

COMMENT:
(2) Elements, II, 16--keep related words together.
ters relating to investigations of the governor's office.

COMMENT:

(1) Phrase placed at beginning of sentence to improve flow of lines 4-6.

(2) See Webster's definitions—meanings in this context identical; Manual, Rule 5—use short words.

(3) Use pronoun to avoid repetition.


(5) Ibid.

(6) Manual, Rule 5—substitute word for phrase; avoid repetition.

17 (D) Operating Budget.

18 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.

COMMENT:

NO CHANGE

[190]
(E) 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.

COMMENT:

(1) Elements, V, 16--be clear; Webster's, Rule 4.1.1--commas to set off parenthetical expressions.


(3) Ibid.
for such offenses; provided, however, that each first offender who has never previously been convicted of a felony shall be eligible for pardon automatically upon completion of his sentence without the aforementioned recommendation.

(2) The Board of Pardons shall consist of five electors appointed by the governor, subject to confirmation by the Senate. Each member of the board shall serve a term concurrent with that of the governor appointing him.

(3) Members of such board shall serve a term concurrent with that of the governor appointing them.
CAVEAT: As enrolled, this paragraph provides that a first offender never previously convicted of a felony shall be "eligible for pardon automatically." As adopted by the committee, the phrase is "eligible automatically for pardon." In either case, a question arises as to whether the pardon itself is automatic, with no action required by the governor or any other person, or whether the eligibility is automatic, with some action required by the governor before the pardon is granted. If the desire is to have the pardon granted automatically with no action by the governor, the language could be amended to provide:

"However, a first offender never previously convicted of a felony shall be pardoned automatically upon completion of his sentence."

Or, to make it quite clear that no recommendation is needed:

"However, a first offender never previously convicted of a felony..."
shall be pardoned automatically upon completion of his sentence, without a recommendation of the Board of Pardons and without action by the governor."

**CAVEAT:** Under this paragraph members of the pardon board are appointed by the governor, subject to "confirmation by the Senate." It is not required that this be public confirmation. The convention floor amended Section 13, dealing with confirmation of first assistants, to require "public confirmation." If the desire is to make all references to confirmation in this Article consistent with Section 13. This section could be amended to make clear that the confirmation must be "public".

It also may be desirable to specify more clearly what public confirmation means. Must all the debate be public, or simply the final vote on the issue? If the former is intended, perhaps it could be made clear by amendment providing:

"subject to public confirmation, after public debate, by the Senate."

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

**COMMENT:**

(1) Elements, V, 16--be clear.
(H) Item Veto. (1) The governor may veto any line item in an appropriation bill. The items vetoed shall be void unless the veto is overridden as prescribed for the passage of any bill over a veto.

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

COMMENT:


(2) Use of "either...or" implies governor must select one method only; Elements, V, 16--be clear.

(3) Webster's, Rule 4.1.2.1--phrase essential to main idea of sentence not set off by commas.

(4) Use of "other" implies line item veto provided in bill; Elements, V, 16--be clear.

(5) Webster's, Rule 4.1.2.1--phrase essential to main idea of sentence not set off by commas.
(6) Substitution of "that" for "the" to avoid repetition and to emphasize time period.

NOTE: Though the general provisions regarding vetoes are in the Legislative Article (See CP 3, Sections 19, 20), Section 5(H) of the Executive Article refers to the line item veto of appropriation bills. It may be desirable to consolidate those provisions in a final reorganization of the new document, and place them all in the same article.

-17-

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

(2) Should the legislature be in session, the governor shall submit for confirmation by the Senate the names of those appointed within forty-eight hours after the appointment is made. Failure of the Senate to

[196]
confirm, prior to the end of the session, shall constitute rejection of the appointment. (3) Should the legislature not be in session, the governor may make interim appointments, which shall expire at the end of the next session of the legislature, unless submitted to and confirmed by the Senate during that session.

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

**COMMENT:**


(2) Elements, II, 15—parallelism.


(5) Standardization of language.


(8) Webster's, Rule 4.1.2.1—phrase essential to main idea of sentence not set off by commas.


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Section 5(I)(1)

CAVEAT: Same problem regarding "public confirmation" as stated in the caveat to Section 5(F) (2).

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Section 5(I)(3)

CAVEAT: Interim appointments expire "at the end of the next session of the legislature..." This seems to include special sessions or emergency sessions as well as regular sessions. Confirmation of appointments normally is not included as part of the call for special or emergency sessions. If the desire is to ensure that the reference is to the next regular session, the subparagraph might be amended to read:

"If the legislature is not in session, the governor may make interim appointments, which shall expire at the end of the next regular session of the legislature, unless submitted to and confirmed by the Senate during that session."

---

Section 5(I)(J)

19 (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.
COMMENT:

(1) Title change to reflect subject matter.

(2) Elements, V, 16—be clear—"those" is a demonstrative pronoun with no antecedent: noun required for clarity; Manual, Rule 12—Singularization.

(3) Ibid.


(5) Standardization of language.

Section 5.(K)

1 (K) Commander-in-Chief.

2 The governor shall be commander-
3 in-chief of the armed forces of
4 the state, except when they are
5 called into service of the fed-
6 eral government. He may call
7 out the armed forces of the
8 state to preserve law and order,
9 to suppress insurrection, to
10 repel invasion, or in other
11 times of emergency.

COMMENT:


Section 5.(L)

15 (L) Other Powers and
16 Duties. The governor shall
17 have such other powers and per-

15 (L) Other Powers and
16 Duties. The governor shall
17 have other powers and perform
Section 6. Powers and Duties of the Lieutenant Governor

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

COMMENT:

(2) Elements, II, 15--parallelism.

(5) Standardization of language.

CAVEAT: As enrolled, Section 6 provides that the lieutenant governor will serve "ex officio as a member of each committee, board, and commission on which the governor serves." This language may create the problem of whether he is a voting member of the boards, commissions and committees on which he serves ex officio. Additional clarity might be achieved by amendment to provide:

"The lieutenant governor shall serve ex officio as a (voting) (non-voting) member of each committee...."
serve as keeper of the Great Seal of the State of Louisiana and attest therewith all official laws, documents, proclamations, and commissions; administer and preserve the official archives of the state; promulgate, publish, and retain the originals of all laws enacted by the legislature; and countersign all commissions and keep an official registry of same. He may administer oaths, and shall have such other powers and perform such other duties as may be authorized by this constitution or provided by statute.

COMMENT:

(1) Manual, Rule 23--capitalize name of government department.

(2) Manual, Rule 11 and Elements, II, 10--active voice.


(4) Webster's, Rule 4.4.2--comma for emphasis and to set off exception.


(6) Elements, V, 16--be clear.
Section 8

Section 8. Powers and Duties of the Attorney General

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

COMMENT:


(2) Manual, Rule 11 and Elements, II, 10--active voice.

(3) Formal usage.

NOTE: The attorney general is mentioned both in the Executive Article (Section 8) and in the Judiciary Article (Sections 26 and 27). The convention may deem it desirable to combine those references and place them all in one article.

-25-
Section 9. Treasurer:

Powers and Duties

Section 9. There shall be a Department of the Treasury. The treasurer shall head the department and shall be responsible for the custody, investment, and disbursement of the public funds of the state, except as otherwise provided by this constitution. He shall report annually to the governor and the legislature at least one month in advance of the regular session on the financial condition of the state, and shall have such other powers and perform such other duties as may be authorized by this constitution or provided by statute.

COMMENT:


(2) Manual, Rule 11 and Elements, II, 10—active voice.

(3) Elements, II, 15—parallelism.


(7) Standardization of language.
Section 10. Powers and Duties of the Commissioner of Agriculture

Section 10. There shall be a Department of Agriculture. The commissioner of agriculture shall head the department and shall exercise all functions of the state relating to the promotion, protection, and advancement of agriculture except research and educational functions expressly allocated by this constitution or by law to other state agencies. He shall have other powers and perform other duties authorized by this constitution or provided by law.

COMMENT:


(2) Manual, Rule 11 and Elements, II, 10—active voice.


CAVEAT: As enrolled, the last sentence refers to the department exercising functions and the commissioner having certain powers. Section 11 (Commissioner of Insurance) repeats that phraseology. This is inconsistent with the statement of powers of the other statewide elected officials (Sections 6-9 and Section 12). Also, some might question whether a "department" can exercise functions, reasoning powers and functions usually are vested in officials and performed by employees of the department.

In view of this, Section 10 has been changed to make it clear that it is the commissioner, (who is head of the department as stated in the beginning of the section) who exercises functions.

-27-

SECTION 10

Caveat: As enrolled, the last sentence refers to the department exercising functions and the commissioner having certain powers. Section 11 (Commissioner of Insurance) repeats that phraseology. This is inconsistent with the statement of powers of the other statewide elected officials (Sections 6-9 and Section 12). Also, some might question whether a "department" can exercise functions, reasoning powers and functions usually are vested in officials and performed by employees of the department.

In view of this, Section 10 has been changed to make it clear that it is the commissioner, (who is head of the department as stated in the beginning of the section) who exercises functions.

-28-

SECTION 11

1 Section 11. Powers and
2 Duties of the Commissioner of Insurance
3 Section 11. There shall be
4 a department of insurance headed
5 by the commissioner of insurance.
6 The department shall exercise
7 such functions and the commis-
8 sioner of insurance shall
9 have such powers and perform

[206]
Section 12. Department of Elections and Registration

Section 12. There shall be a department of elections and registration headed by the state commissioner of elections who shall administer the laws relative to custody of voting machines and voter registration. The commissioner shall head the department and shall administer the laws relating to custody of voting machines and voter registration. He shall have other powers and perform other duties authorized by this constitution or provided by law.

COMMENT:

(1) Manual, Rule 23--capitalize name of government department.

(2) Manual, Rule 11 and Elements, II, 10--active voice.

(3) Elements, V, 16--be clear.


(5) Standardization of language.

CAVEAT: Same problem regarding a department exercising functions as mentioned in the caveat to Section 10.

Section 12. Commissioner of Elections; Powers and Duties

Section 12. There shall be a Department of Elections and Registration. The commissioner of elections shall head the department and shall administer the laws relating to custody of voting machines and voter registration. He shall have other powers and perform other duties authorized by this constitution.
powers and perform such duties as may be authorized by this constitution or provided by statute.

COMMENT:
(1) Manual, Rule 23--capitalize name of government department.
(2) Manual, Rule 11 and Elements, II, 10--active voice.
(3) Standardization of language.
(4) Manual, Rule 5--substitute a word for a phrase.
(5) Standardization of language.
(7) Standardization of language.

Section 13

Section 13. First Assistants
Section 13. Each statewide elected official, except the governor and lieutenant governor, shall appoint a first assistant, subject to public confirmation by the Senate, and may remove him at his pleasure. The official shall submit such appointment to the Senate in the same manner in which the governor submits appointment or provided by law.

Section 13. First Assistants; Appointment
Section 13. Each statewide elected official, except the governor and lieutenant governor, shall appoint a first assistant, subject to public confirmation by the Senate, and may remove him at his pleasure. The official shall submit the appointment to the Senate in the same manner and subject to the pro-
appointments, and shall be subject to the same procedures and limitations in connection therewith as are imposed upon the governor. The first assistant shall possess the same qualifications as those required for election to that office.

COMMENT:

(1) Webster's, Rule 4.1.2.1--phrase essential to main idea of sentence not set off by commas.

(2) Elements, V, 16--be clear.


(4) Ibid.

CAVEAT: (See caveat to Section 5(F)(2)). As enrolled, the section requires "public confirmation by the Senate." If it is desirable to clarify whether this means public debate as well as public vote, the section might be amended to read:

"subject to public confirmation, after public debate, by the Senate."

---

Section 14

Section 14. Vacancy in Office of Governor

Section 14. The order of succession in the office of governor in the event of vacancy shall be (1) the elected lieu-
Section 15. Vacancy in Office of Lieutenant Governor

Whenever there is a vacancy in the office of the lieutenant governor, the governor shall nominate a lieutenant governor, who shall take

COMMENT:

(1) Manual, Rule 11--active voice.
(2) Webster's, Rule 4.2.1--comma sets off introductory adverbial clause.
(3) Standardization of language.
(5) Elements, V, 16--be clear.
office upon confirmation by a majority vote of the elected members of each house of the legislature.

COMMENT:

(1) Manual, Rule 8--rewrite "there is." ; Manual, rule 11--active voice.

(2) Elements, V, 16--be clear.

Section 16.

A vacancy in any statewide elective office, other than that of governor or lieutenant governor, shall be filled by the first assistant of such official; however, if the unexpired term remaining is more than one year, the office shall be filled by election held at the next regularly scheduled congressional election or statewide election, and the first assistant shall serve only until the person then elected takes office.
COMMENT:

(1) See Webster's definitions—meanings in this context identical; Manual, Rule 5—use short words.

(2) Webster's, Rule 4.1.2.1—phrase essential to main idea of sentence not set off by commas.


(4) Manual, Rule 10—short sentences; Rule 14—unrelated ideas in separate sentences.

(5) Manual, Rule 5—substitute a word for a phrase.


(7) Ibid.

---

Section 17. (A) Gubernatorial Appointment; Election; Qualifications

Section 17. Other Vacancies

Section 17. (A) Should no other provision therefor be made by this constitution, by statute, by local government charter, by home rule charter or plan of government, or by ordinance, the governor shall have the power to fill any vacancy occurring in any elective office. If, at the time a vacancy occurs in such office, the unexpired portion of the term of office is more than one year, the vacancy shall be filled at [212]
an election, as may be provided by statute. The appointment provided for herein shall be effective only until a successor is duly elected and qualified.

one year, the vacancy shall be filled at an election, as provided by law, and the appointment shall be effective only until a successor takes office.

COMMENT:


(2) Manual, Rules 5, 13 and Elements, II, 13—substitute a word for a phrase; Manual, Rule 7—"may" is discretionary.

(3) See Webster's definitions—meanings in this context identical; Manual, Rule 5—use short words.

(4) Manual, Rule 5—substitute a word for a phrase.


(6) Manual, Rule 5—substitute a word for a phrase.


(8) Standardization of language.

(9) Elements, V, 16—be clear; lines 14 and 15 set conditions for lines 20-22.


(11) Elements, V, 16—be clear; standardization of language.
Section 17. (B)

(B) Qualifications. Nothing in this Section shall change the qualifications for any office, and every appointee must be otherwise eligible to hold the office to which appointed.

Comment:

(1) Manual, Rule 5--substitute word for phrase.


(5) Ibid.


Section 18. Definition of Vacancy

Section 18. A vacancy as used in this constitution shall occur in the event of death, resignation, removal by any means, or the failure to take office for any reason.
COMMENT:

(1) Elements, II, 15--parallelism.

CAVEAT: As enrolled, this section defines vacancy "as used in this constitution" and thus seemingly makes that definition applicable throughout the document. It appears that the term as thus defined would have that same meaning in other articles of the constitution. This may create some technical inconsistency with respect to Article III, Section 4(B) which provides that if a legislator fails to move into his new district upon reapportionment his seat becomes vacant. For clarity, it may be desirable to amend this section to read:

"A vacancy, as used in this Article, shall occur in the event...."

-38-

Section 19. Declaration of Inability

Section 19. Whenever a statewide elective official transmits to the presiding officer of the Senate and the presiding officer of the House of Representatives a written declaration that he is unable to discharge the powers and duties of the office and until he transmits to them a written declaration to the contrary, the person succeeding to the office in the event of a vacancy shall assume the powers and duties of the office as acting official.

Section 19. Declaration of Inability by Statewide Elected Official

Section 19. When a statewide elected official transmits to the presiding officers of the Senate and House of Representatives a written declaration of his inability to discharge the powers and duties of the office, and until he transmits to them a written declaration to the contrary, the person who would succeed to the office when a vacancy occurs shall assume the powers and duties of the office as acting official.
COMMENT:

(1) See Webster's definitions--meanings in this context identical; Manual, Rule 5--use short words.

(2) Elements, II, 15--maintain consistent usage; Elements V, 16--be clear.


(4) Ibid.

(5) Webster's Rule 4.1.1--commas to set off parenthetical expression; Elements, II, 15--parallelism.

(6) Elements, V, 16--be clear.

(7) Manual, Rule 5, substitute word for phrase.


---

Section 20. Determination of Inability

Section 20. (A) Whenever a majority of the statewide elected officials determine that any other such official is unable to discharge the powers and duties of his office, they shall transmit to the presiding officer of each house of the legislature and to such official, and shall file in the office of the secretary of state, their written declaration that such official is unable to discharge the powers and duties of the office as set forth in subsection (1) above.

(1) When a majority of the statewide elected officials determine that any other such official is unable to discharge the powers and duties of the office, they shall transmit a written declaration to this effect to the presiding officer of each house and to the official, and shall file a
15 official is unable to exercise
16 the powers and perform the
17 duties of his office. There-
18 after the constitutional suc-
19 cessor shall assume the office
20 as acting official unless,
21 within forty-eight hours after
22 such filing in the office of
23 the secretary of state, such
24 official files in said office
25 and transmits to said presiding
26 officers his written counter-
27 declaration that he is able to
28 exercise such powers and perform
29 such duties.

15 copy of the declaration in the
16 office of the secretary of state.
17 Thereafter, the constitutional
18 successor shall assume the
19 office as acting official unless,
20 within forty-eight hours after
21 the declaration is filed in the
22 office of the secretary of state,
23 the elected official files in
24 that office and transmits to
25 the presiding officer of each
26 house his written counter-
27 declaration of his ability to
28 exercise the powers and perform
29 the duties of his office.
The legislature shall convene at noon on the third calendar day after the filing of any counter-declaration, which may be filed by such official at any time. Should two-thirds of the elected members of each house of the legislature fail to adopt a resolution within seventy-two hours declaring that probable justification for the determination that inability exists, such officer shall continue or resume in office.

Determination by the Legislature. The legislature shall convene at noon on the third calendar day after the filing of any counter-declaration, which may be filed by the official at any time. If two-thirds of the elected members of each house fail to adopt a resolution within seventy-two hours declaring probable justification for the determination that inability exists, the officer shall continue in or resume office.
COMMENT:


(2) Manual, Rule 6--avoid hackneyed reference words.


(5) Ibid.


(7) Elements, II, 16--keep related words together.

-42-

Section 20. (c)

(C) Should two-thirds of
the elected members of each
house so adopt a resolution de-
claring that probable justifica-
tion exists for the declaration
of inability, the constitutional
successor shall assume the powers
and duties of the office and
such resolution shall be trans-
mitted forthwith to the Supreme
Court of Louisiana.

COMMENT:


-43-
(D) By preference and priority over all other matters, the supreme court shall determine the issue of inability after due notice and hearing, by a majority vote of members elected to said court, under such rules as it may adopt.

COMMENT:

(1) Elements, II, 15—parallelism.

(E) A judgment of the supreme court affirming inability may be reconsidered by the court, after due notice and hearing, either upon its own motion or upon the application of such official. Upon proper showing and by majority vote of its elected members, the court may, upon such reconsideration,
determine that no inability then (2) the court may determine that no
exists, whereupon such officer 15 inability then exists, where-
shall immediately resume the 16 upon the officer shall imme-
powers and duties of his office. diately resume the powers and 18 duties of his office.

COMMENT:


Section 21

Section 21. Absences

Section 21. In the event

Section 21. When the governor is temporarily absent (1)

Section 21. Temporary Absences
governor from the state, the
lieutenant governor shall act
as governor. In the event of a
temporary absence of a state-
wide elected official from the
state, the appointed first assis-
tant shall act in his absence.

COMMENT:


(2) Ibid.; Elements II, 15--parallelism.
Section 23. Appointment of Officials; Merger, Consolidation of Offices and Departments

Section 23. After the first election of state officials following adoption of this constitution, the legislature may, by a favorable vote of two-thirds of the elected members of each house, provide for appointment, in lieu of election, of the state superintendent of education, the commissioner of insurance, the commissioner of agriculture, the state commissioner of elections, or any of them. In such event the legislature shall prescribe qualifications and method of appointment and by similar vote, may provide that any such offices, their departments and functions be merged or consolidated with any other office or department in the executive branch. No action of the legislature, pursuant hereto, shall reduce the term or compensation of any elected official. By

Section 22. Appointment of Officials; Merger, Consolidation of Offices and Departments

Section 22. After the first election of state officials following the effective date of this constitution, the legislature, by consent of two-thirds of the elected members of each house, may provide for appointment, in lieu of election, of the commissioner of agriculture, the commissioner of insurance, the superintendent of education, the commissioner of elections, or any of them. In that event, the legislature shall prescribe qualifications and method of appointment and by similar vote, may provide for the merger or consolidation of any such office, its department, and functions with any other office or department in the executive branch. No action of the legislature pursuant hereto shall reduce the term or compensation of any incumbent elected
a vote of two-thirds of the elected members of each house, the legislature may reestablish any of such offices as an elective office and, in such event, shall prescribe qualifications.

30 official. By consent of two-thirds of the elected members of each house, the legislature may reestablish any such office as elective and, in that event, shall prescribe qualifications.

**COMMENT:**

(1) Elements, V, 16—be clear.

(2) Standardization of language.

(3) Elements, II, 16—keep related words together: do not separate the parts of a verb.

(4) Elements, II, 15—parallelism.


(7) Webster's Rule 4.1.2.1—phrase essential to main idea of sentence not set off by commas.

(8) Elements, V, 16—be clear.

(9) Standardization of language.


CAVEAT: As enrolled, the provisions allowing converting elected offices to appointed ones provide for the change to be made after the first election of state officials "following adoption of this constitution." As amended by the committee, the reference is changed to refer to the election "following the effective date of this constitution." The change is consistent with the terminology used in other articles. No change in the practical effect of the provision is foreseen.

1/8/74

COMMITTEE PROPOSAL NO. 4: FIRST ENROLLMENT

EXECUTIVE DEPARTMENT

Styling Suggestions from Committee on Style and Drafting:

Comparative Presentation

<table>
<thead>
<tr>
<th>SECTIONS ADOPTED BY CONVENTION</th>
<th>CHANGES RECOMMENDED BY COMMITTEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 ARTICLE IV. EXECUTIVE BRANCH</td>
<td>1 ARTICLE IV. EXECUTIVE BRANCH</td>
</tr>
<tr>
<td>2 Section 1. Composition</td>
<td>2 Section 1. Composition;</td>
</tr>
<tr>
<td>3 Section 1. (A) The executive branch shall consist of the</td>
<td>3 Number of Departments;</td>
</tr>
<tr>
<td>4 governor, lieutenant governor,</td>
<td>4 Reorganization</td>
</tr>
<tr>
<td>5 secretary of state, treasurer,</td>
<td>5 Section 1. (A) Composition.</td>
</tr>
<tr>
<td>6 commissioner of agriculture,</td>
<td>6 The executive branch shall consist</td>
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<td>7 of the governor, lieutenant gover-</td>
</tr>
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<td>8 nor, secretary of state, treasur-</td>
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<td>9 er, commissioner of agriculture,</td>
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<td>15 state.</td>
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[224]
(B) All offices, agencies, and other instrumentalities of the executive branch of state government and their respective functions, powers, duties, and responsibilities, except for the offices of governor and lieutenant governor, shall be allocated, according to function, within not more than twenty departments.

COMMENT:

(1) Manual, Rule 18--place exceptions first when specific.


(3) Ibid. See also Elements, IV, p. 51: "Respective" may "usually be omitted with advantage."

(4) Webster's, Rule 4.1.2.1--phrase essential to main idea of sentence not set off by commas.
instrumentalities of the executive branch except those functions, powers, duties, and departments allocated by this constitution shall be as provided by statute. 

COMMENT:

(1) Webster’s, Rule 4.1.1--commas to set off contrasting elements.
(2) Elements, V, 16--be clear
(3) Standardization of language.
during his tenure in office.

(B) The attorney general shall be the state's chief legal officer, head the department of justice, and shall have been admitted to the practice of law in this state for at least the five years immediately preceding his election.

COMMENT:

(1) Webster's, Rule 4.2.1--commas to set off introductory phrase.

(2) Rearrangement of construction to allow elimination of words later in sentence.


(4) Tense change for clarity; Elements, V, 16--be clear.

Section 2.

(6) Duties of attorney general omitted here because they are also in Section 8.


(8) Inclusion of additional qualification of attorney general suggested by content and title of paragraph (A).

(9) Section 2, (A) and (B) consolidated into one paragraph.

---

Section 3 (A) becomes Section 3. (A) + (B)

5 Section 3. Elections and Terms

6 Section 3. (A) The governor, lieutenant governor, secretary of state, attorney general, commissioner of agriculture, commissioner of elections, commissioner of insurance, superintendent of education and treasurer shall each be elected for a term of four years by the electors of the state, at the time and place of voting for members of the legislature. A person who has served as governor for more than one and one-half terms in two consecutive terms shall not be elected governor for more than one term.

6 Section 3. (A) Election. The governor, lieutenant governor, secretary of state, attorney general, treasurer, commissioner of agriculture, commissioner of insurance, superintendent of education, and commissioner of elections each shall be elected for a term of four years by the electors of the state at the time and place of voting for members of the legislature. The term of each official shall begin at noon on the second Monday in March next following the election.

(B) Limitation on Governor. A person who has served as...
error for the next succeeding term.

governor for more than one and one-half terms in two consecutive terms shall not be elected
governor for the succeeding term.

COMMENT:

(1) Manual, Rule 20—and Elements, I, 2—commas in series; offices rearranged to conform with listing order in Section I(A).

(2) Elements, II, 16—keep related words together.

(3) Webster’s, 4.1.2.1—phrase essential to main idea of sentence not set off by commas.

(4) Section 3(B) merged into Section 3(A).


---

SECTION 3 (B)

deleted here —
(See previous page)

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

Section 3 (B) merged into Section 3(A)
**Section 3.** (C)

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

**COMMENT:**

(1) Manual, Rule 18—place exception first when specific.

---

**Section 4**

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

**COMMENT:**

(1) Standardization of language.

(2) Elements V, 16 -- be clear.

---

**Section 5.** (A)

1. Section 5. Governor;
2. Powers and Duties
3. Section 5. (A) Executive Authority. The governor shall
4. be the chief executive officer
5. be the chief executive officer
6 of the state and shall faithfully support the constitution and laws of the state and the United States.

COMMENT:
(1) Manual, Rule 10—short sentences; and Rule 14—unrelated ideas in separate sentences.
(2) Elements, II, 15—parallelism.

SECTION 5. (B)

17 (B) Legislative Reports and Recommendations. The governor shall, at the beginning of each regular session of the legislature, and may at other times, make reports and recommendations and give information to the legislature concerning the affairs of state, including its complete financial condition.

COMMENT:
(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.

COMMENT:

(1) Phrase placed at beginning of sentence to improve flow of lines 4-6.
(2) See Webster's definitions--meanings in this context identical; Manual, Rule 5--use short words.
(3) Use pronoun to avoid repetition.
(5) Ibid.
(6) Manual, Rule 5--substitute word for phrase; avoid repetition.

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

COMMENT:

NO CHANGE

SECTION 5. (E)

(E) 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.

COMMENT:

(1) Elements, V, 16--be clear; Webster's, Rule 4.1.1 --commas to set off parenthetical expressions.


(3) Ibid.

SECTION 5. (F)

(F) Pardon, Commutation, Reprieve, and Remission; Board of Pardons. (1) The governor may grant reprieves to persons convicted of offenses against
offenses against the state and
upon the recommendation of the
Board of Pardons may grant com-
mutation of sentence, may par-
don those convicted of offenses
against the state and may remit
fines and forfeitures imposed
for such offenses; provided,
however, that each first offen-
der who has never previously
been convicted of a felony shall
be eligible for pardon automat-
ically upon completion of his
sentence without the aforemen-
tioned recommendation.
(2) The Board of Pardons
shall consist of five electors
appointed by the governor, sub-
ject to confirmation by the
Senate. Members of such board
shall serve a term concurrent
with that of the governor ap-
pointing them.

COMMENT:

(1) Manual, Rules 5, 13 and Elements, II, 13--
Substitute a word for a phrase; Manual, Rule 7--
"may" is discretionary.

(2) Elements, V, 16--be clear; "those" is a
demonstrative pronoun with no antecedent: noun
required for clarity.
(3) Webster's, Rule 4.1.1, and Elements, I, 3—commas to set off parenthetic phrases.

(4) Manual, Rules 5, 13 and Elements, II, 13—omit needless words; substitute a word for a phrase.


(7) Elements, II, 15—parallelism.

(8) Manual, Rule 5—substitute a word for a phrase; Rule 10—use short sentences.


(10) Ibid.

(11) Ibid.


(14) Ibid.

(15) Ibid.

Section 5.6

1 (G) Receipt of Bills from
2 the Legislature. The date and
3 hour when a bill passed by the
4 legislature is delivered to the
5 governor shall be endorsed
6 thereon.

1 G) Receipt of Bills from
2 the Legislature. The date and
3 hour when a bill finally passed
4 by the legislature is delivered
5 to the governor shall be endorsed
6 thereon.

(1) Elements V, 16 -- be clear.
Section 5. (H)

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

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

COMMENT:

(1) Elements, V, 16--be clear.


(3) Use of "either.. or" implies governor must select one method only; Elements, V, 16--be clear.

(4) Webster's, Rule 4.1.2.1--phrase essential to main idea of sentence not set off by commas.

(5) Use of "other" implies line item veto provided in bill; Elements, V, 16--be clear.

(6) Webster's, Rule 4.1.2.1--phrase essential to main idea of sentence not set off by commas.

(7) Substitution of "that" for "the" to avoid repetition and to emphasize time period.
(I) Appointments. (1) The governor shall appoint, subject to confirmation by the Senate, the heads of all departments in the executive branch whose election or appointment is not provided for by this constitution and all members of boards and commissions in the executive branch whose election or appointment is not otherwise provided for by this constitution or by statute.

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

(3) If the legislature is not in session, the governor may make interim appointments, which shall expire at the end of the next session of the legislature, unless submitted to and confirmed by the Senate during that session.
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 legis-

(2) Elements, II, 15--parallelism.
(5) Standardization of language.
SECTION 5. (J)

19  (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.

19  (J) Removal Power. The governor may remove from office a person he appoints, except a person appointed for a term fixed by this constitution or by law.

COMMENT:

(1) Title change to reflect subject matter.

(2) Elements, V, 16--be clear--"those" is a demonstrative pronoun with no antecedent: noun required for clarity; Manual, Rule 12--Singularization.

(3) Ibid.


(5) Standardization of language.

SECTION 5. (K)

1  (K) Commander-in-Chief.

2  The governor shall be commander-in-chief of the armed forces of the state, except when they are called into service of the federal government. He may call out the armed forces of the state to preserve law and order, to suppress insurrection, to

1  (K) Commander-in-Chief.

2  The governor shall be commander-in-chief of the armed forces of the state, except when they are called into service of the federal government. He may call out these forces to preserve law and order, to suppress insurrection, to repel invasion,
repel invasion, or in other
times of emergency.

COMMENT:

(1) Manual, Rules 5, 13 and Elements, II, 13—
substitute a word for a phrase.

Section 5 (L)

(L) Other Powers and
Duties. The governor shall
have such other powers and per-
form such other duties as may
be authorized by this constitu-
tion or provided by statute.

COMMENT:

(3) Standardization of language.

Section 6

Section 6. Powers and
Duties of the Lieuten-
ant Governor

Section 6. The lieutenant
governor shall serve ex officio as a
member of each committee, board, and
commission on which the governor
serves, exercise

powers delegated to him by the gov-
the powers delegated to him by the governor, and have such other powers and perform such other duties in the executive branch as may be authorized by this constitution or provided by statute.

COMMENT:
(2) Elements, II, 15—parallelism.
(5) Standardization of language.

Section 7

Section 7. Secretary of State; Powers and Duties

Section 7. There shall be a Department of State. The secretary of state shall head the department and shall be the chief election officer of the state. He shall prepare and certify the ballots for all elections, promulgate all election returns, and administer the election laws except for...
those relating to voter registration and custody of voting machines; administer the state corporation and trademark laws; serve as keeper of the Great Seal of the State of Louisiana and attest therewith all official laws, documents, proclamations, and commissions; administer and preserve the official archives of the state; promulgate, publish, and retain the originals of all laws enacted by the legislature; and counter-sign all commissions and keep an official registry of same.

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

COMMENT:

(1) Manual, Rule 23--capitalize name of government department.

(2) Manual, Rule 11 and Elements, II, 10--active voice.

(4) Webster's, Rule 4.4.2--comma for emphasis and to set off exception.


(7) Elements, V, 16--be clear.


(11) Standardization of language.

<table>
<thead>
<tr>
<th>Section 8</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Section 8. Powers and Duties of the Attorney General</td>
</tr>
<tr>
<td>2 Section 8. There shall be a department of justice headed by the attorney general who shall be the state's chief legal officer.</td>
</tr>
</tbody>
</table>

COMMENT:

(1) Manual, Rule 23--capitalize name of government department.

(2) Manual, Rule 11 and Elements, II, 10--active voice.

(3) Formal usage.
Section 9. Powers and Duties of the Treasurer

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

COMMENT:

(1) Manual, Rule 23--capitalize name of government department.

(2) Manual, Rule 11 and Elements, II, 10--active voice.

(3) Elements, II, 15--parallelism.


(7) Standardization of language.
Section 10. Commissioner of Agriculture; Powers and Duties

Section 10. There shall be a Department of Agriculture. The commissioner of agriculture shall head the department and shall exercise all functions of the state relating to the promotion, protection, and advancement of agriculture except such research and educational functions expressly allocated by this constitution or by law to other state agencies. The department shall exercise such functions and the commissioner shall have such other powers and perform such other duties as may be authorized by this constitution or provided by statute.

COMMENT:

(1) Manual, Rule 23--capitalize name of government department.

(2) Manual, Rule 11 and Elements, II, 10--active voice.


(5) Standardization of language.

(6) *Elements, V, 16*--be clear.


(9) Standardization of language.

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**Section 11**

1. Section 11. Powers and Duties of the Commissioner of Insurance

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

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**COMMENT:**

(1) *Manual, Rule 23*--capitalize name of government department.

(2) *Manual, Rule 6*--avoid hackneyed reference words.

(3) Standardization of language.
Section 12. There shall be a Department of Elections and Registration headed by the state commissioner of elections who shall administer the laws relative to custody of voting machines and voter registration. The commissioner shall have other powers and perform other duties authorized by this constitution or provided by law.
Section 13. First Assistants

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

COMMENT:

(1) Webster’s, Rule 4.1.2.1--phrase essential to main idea of sentence not set off by commas.

(2) Elements, V, 16--be clear.


(4) Ibid.
Section 14. Vacancy in Office of Governor

Section 14. The order of succession in the office of governor in the event of vacancy shall be (1) the elected lieutenant governor, (2) the elected secretary of state, (3) the elected attorney general, (4) the elected treasurer, (5) the presiding officer of the Senate, (6) the presiding officer of the House of Representatives, and then as may be provided by statute. Successors shall serve the remaining term for which the governor was elected.

COMMENT:

(1) Manual, Rule 11--active voice.

(2) Webster's, Rule 4.2.1--comma sets off introductory adverbial clause.

(3) Standardization of language.


(5) Elements, V, 16--be clear.
Section 15

Section 15. Vacancy in Office of Lieutenant Governor

Section 15. Whenever there is a vacancy in the office of the lieutenant governor, the governor shall nominate a lieutenant governor, who shall take office upon confirmation by a majority vote of the elected members of each house of the legislature.

COMMENT:

(1) Manual, Rule 8—rewrite "there is." ; Manual, rule 11—active voice.

(2) Elements, V, 16—be clear.

Section 16.

Section 16. Vacancies in Other Statewide Elective Offices

Section 16. A vacancy in any statewide elective office, other than that of governor or lieutenant governor, shall be

[250]
8 filled by the first assistant of such official; however, if the unexpired term remaining is more than one year, the office shall be filled by election held at the next regularly scheduled congressional election or statewide election, and the first assistant shall serve only until the person then elected takes office.

COMMENT:

(1) See Webster's definitions--meanings in this context identical; Manual, Rule 5--use short words.

(2) Webster's, Rule 4.1.2.1--phrase essential to main idea of sentence not set off by commas.


(4) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.

(5) Manual, Rule 5--substitute a word for a phrase.


(7) Ibid.

Section 17. (A)
made by this constitution, by statute, by local government charter, by home rule charter or plan of government, or by ordinance, the governor shall have the power to fill any vacancy occurring in any elective office. If, at the time a vacancy occurs in such office, the unexpired portion of the term of office is more than one year, the vacancy shall be filled at an election, as may be provided by statute. The appointment provided for herein shall be effective only until a successor is duly elected and qualified.

5 If no other provision therefor is made by this constitution, 6 is made by this constitution, 7 by statute, by local government charter, by home rule charter or plan of government, or by ordinance, the governor may fill a vacancy occurring in any elective office. When a vacancy occurs in the office and the unexpired portion of the term exceeds one year, the vacancy shall be filled at an election, as provided by law, and the appointment shall be effective only until a successor takes office.

COMMENT:


(2) Manual, Rules 5, 13 and Elements, II, 13—substitute a word for a phrase; Manual, Rule 7—"may" is discretionary.

(3) See Webster's definitions—meanings in this context identical; Manual, Rule 5—use short words.

(4) Manual, Rule 5—substitute a word for a phrase.


(6) Manual, Rule 5—substitute a word for a phrase.


(8) Standardization of language.

(9) Elements, V, 16—be clear; lines 14 and 15 set conditions for lines 20–22.
Section 17 (A)


(11) Elements, V, 16—be clear; standardization of language.

Section 17 (B)

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

(B) Qualifications. Nothing in this Section shall change the qualifications for any office, and every appointee must be otherwise eligible to hold the office to which appointed.

COMMENT:

(1) Manual, Rule 5—substitute word for phrase.


(5) Ibid.

Section 18. Definition of Vacancy

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

COMMENT:

(1) Elements, V, 16—be clear.
(2) Elements, II, 15—parallelism.
person succeeding to the office succeeding to the office
in the event of a vacancy shall in the event of a vacancy shall
assume the powers and duties of assume the powers and duties of
the office as acting official.

COMMENT:
(1) See Webster's definitions—meanings in this context identical; Manual, Rule 5—use short words.

(2) Elements, II, 15—maintain consistent usage; Elements V, 16—be clear.


(4) Ibid.

(5) Webster's Rule 4.1.1—commas to set off parenthetical expression; Elements, II, 15—parallelism.

(6) Elements, V, 16—be clear.

(7) Manual, Rule 5, substitute word for phrase.


Section 20. Determination
of Inability

Section 20. Determination
of Inability of Statewide
Elected Official

(A) Whenever a majority of the statewide elected officials determine that any other such official is unable to discharge the powers and duties of his office, they shall transmit to the presiding officer of each house of the leg-
islature and to such official, and shall file in the office of the secretary of state, their written declaration that such official is unable to exercise the powers and perform the duties of his office. Thereafter, the constitutional successor shall assume the office as acting official unless, within forty-eight hours after such filing in the office of the secretary of state, such official files in said office and transmits to said presiding officers his written counter-declaration that he is able to exercise such powers and perform such duties.

COMMENT:

(1) See Webster's definitions—meanings identical in this context; Manual, Rule 5—use short words.

(2) Elements, II, 16—keep related words together.


(6) Manual, Rule 20 and Webster's Rule 4.2.1--comma to set off introductory adverbs.

(7) Manual, Rule 6--avoid hackneyed reference words; Elements, V, 16--be clear.


(9) Ibid.

(10) Elements, V, 16--be clear.


(13) Ibid.

(14) Elements, V, 16--be clear.

-39-

SECTION 20 (B)

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

(B) Determination by the Legislature. The legislature shall convene at noon on the third calendar day after the filing of any counter-declaration, which may be filed by the official at any time. Should two-thirds of the elected members of each house fail to adopt a resolution within seventy-two hours declaring probable justification for the determination that inability exists, the official shall continue in or resume office.
(C) Should two-thirds of the elected members of each house so adopt a resolution declaring that probable justification exists for the declaration of inability, the constitutional successor shall assume the powers and duties of the office and such resolution shall be transmitted forthwith to the Supreme Court of Louisiana.

COMMENT:


(2) Manual, Rule 6—avoid hackneyed reference words.


(4) Ibid.


(6) Standardization of language.

(7) Elements, II, 16—keep related words together.

SECTION 20 (C)

(C) Assumption of Office by Constitutional Successor.

(1) If two-thirds of the elected members of each house adopt a resolution declaring that probable justification exists for the declaration of inability, the constitutional successor shall assume the powers and duties of the office and a copy of the resolution shall be transmitted forthwith to the supreme court.

(2) (4)
(D) By preference and priority over all other matters, the supreme court shall determine the issue of inability after due notice and hearing, by a majority vote of members elected to said court, under such rules as it may adopt.

COMMENT:

(1) Elements, II, 15--parallelism.

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

COMMENT:

(4) Standardization of language.

Section 21

Section 21. Absences

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

COMMENT:

(2) Ibid.; Elements II, 15—parallelism.
Section 22. Appointment of Officials; Merger, Consolidation of Offices and Departments

After the first election of state officials following adoption of this constitution, the legislature may, by a favorable vote of two-thirds of the elected members of each house, provide, by law enacted by two-thirds of the elected members of each house, for appointment, in lieu of election, of the state superintendent of education, the commissioner of agriculture, the commissioner of insurance, the state commissioner of elections, or any of them. In such event, the legislature shall prescribe qualifications and method of appointment and by similar vote, may provide that any such office, or any part of it, be merged with any other office or function. In such event, the legislature shall prescribe qualifications and method of appointment and by similar vote, may provide for the merger, consolidation, or any office or function, of the state superintendent of education, the commissioner of agriculture, the commissioner of insurance, the state commissioner of elections, or any of them. In such event, No action of the legislature, pursuant hereto, shall reduce the term or compensation of any elected official.
of any elected official. By a vote of two-thirds of the elected members of each house, the legislature may reestablish any of such offices as an elective office and, in such event, shall prescribe qualifications.

29 of any incumbent elected official. By law enacted by two-thirds of the elected members of each house, the legislature may reestablish any such office as elective and, in that event, shall prescribe qualifications.

COMMENT:

(1) Elements, II, 16--keep related words together: do not separate the parts of a verb.

(2) Standardization of language.

(3) Elements, II, 15--parallelism.


(6) Webster's Rule 4.1.2.1--phrase essential to main idea of sentence not set off by commas.

(7) Elements, V, 16--be clear.

(8) Standardization of language.


Changes recommended by Committee on Executive Department and Committee on Style and Drafting to clarify possible ambiguous language in enrolled proposal, but involving possible substantive change in the provision as adopted by the Convention.

COMPARATIVE PRESENTATION

<table>
<thead>
<tr>
<th>SECTIONS AS ADOPTED: INCORPORATING CHANGES RECOMMENDED BY COMMITTEE ON STYLE AND DRAFTING</th>
<th>FURTHER CHANGES RECOMMENDED BY BOTH COMMITTEES TO CLARIFY POSSIBLE AMBIGUITIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Section 2. Qualifications.</td>
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</tr>
<tr>
<td>2 Section 2. To be eligible</td>
<td>2 Section 2. To be eligible for any statewide elective office, a person, by the date of his qualification as a candidate, shall have attained the age of twenty-five years, be an elector, and have been a citizen of the United States and of this state for at least the preceding five years. In addition, the attorney general shall have been admitted to the practice of law in the state for at least the five years preceding his qualification as a candidate.</td>
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<td></td>
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<td>9 and of this state for at least the preceding five years. In addition, the attorney general shall have been admitted to the practice of law in the state for at least the five years preceding his qualification as a candidate.</td>
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<td>10 the following five years. In addition, the attorney general shall have been admitted to the practice of law in the state for at least the five years preceding his qualification as a candidate.</td>
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<tr>
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<tr>
<td>14 the practice of law in the state for at least the five years preceding his qualification as a candidate.</td>
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<td>15 for at least the five years preceding his election. During his tenure in office, a statewide elected official shall hold no other public office except by virtue of his elected office.</td>
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<tr>
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<td></td>
</tr>
<tr>
<td>18 a statewide elected official shall hold no other public office except by virtue of his elected office.</td>
<td></td>
</tr>
<tr>
<td>19 shall hold no other public office except by virtue of his elected office.</td>
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</tbody>
</table>
office except by virtue of his elected office.

CAVEAT: As enrolled, the qualifications for statewide elective office include residence in the state for a certain time before the date "of qualification as a candidate." The additional requirement for the attorney general is phrased in terms of being admitted to the practice of law for five years "preceding his election." To be consistent with the time requirements used elsewhere in this Article and its Committee Proposal No. 3, as finally enrolled, the language referring to the attorney general could be revised to read,

"the five years preceding his qualification as a candidate.

SECTION 5 (F)

1 (F) Pardon, Commutation,
2 Reprieve, and Remission; Board of Pardons. (1) The governor may
3 grant reprieves to persons convicted
4 of offenses against the state and,
5 upon recommendation of the Board of
6 Pardons, may commute sentences,
7 pardon those convicted of offenses
8 against the state, and remit fines
9 and forfeitures imposed for such
10 offenses. However, a first offender
11 never previously convicted of a
12 felony shall be eligible automatically
13 for pardon upon completion of his
14 sentence without recommendation of
15 the board.

[261]
The Board of Pardons shall consist of five electors appointed by the governor, subject to confirmation by the Senate. Each member of the board shall serve a term concurrent with that of the governor appointing him.

CAVEAT: As enrolled, this paragraph provides that a first offender never previously convicted of a felony shall be "eligible for pardon automatically." As adopted by the committee, the phrase is "eligible automatically for pardon." In either case, a question arises as to whether the pardon itself is automatic, with no action required by the governor or any other person, or whether the eligibility is automatic, with some action required by the governor before the pardon is granted. If the desire is to have the pardon granted automatically with no action by the governor, the language could be amended as suggested above.

Section 5 (I) (1)

(I) Appointments. (1) The governor shall appoint, subject to public confirmation by the Senate, the head of each department in the executive branch whose election or appointment is not provided by this constitution.
and the members of each board and commission in the executive branch whose election or appointment is not provided by this constitution or by law.

CAVEAT: The convention floor amended Section 13, dealing with confirmation of first assistants, to require "public confirmation." If the desire is to make all references to confirmation in this Article consistent with Section 13, this section could be amended to make clear that the confirmation must be "public".

Section 5 I (2), (3)

(2) Should the legislature be in regular session, the governor shall submit for confirmation by the Senate the name of an appointee within forty-eight hours after the appointment is made. Failure of the Senate to confirm the appointment, prior to the end of the session, shall constitute rejection.

(3) If the legislature is not in regular session, the governor may make interim appointments, which shall expire at the end of the next regular session, unless submitted to and confirmed by the
of the next session, unless submitted to and confirmed by the Senate during that session.

CAVEAT: As enrolled and styled, the section refers to submission and confirmation of appointments during sessions of the legislature. Also, interim appointments are said to expire "at the end of the next session of the legislature . . . ." These references seem to include special sessions or emergency sessions as well as regular sessions. Confirmation of appointments normally is not included as part of the call for special or emergency sessions. If the desire is to ensure that the references are to the regular sessions, the subparagraph might be amended as suggested above.

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<table>
<thead>
<tr>
<th>Section 22. Appointment of Officials; Merger, Consolidation of Offices and Departments</th>
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</table>
| Section 22. After the first election of state officials following adoption of this constitution, the legislature may provide, by law enacted by two-thirds of the elected members of each house, for appointment, in lieu of election, of the commissioner of agriculture, the commissioner of insurance, the superintendent of education, the commissioner of elections, or any of them. In that event, the legislature shall prescribe qualifications and conditions for such appointments.
of elections, or any of them. In that event, the legislature shall prescribe qualifications and method of appointment and by similar vote, may provide by law for the merger or consolidation of any such office, its department, and functions with any other office or department in the executive branch. No action of the legislature pursuant hereto shall reduce the term or compensation of any incumbent elected official. By law enacted by two-thirds of the elected members of each house, the legislature may reestablish any such office as elective and, in that event, shall prescribe qualifications.

CAVEAT: As enrolled and styled, the provisions allowing converting elected offices to appointed ones provide for the change to be made after the first election of state officials "following adoption of this constitution." To be consistent with the terminology used in other articles, the language could be changed to refer to the election "following the effective date of this constitution."
Section 1. (A) Composition.

The executive branch shall consist of the governor, lieutenant governor, secretary of state, treasurer, commissioner of agriculture, commissioner of insurance, superintendent of education, commissioner of elections, and all other executive offices, agencies, and instrumentalities of the state.

Note: Language on above right in alternative if Sections 2, 3, 4, and 8 of CP #4 are not removed and placed in other Sections.

December 20, 1973

TO: Committee on Style and Drafting
FROM: Committee on Executive Department
RE: Document VI, 10/12/73

The Committee on the Executive Department reports the following suggestions for your consideration:

Section 1 (A).

"Formerly Section 1 (A) on page 3, line 9, change "departments" to "responsibilities."

"(C) Reorganization. Reallocation of functions, powers, and duties of all departments, offices, agencies, and other instrumentalities of the executive branch, except those functions, powers, duties, and responsibilities allocated by this constitution, shall be as provided by law.

Section 2. Alternative suggested to shorten and retain intent of committee.

Section 2. Qualifications
Section 2. To be eligible for any statewide elective office a person, by the date of his qualification, shall:

1. have attained the age of twenty-five years;
2. have been a citizen of the United States for at least five years immediately preceding five years; and
3. have been admitted to the practice of law in the state for at least five years immediately preceding his election.

Section 3. Alternative suggested to shorten and improve sequence of ideas:

Section 3. Election Term
Section 3. (1) The governor, lieutenant governor, secretary of state, attorney general, treasurer, commissioner of agriculture, commissioner of insurance, superintendent of education, and commissioner of elections shall be elected for a term of four years by the citizens of the state at the time and place of voting for members of the legislature; term of each officer shall begin at noon on the second Monday in March next following the election.

(2) A person who has served as governor for more than one-half term in two consecutive terms shall not be elected governor for the succeeding term.

*Substantive Change
(3) Except as provided by this constitution, no official shall be elected statewide.

Section 4. On page 8, lines 5 and 6, restrict provision to compensation of statewide elected officials to be fixed "by law." (Consider moving to "General Provisions")

"Section 4. Compensation: Except as otherwise provided by this constitution, the compensation of each statewide elected official shall be provided by law."

Section 5. On page 9, lines 1 and 2, change section title so that Style is consistent with other titles

"Section 5. Governor; Powers and Duties"

Section 9(3). On page 10, lines 20 and 21, change position of word "may" for parallel construction to line 18.

"(3) Legislative Reports and Recommendations. The governor shall, at the beginning of each regular session, and, if, at other times, make reports and recommendations and give information to the legislature concerning the affairs of state, including its complete financial condition."

Section 5(6). On page 12, lines 19 and 20, change position of phrase "and" at a time fixed by law.

"(6) Operating Budget. The governor, at a time fixed by law, shall submit to the legislature a proposed state budget for the next fiscal year setting forth all proposed state expenditures, and provide a statement regarding the state's financial condition.

Section 5(7). On page 12, lines 6 and 7, change position of phrase "and" at each regular session' to line 5

"(7) Capital Budget. The governor, at each regular session, shall submit to the legislature a proposed five-year capital outlay program and shall request implementation of the first year of the program.

*Substantive Change

Substantive Change

Section 5(7). On page 13, line 18, retain exception clause as subordinate clause in the primary sentence; on line 21 delete "automatically"; on line 23 delete the aforementioned; on line 24 add "of the board".

"(7) Pardon, Commutation, Reprieve, and Remission; Board of Pardons. (1) The governor may grant reprieves to persons convicted of offenses against the state and, upon recommendation of the governor, may commute the sentences, pardon those convicted of offenses against the state, and remit fines and forfeitures imposed for such offenses; however, a court of felony shall be eligible for pardon upon completion of his sentence without recommendation of the board. (2) The board of pardons shall consist of five electors appointed by the governor, subject to confirmation by the Senate. Each member of the board shall serve a term concurrent with that of the governor appointing him.

Section 5(10). Use language adopted by the convention, but on page 16, line 3, clarify that a bill must be "finally" passed by the legislature.

"(10) Receipt of Bills from the Legislature. The date and hour when a bill finally passed by the legislature is delivered to the governor shall be endorsed thereon."

Section 9(11). On page 16, line 10, add "Except as otherwise provided by this constitution" to conform to proviso in civil service article restricting governor's power to veto salary increases, on line 12, change "an" to "the.

"(11) Item Veto. (1) Except as otherwise provided by this constitution, the governor may veto any line item in an appropriation bill. Any item vetoed shall be void unless the veto is overridden as provided for the passage of any bill over a veto. (2) The governor shall veto line item 12, and use means provided in the bill in order that total appropriations for the year shall not exceed anticipated revenues for that year.

*Substantive Change

Substantive Change

Section 5(12). On page 18, lines 7 and 11, change expression "provided for by", on line 12, change "lines 15, 21, 23, and 26" to clarify that sessions are "regular"; on lines 21 and 23 (left) change placement of words "the appointment."

"(12) Appointments. (1) The governor shall appoint, subject to confirmation by the Senate, the head of each department in the executive branch whose election or appointment is not provided by this constitution and the members of each board, commission, or any other body in the executive branch whose election or appointment is not provided by this constitution.

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

(3) If the legislature is not in regular session, the governor may make such appointments which shall expire at the end of the next regular session of the legislature, unless submitted to and confirmed by the Senate during that session.

*Substantive Change

Substantive Change

Section 10. On page 23, lines 12, 15, and 16 shorten sentences; on line 19, delete "of Louisiana" after "State."

"Section 7. Secretary of State: Powers and Duties

Section 7. There shall be a Department of State. The secretary of state shall head the department and shall be the chief election officer of the state. He shall prepare and certify the ballots for all elections and promulgate all election returns, and administer the election laws, except those relating to voter registration and custody of voting machines. In addition, he shall administer the state corporation and trade laws; serve as keeper of the Great Seal of the State and attest therewith all official laws, documents, proceedings, and records; and administer the state archives and the official archives of the state; promulgate and publish all laws enacted by the legislature and retain the originals thereof; and countersign and keep an official registry of all commissions. He may administer oaths, and shall have other powers and perform other duties authorized by this constitution or provided by law."

Section 8. Page 23. Alternative. (Use modified version when finalized)

"Section 8. Department of Justice: Composition; Attorney General; Election and Assistants

Section 8. There shall be a department of justice consisting of an attorney general, a first assistant attorney general, and other necessary assistants and staff. The attorney general shall be elected for a term of four years at the state general election, and the assistants shall be appointed by the attorney general to serve at his pleasure.

(2) The attorney general shall be the state's chief legal officer. As may be necessary for the assertion or protection of the rights and interests of the state, the attorney general shall have authority to:

(1) institute and prosecute or intervene in any civil actions or proceedings;

(2) advise and assist, upon request of a district attorney, in the prosecution of a criminal case, and in any other matter relating to the attorney general; and

(3) for cause when authorized by the court of original jurisdiction in which any proceeding or affidavit is pending, subject to judicial review, supervise any attorney representing the state in any civil or criminal action.

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

(V, Secs. 26, 27)

*Substantive Change

Substantive Change

Section 10. On page 27, retain language adopted by Convention in lines 16 and 17 which states that the "Department shall exercise such functions:" insert on lines 11 and 12 of modified version.

"Section 10. Commissioner of Agriculture; Powers and Duties

Section 10. There shall be a Department of Agriculture. The department shall consist of a commissioner who shall hold the department and shall exercise all functions of the state relating to the promotion, protection, and advancement of agriculture, except research and educational functions expressly allocated by this constitution or by law to other state agencies. The department shall exercise such functions and the commissioner shall have other such powers and perform other duties authorized by this constitution or provided by law."

Section 11. On page 23, retain language adopted with minor stylistic changes, on lines 1, 3, 5, 10, 11, and 12.

*Substantive Change

Substantive Change

Section 11. Commissioner of Insurance; Powers and Duties

Section 11. There shall be a Department of Insurance headed by the commissioner of insurance. The department shall exercise all functions of the insurance business and shall have such powers and perform such duties authorized by this constitution or provided by law.
"Section 19. Determination of Inability of Statewide Elected Official

Section 20. A Declaration and Counter-declaration. When a majority of the statewide elected officials determine that any other elected official is unable to discharge the powers and duties of his office, they shall transmit a written declaration to this effect to the presiding officer of each house and to the official, and shall file a copy of the declaration in the office of the secretary of state. Thereafter, the constitutional successor shall assume the office as acting official until forty-eight hours after the declaration is filed in the office of the secretary of state, the elected official files in that office and transmits to the presiding officer of each house his written counter-declaration of his ability to exercise the powers and perform the duties of his office."

Document No. XVII

Committee Proposal No. 7: First Enrollment

Education

Staff Styling Suggestions: Comparative Presentation

Proposal as Enrolled

1 Article IX. Education
2 Preamble
3 The goal of the public education

Suggested Changes

1 Article IX. Education
2 Preamble
3 The goal of the public education
Section 2 becomes Section 1

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

COMMENT:
NO CHANGE

Section 3 becomes Section 2

Section 3. State Superintendent of Public Elementary and Secondary Education

Section 2. State Superintendent of Public Elementary and Secondary Education
Section 3. (A) Term. Subject to the provisions for appointment, in lieu of election, as set forth in Article IV, Section 23, there shall be a state superintendent of public education for elementary and secondary education, who shall be elected for a term of four years. The powers, functions, duties, responsibilities, and qualifications of the superintendent shall be fixed by law. In addition, he shall be the administrative head of the Department of Education for the implementation of the policies of the State Board of Elementary and Secondary Education and the laws affecting the schools under its jurisdiction.

COMMENT:


(2) Elements, II, 16—keep related words together.

(3) "Subject to" clause placed to clearly modify the four-year election of superintendent; Elements, V, 16—be clear.
(4) Standardization of language.

(5) Sentence removed from Section 4(a) as enrolled and placed in Section 2 as suggested for continuity of thought; Elements, II, 9--make paragraph unit of composition; Manual, Rule 5--substitute word for phrase.

Section 3 becomes Section 2


(8) Elements, V, 16--be clear.

(9) Manual, Rule 5--substitute word for phrase.


(11) Elements, V, 16--be clear.

(12) Ibid.

(13) Standardization of language.

Section 4(a) becomes Section 3(a)

1 Section 4. State Board of Elementary and Secondary Education
2 Section 4. (A) Creation;
3 Function. There is created a body corporate, known as the State Board of Elementary and Secondary Education. The board shall

[274]
supervise, control, and have budgetary responsibility for all funds appropriated or allocated by the state for all public elementary and secondary schools and special schools under its jurisdiction, as provided by law.

In the event the office of State Superintendent of Public Elementary and Secondary Education is made appointive, such appointment shall be made by the State Board of Elementary and Secondary Education. The board shall have such other specific powers, duties, and responsibilities as are provided by this constitution or by law, but shall have no control over the business affairs of a parish or city school board or the selection or removal of its officers and employees.

COMMENT:

(1) Manual, Rule 8—rewrite "there is."

(2) Elements, V, 16—be clear.


(4) Standardization of language.


(6) Standardization of language.
Section 4 (B) becomes Section 3 (B)

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

Section 4 (C) becomes Section 5 (C)

13. (C) Vacancies. Vacancies occurring for any cause prior to the expiration of the term shall be filled by appointment by the

Comment:

2. Elements, II, 16--keep related words together.
3. Standardization of language.
5. Elements, V, 16--be clear.
governor; however, if at the time the vacancy occurs the unexpired portion of the term of any elected member is more than one year, the vacancy shall be filled by election as provided by law. Members shall serve without pay except for such per diem and expenses as shall be fixed by the legislature.

COMMENT:

(1) Section rewritten for clarity. Provisions concerning per diem and expenses deleted, combined with Section 7(C) as enrolled, and consolidated and renumbered as Section 8(C).

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**Section 6 becomes Section 4**

1 Section 4. Approval of Private School
2 (1) Upon application by a private elementary, secondary, or proprietary school with a sustained curriculum or specialized course of study of quality at least equal to that prescribed for similar public schools, the State Board of Elementary and Secondary Education shall approve the private school. A certificate issued by an approved private school shall carry the same privileges as one issued by a state public school.
COMMENT:

(1) Elements, II, 16--keep related words together. Manual, Rule 12--singularization; Rule 5--substitute word for phrase.


SECTION 7 (A)

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

COMMENT:

(1) Manual, Rule 8--rewrite "there is"

(2) Manual, Rule 5--substitute word for phrase.


(6) "and" changed to "or"; Elements, V, 16--be clear.
**SECTION 7 (B) becomes SECTION 5 (B)**

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

COMMENT:
(2) Elements, V, 16--be clear.
(3) Manual, Rule 8--rewrite "there is."

**SECTION 7 (C) deleted here**

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

- Combined with similar provision in Section 4 (C) as enrolled and remembered as Section 8 (C).
Section 7(D) becomes Section 5(C)

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

COMMENT:

(1) Indefinite article changed to definite article; Elements, V, 16--be clear.


Section 7(E) becomes Section 5(D)

(E) Powers of the Board. The Board of Regents shall meet with the State Board of Elementary and Secondary Education at least twice a year to coordinate programs of public elementary, secondary, vocational-technical, career, and higher education. The Board of Regents shall have the following powers, duties, and responsibilities with respect to all public institutions of higher education and post-secondary vocational-technical training and career education:

[280]
15 career education:
16  (a) To revise or eliminate any
17 existing degree program, depart-
18 ment of instruction, division, or
19 similar subdivision.
20  (b) To approve, disapprove,
21 or modify any proposed degree
22 program, department of instruc-
23 tion, division, or similar
24 subdivision.
25  (c) To study the need for and
26 feasibility of any new insti-
27 tution of post-secondary educa-
28 tion, including branches of
29 institutions and conversion of
30 two-year institutions to institu-
31 tions offering longer courses of
32 study. If the creation of a new
33 institution is proposed, or an
34 additional management board for an
35 institution or group of institu-

Section 7 becomes Section 6

1 1 recommendations to the legislature
2 is made to transfer an existing
3 institution from one board to
4 another, the board shall report
5 its findings and recommendations
6 within one year. Only after the
7 report has been filed, or, after
8 one year if no report is filed,
9 may the legislature enact such a
6 within one year to the legislature. Only after this written
8 report has been filed, or if no
9 report is filed within one year,
10 the legislature may take affirmative
11 action on such a proposal
12 by vote of two-thirds of the
13 membership of each house.
(d) To formulate and make
15 timely revision of a master plan
16 for higher education and post-
17 secondary vocational-technical
18 training and career education.
19 As a minimum, the plan shall
20 include a formula for the equitable
21 distribution of funds to
22 the institutions of higher
23 education of the state.
(e) To require the Board
25 of Supervisors of Louisiana
26 State University and Agricul-
27 tural and Mechanical College, the Board of Trustees for State
28 Colleges and Universities, and
29 any other higher education
30 board hereafter created pursuant
31 to this Article to submit to it, their
32 proposal and then, only by vote of
33 two-thirds of the elected members
34 of each house.
9 (d) To formulate and timely
10 revise a master plan for higher
11 education and post-secondary
12 vocational-technical training
13 and career education. As a
14 minimum, the plan shall include
15 a formula for equitable distribu-
16 tion of funds to the institutions
17 of higher education.
(e) To require, at a time it
19 specifies, that every higher
20 education board submit to it an
21 annual budget proposal for
22 operational needs and for
23 capital needs of each institution
24 under the control of each board.
The Board of Regents shall submit
26 its budget recommendations for
27 all institutions of higher educa-
28 tion and post-secondary vocational-
29 technical training and career
30 education in the state. It shall
31 set forth priorities for the
32 capital construction and improve-
33 ments it recommends.
Section 7 (C) becomes Section 5(b).

1 annual budget proposals for the
2 operational and capital needs of
3 each institution under the
4 control of each. The Board of
5 Regents shall submit its recom-
6 mendations on budgets for all
7 institutions of higher education
8 and post-secondary vocational-
9 technical training and career
10 education in the state. It shall
11 recommend priorities for capital
12 construction and improvements.

COMMENT:

(1) Elements, V, 16--be clear.

(2) Manual, Rule 5--substitute word for phrase.

(3) Standardization of language.


(6) Elements, V, 16--be clear.

(7) Ibid.

(8) Elements, II, 16--keep related words together.

(9) Manual, Rule 5--substitute word for phrase.

(10) Elements, V, 16--be clear.

(11) Elements, II, 16--keep related words together.


(13) Elements, II, 15--parallelism; Elements, V, 16--be clear.
(14) Standardization of language.
(15) Manual, Rule 5—substitute word for phrase.
(17) Ibid.
(18) Elements, II, 16—keep related words together.

- 12 -

Section 7 (E) becomes Section 5(E)

(21) Elements, II, 15—parallelism.
(22) Elements, V, 16—be clear.
(23) Manual, Rule 5—substitute word for phrase.
(24) Elements, V, 16—be clear.

- 13 -

Section 7 (F) becomes Section 5(E)

1 (F) Powers not vested. Powers
2 of management over public insti-
3 tutions of higher education and
4 post-secondary vocational-technical
5 training and career education not
6 specifically vested in the Board
7 of Regents by this Section are
8 reserved to the Board of
9 Supervisors of Louisiana State
10 University and Agricultural and
11 Mechanical College and to the

[281]

1 (H) Powers Not Vested.
2 Managerial powers over public
3 institutions of higher education
4 and post-secondary vocational-
5 technical training and career
6 education not specifically vested
7 by this Section in the Board of
8 Regents are reserved to the
9 Board of Supervisors of Louisiana
10 State University and Agricultural
11 and Mechanical College, the Board
Board of Trustees for State Colleges and Universities as to the institutions under the control of each or to any board created pursuant to this Article.

COMMENT:

(1) Manual, Rule 5—substitute word for phrase.

(2) Elements, II, 16—keep related words together.

(3) Southern Board added to conform with language of Section 9(A) as enrolled.

(4) Elements, II, 16—keep related words together.

(5) Elements, V, 16—be clear.

Section 8 (A)

Section 8. Board of Trustees for State Colleges and Universities

Section 8. (A) Creation;

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

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

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

COMMENT:

(1) Manual, Rule 8—rewrite "there is."

(2) Elements, II, 16—keep related words together.


Section 8 (11) becomes Section 601
(5) Ibid.


- 16 -

SECTION 8 (B) BECOMES SECTION 6 (B)

(B) Board Membership; Terms.

The members of the board shall be appointed by the governor, with the consent of the Senate, for overlapping terms of six years following initial terms which shall be fixed by law.

Two of the members shall be residents of each of the congressional districts into which the state is divided, and one member shall be from the state at large.

COMMENT:


(2) Elements, V, 16--be clear.

(3) Sentence rewritten for clarity.
Section 8 (c) becomes Section 6 (c)

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

Comment:
(1) Indefinite article substituted for definite article.
(2) Standardization of language.

Section 9 (A) becomes Section 7 (A)

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

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

COMMENT:

(1) Manual, Rule 8—rewrite "there is."

(2) Manual, Rule 10—short sentences; Rule 14—unrelated ideas in separate sentences.

(3) Elements, V, 16—be clear.


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

COMMENT:

(1) Elements, V, 16---be clear.


(3) Elements, V, 16---be clear.

(4) Sentence rewritten for clarity and to conform with suggested language of Section 6(B) as renumbered.

Section 7 (C) becomes Section 7 (C)

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

(1) Indefinite article substituted for definite article.

Section 11 (B) becomes Section 8 (A)

1 Section 11. Boards; Dual Membership Prohibited; Student Membership Authorized
2 Section 11. (A) No person shall be eligible to simultaneously serve on more than one board created by or pursuant to this Article.

COMMENT:

(1) Elements, II, 16--keep related words together; i.e., do not split infinitive.
(2) Manual, Rule 5--substitute word for phrase.

Section 11 (B) becomes Section 8 (A)

1 (B) The legislature may provide for the membership of one student on the Board of Trustees for State Colleges and Universities, one student on the Board of Supervisors
2 (B) Student Membership. The legislature may provide for the membership of a student on every higher education board created by or under this Article, except the Board of Regents. The term of a student member shall not
of Louisiana State University and Agricultural and Mechanical College, and one student on the Board of Supervisors of Southern University and Agricultural and Mechanical College whose terms shall not exceed one year. No student member shall be eligible to succeed himself. A student member shall have all of the privileges and rights of other board members except the right to vote.

COMMENT:

(1) Sentence rewritten to avoid listing all higher education boards.

(2) Manual, Rule 10—short sentences; Rule 14—unrelated ideas in separate sentences.

(3) Standardization of language.

Section 8(C)

(C) Compensation. A member of a board created by or under this Article shall serve without pay, but per diem and expenses may be provided by law. (1)

COMMENT:

(1) Part of Section 4(C) as enrolled and all of Section 7(C) as enrolled are consolidated and renumbered above as Section 8(C).
Section 12. Parish School Boards; Parish Superintendents

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

COMMENT:


(2) Manual, Rule 5—substitute word for phrase.

Section 12. (B) Parish Superintendents.

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

COMMENT:

(1) Manual, Rule 10—short sentences; Rule 14—unrelated ideas in separate sentences.
Section 13. Recognition of Existing Boards and Systems; Consolidation

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

COMMENT:

(1) Webster's, Rule 4.4.1--omit needless commas.


(3) Ibid.

(4) Ibid.
memberships. Only persons residing within the jurisdiction of the Monroe City School Board shall be eligible to vote for or be members of the Monroe City School Board.

Only persons residing in that portion of Ouachita Parish outside the jurisdiction of the Monroe City School Board shall be eligible to vote for or be members of the Ouachita Parish School Board.

The position of a member of either board shall be vacated when he no longer satisfies the requirements of this Paragraph. Notwithstanding any contrary provision of this constitution, this Paragraph shall become operative upon the election of members to the Ouachita Parish School Board taking office in 1977 or upon the first reapportionment affecting the Ouachita Parish School Board, whichever occurs earlier.

The provisions of this Paragraph shall be operative notwithstanding any-
thing in this constitution

to the contrary.

Section 13(B) becomes Section 10(B)

COMMENT:


(2) Standardization of language; introductory phrases added to sentence to allow deletion of final sentence in enrolled Section.

(3) Elements, II, 11--positive form.

Section 13(C) becomes Section 10(C)

1 (B) Consolidation. Two

2 or more school systems may be

3 consolidated under procedures

4 enacted by the legislature,

5 subject to approval of a

6 majority of the qualified

7 electors voting in each system

8 affected in an election called

9 for that purpose.

COMMENT:

(1) Manual, Rule 18--place exception first.

(2) Standardization of language.


(4) See Webster's, Rule 4.4.2--commas inserted for emphasis.

(5) Standardization of language.
Section 14. Appropriations; Boards

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

COMMENT:

(1) Manual, Rule 5—substitute word for phrase.

Section 15. Appropriations; Higher Education

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

COMMENT:


(2) Elements, V, 16—be clear.
Section 16. Funding; Elementary and Secondary Education; Appropriation

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

COMMENT:
NO CHANGE

Section 16. (B) The legislature shall appropriate sufficient funds to insure a minimum foundation program of education in all public elementary and secondary schools. Such funds as the legislature appropriates shall be equitably allocated to the parish and city school systems according to formulas adopted by the State Board of Elementary and Secondary Education.
COMMENT:

(1) Elements, II, 16--keep related words together.

(2) Manual, Rule 6--avoid hackneyed reference words.

(3) Manual, Rule 5--substitute word for phrase.


Section 16 (c) leaves Section 15 (c)

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

First: Each parish school board, the parish of Orleans excepted, and each municipality or municipal school board actually operating, maintaining or supporting a separate system of public schools, shall levy annually an ad valorem

(C) Local Funds. Local funds:

for the support of elementary and secondary schools shall be derived from the following sources:

First: Each parish school board, the parish of Orleans excepted, and each municipality or city school board actually operating, maintaining, or supporting a separate system of public schools, shall levy a tax not to exceed five mills on the dollar of assessed valuation on property.
maintenance tax of five mills, or as much thereof as is necessary, on all property subject to such taxation within the parish or city, respectively.

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

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

COMMENT:
(2) Standardization of language.
(4) Standardization of language.
(6) Standardization of language.
Section 16(c) becomes Section 13(c)

(8) Elements, V, 16—be clear.
(9) Manual, Rule 5—substitute word for phrase.
(10) Ibid.
(14) Elements, V, 16—be clear.
(16) Webster's, Rule 4.4.1—omit needless commas.
(17) Standardization of language.

Section 16(d) becomes Section 13(c)

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

1 (D) Municipal School Systems.
2 For the effects and purposes of this Section, the municipalities of Monroe in Ouachita Parish, and Bogalusa in Washington Parish, and no others, shall be regarded and treated as parishes and shall have the authority granted parishes.

10
COMMENT:

(1) Standardization of language.
(2) Elements, V, 16--be clear.
(3) Manual, Rule 5--substitute word for phrase.
(4) Ibid.

SECTION 17 becomes SECTION 17

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

COMMENT:

(1) Webster's, Rule 4.4.1--omit needless commas.
(3) Ibid.
(4) Ibid.
PROPOSAL AS ENROLLED

1 ARTICLE IX. EDUCATION

Preamble

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

SUGGESTED CHANGES

1 ARTICLE IX. EDUCATION

Preamble

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

COMMENT:


(2) Elements, II, 16--keep related words together.

Section 2 becomes Section 1

13 Section 2. Public Educational System

14 Section 1. Public Educational System

15 Section 2. The legislature shall provide for the education

16 Section 1. The legislature shall provide for the education
of the people of the state and shall establish and maintain a public educational system.

COMMENT:
NO CHANGE

Section 2. State Superintendent of Education

Section 3. (A) Term. Subject to the provisions for appointment in lieu of election, as set forth in Article IV, Section 23, there shall be a state superintendent of public education for elementary and secondary education, who shall be elected for a term of four years. If the office is made appointive, the term of office shall be fixed by law. In addition, he shall be the administrative head of the Department of Education for the implementation of the policies of the State Board of Elementary and Secondary Education and the laws affecting its jurisdiction. The qualifications and other powers, functions, duties,
schools under its jurisdiction.

and responsibilities of the superintendent shall be provided by law.

COMMENT:


(2) Elements, II, 16--keep related words together.

(3) "Subject to" clause placed to clearly modify the four-year election of superintendent; Elements, V, 16--be clear.

(4) Standardization of language.

(5) Sentence removed from Section 4:A) as enrolled and placed in Section 2 as suggested for continuity of thought; Elements, II, 9--make paragraph unit of composition; Manual Rule 5--substitute word for phrase.


(8) Elements, V, 16--be clear.

(9) Manual, Rule 5--substitute word for phrase.


(11) Elements, V, 16--be clear.

(12) Ibid.

(13) Standardization of language.
Section 4. State Board of Elementary and Secondary Education

Section 4. (A) Creation; Function. There is created a body corporate, known as the State Board of Elementary and Secondary Education. The board shall supervise, control, and have budgetary responsibility for all funds appropriated or allocated by the state for all public elementary and secondary schools and special schools under its jurisdiction, as provided by law.

In the event the office of State Superintendent of Public Elementary and Secondary Education is made appointive, such appointment shall be made by the State Board of Elementary and Secondary Education. The board shall have such other specific powers, duties, and responsibilities as are provided by this constitution or by law, but shall have no control over the business affairs of parish and municipal school boards or the

Section 3. State Board of Elementary and Secondary Education

Section 3. (A) Creation; Function. The State Board of Elementary and Secondary Education is created as a body corporate. It shall supervise and control the public elementary and secondary schools and special schools under its jurisdiction and shall have budgetary responsibility for all funds appropriated or allocated by the state for those schools, all as provided by law. The board shall have other powers, duties, and responsibilities as provided by this constitution or by law, but shall have no control over the business affairs of a parish or city school board or the selection or removal of its officers and employees.
selection or removal of their officers and employees.

COMMENT:

(1) Manual, Rule 8—rewrite "there is."

(2) Elements, V, 16—be clear.


(4) Standardization of language.


(6) Standardization of language.

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Section 4 (B) becomes Section 3 (B)

1 (B) Membership; Terms.

2 The board shall consist of three members who shall be appointed by the governor, with the consent of the Senate from the state at large, and eight members who shall be elected from single-member districts to be determined by the legislature. All members shall serve overlapping terms of six years, following the initial terms which shall be fixed by law.

COMMENT:


(2) Standardization of language.

(3) Elements, II, 16—keep related words together.

Section 4(C) Becomes Section 5(C)

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

(C) Vacancy. A vacancy in the office of an elected member, if the remaining portion of the term is more than one year, shall be filled for the remainder of the term by election, as provided by law. Other vacancies shall be filled for the remainder of the term by appointment by the governor as provided by law.

COMMENT:

(1) Section rewritten for clarity. Provisions concerning per diem and expenses deleted, combined with Section 7(C) as enrolled, and consolidated and renumbered as Section 8(C).
Section 6. Approval of Private Schools; Effect

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

Section 4. Approval of Private Schools

Section 4. Upon application by a private elementary, secondary, or proprietary school with a sustained curriculum or specialized course of study of quality at least equal to that prescribed for similar public schools, the State Board of Elementary and Secondary Education shall approve the private school. A certificate issued by an approved private school shall carry the same privileges as one issued by a state public school.

COMMENT:

(1) Elements, II, 16—keep related words together. Manual, Rule 12—singularization; Rule 5—substitute word for phrase.


Section 7 (A) becomes Section 5 (B)

13 (A) Board membership; terms.
14 The board shall consist of fifteen electors appointed by the governor, with the consent of the Senate, for overlapping terms of six years, following initial terms which

13 (B) Membership; Terms.
14 The board shall consist of fifteen electors appointed by the governor, with consent of the Senate, for overlapping terms of six years,
terms which shall be fixed by law. (2) There shall be at least one mem-
ber, and no more than two members, shall be appointed from each of the several congressional districts.

COMMENT:

(2) Manual, Rule 8—rewrite "there is."

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

Section 7 (C) became Section 5 (C)

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

COMMENT:
(1) Indefinite article changed to definite article; Elements, V, 16--be clear.

1 (D) Powers of the Board. The
2 Board of Regents shall meet with
3 the State Board of Elementary and
4 Secondary Education at least
5 twice a year to coordinate programs
6 of public elementary,
7 secondary, vocational-technical,
8 career, and higher education.
9 The board shall have the following
10 powers, duties, and responsibilities with respect to
11 all public institutions of higher
12 education and post-secondary
13 vocational-technical training and
14 career education:
15 (a) To revise or eliminate any
16 existing degree program, depart-
17 ment of instruction, division, or
18 similar subdivision.

(2) Relating to public institutions of higher education and post-secondary vocational-technical training and career education:
(2) To approve, disapprove, or modify a proposed degree program, department of instruction, division, or similar subdivision.

(3) To study the need for and feasibility of any new institution of post-secondary education, including branches of institutions and conversion of two-year institutions to institutions offering longer courses of study. If the creation of a new institution, the addition of another management board, or the transfer of an existing institution from one board to another is proposed, the Board of Regents shall report its written findings and recommendations to the legislature within one year. Only after the report has been filed, or, after one year if no report is filed, may the legislature take affirmative action on such a proposal and then only by law enacted by two-thirds of the members of each house.
9 report is filed within one year,  
10 the legislature may take affirma-  
11 tive action on such a proposal  
12 by vote of two-thirds of the  
13 membership of each house.  
14 (d) To formulate and make  
15 timely revision of a master plan  
16 for higher education and post-  
17 secondary vocational-technical  
18 training and career education.  
19 As a minimum, the plan shall  
20 include a formula for the equit-  
21 able distribution of funds to  
22 the institutions of higher  
23 education of the state.  
24 (e) To require the Board  
25 of Supervisors of Louisiana  
26 State University and Agricul-  
27 tural and Mechanical College,  
28 the Board of Trustees for State  
29 Colleges and Universities, and  
30 any other higher education  
31 board hereafter created pursuant  
32 to this Article to submit to it, their  
33 at times specified by it, their  
34 (4) To formulate and make timely  
35 revision of a master plan for higher  
36 education and post-secondary voca-  
37 tional training and career education.  
38 As a minimum, the plan shall include a  
39 formula for equitable distribution of  
40 funds to the institutions of higher  
41 education.  
42 (5) To require that every higher  
43 education board submit to it, at a  
44 time it specifies, an annual budget  
45 proposal for operational needs and for  
46 capital needs of each institution  
47 under the control of each board.  
48 The Board of Regents shall submit its  
49 budget recommendations for all  
50 institutions of higher education and  
51 post-secondary vocational-technical  
52 training and career education in the  
53 state. It shall recommend priorities  
54 for capital construction and improve-
1 annual budget proposals for the
2 operational and capital needs of
3 each institution under the
4 control of each. The Board of
5 Regents shall submit its recom-
6 mendations on budgets for all
7 institutions of higher education
8 and post-secondary vocational-
9 technical training and career
10 education in the state. It shall
11 recommend priorities for capital
12 construction and improvements.

COMMENT:

(1) Elements, V, 16--be clear.
(2) Manual, Rule 5--substitute word for phrase.
(3) Standardization of language.
(5) Elements, V, 16--be clear.
(6) Ibid.
(7) Elements, II, 16--keep related words together.
(8) Manual, Rule 5--substitute word for phrase.
(9) Elements, V, 16--be clear.
(10) Elements, II, 16--keep related words together.
(11) Elements, II, 15--parallelism; Elements, V, 16--be clear.
(12) Standardization of language.

(14) Ibid.


(16) Manual, Rule 12--singularization

(17) Elements, II, 15--parallelism.

(18) Elements, V, 16--be clear.


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

1 (H) Powers Not Vested. Powers of management over public institutions of higher education and post-secondary vocational-technical training and career education not specifically vested in the Board of Regents by this Section in the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, the Board of Supervisors of Southern University and Agricultural and Mechanical College, the Board of

[317]
Section 6. Board of Trustees for State Colleges and Universities

Section 6. (A) Creation; Powers. The Board of Trustees for State Colleges and Universities is created as a body corporate.\(^{(1)}\) Subject to powers vested by this Article in the Board of Regents, it shall have supervision and management of:

1. \((1)\) state colleges and universities not managed by a higher education board created by or under this Article and
2. \((2)\) unless the legislature provides otherwise, public institutions

\(^{(1)}\) There is created a body corporate known as the Board of Trustees for State Colleges and Universities which, subject to the powers vested in the Board of Regents by this Article, shall have:

\((1)\) Supervision and management of all state colleges and universities except those included under the management of the Board of Supervisors of Louisiana State University and Agricultural and [318]
18 Mechanical College, Board of
19 Supervisors of Southern University
20 and Agricultural and Mechanical
21 College, and any other board
22 hereafter created pursuant to this
23 Article.
24 (2) Unless and until the
25 legislature shall provide
26 otherwise, supervision and
27 management of all public
28 institutions of vocational-
29 technical training and career
30 education at post-secondary
31 levels.

COMMENT:
(1) Manual, Rule 8--rewrite "there is."
(2) Elements, I1, 16--keep related words together.
Section 8 (B) becomes Section 6 (B)

(B) Board Membership; Terms.

10 The members of the board shall be appointed by the governor, with the consent of the Senate, for overlapping terms of six years following initial terms which shall be fixed by law.

16 Two of the members shall be residents of each of the congressional districts into which the state is divided, and one member shall be from the state at large.

COMMENT:

(1) Paragraph rewritten to state composition of board before stating terms members serve.

Section 6 (C) becomes Section 4

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

COMMENT:

(1) Indefinite article substituted for definite article.

(2) Standardization of language.
Section 9. Board of Supervisors of Louisiana State University and Agricultural and Mechanical College; Board of Supervisors of Southern University and Agricultural and Mechanical College.

Section 9. (A) Creation; Powers. The Board of Supervisors of Louisiana State University and Agricultural and Mechanical College and the Board of Supervisors of Southern University and Agricultural and Mechanical College, which subject to the powers vested in the Board of Regents, shall supervise and manage the institutions, statewide agricultural programs administered through the Louisiana State University and Agricultural and Mechanical College and the Southern University.
Section 9(B) becomes Section 7(B)

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

COMMENT:

(1) Paragraph rewritten to state composition of board before stating terms members serve and to achieve construction parallel to Section 6(B).
(C) Vacancies. A vacancy occurring prior to the expiration of the term shall be filled for the remainder of the unexpired term by appointment by the governor, with the consent of the Senate.

COMMENT:

(1) Indefinite article substituted for definite article.


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

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

COMMENT:

(1) Elements, II, 16--keep related words together; i.e., do not split infinitive.
(B) The legislature may provide for the membership of one student on the Board of Trustees for State Colleges and Universities, one student on the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, and one student on the Board of Supervisors of Southern University and Agricultural and Mechanical College whose terms shall not exceed one year. No student member shall be eligible to succeed himself. A student member shall enjoy all of the privileges and rights of other board members except the right to vote.

COMMENT:

(1) Sentence rewritten to avoid listing all higher education boards.

(2) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.

(3) Standardization of language.
Section 8(C)

Section 7(C) created by or pursuant to this Article shall serve without pay, but per diem and expenses may be provided by law.(1)

COMMENT:

(1) Part of Section 4(C) as enrolled and all of Section 7(C) as enrolled are consolidated and renumbered above as Section 8(C).

Section 9.

Section 12. Parish School Boards; Parish Superintendents

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

COMMENT:


(2) Manual, Rule 5—substitute word for phrase.
Section 13. Recognition of Existing Boards and Systems; Consolidation

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

Comment:

(1) Manual, Rule 10—short sentences; Rule 14—unrelated ideas in separate sentences.

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

COMMENT:

(1) Webster's, Rule 4.4.1—omit needless commas.


(3) Ibid.

(4) Ibid.
for or be members of the
Ouachita Parish School Board.
Any member of either board at
any time not satisfying the
requirements of this Paragraph
immediately shall vacate his
position. The provisions of
this Paragraph shall not
become operative until the
election of members to the
Ouachita Parish School Board
taking office in 1977 or upon
the first reapportionment
affecting the Ouachita Parish
School Board, whichever occurs
earlier.

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

14 board shall be vacated when he no
15 longer satisfies the requirements of
16 this Paragraph. (1) This Paragraph shall
17 become operative upon the election of
18 members to the Ouachita Parish School
19 Board taking office in 1977 or upon
20 the first reapportionment affecting
21 the Ouachita Parish School Board,
22 whichever occurs earlier.
23 The provisions of this Paragraph
24 shall be operative notwithstanding
25 anything in this constitution to the
26 contrary.

COMMENT:
(2) Ibid.
(3) Elements, II, 11--positive form.

[328]
(B) Consolidation. Two or more school systems may be consolidated under procedures enacted by the legislature, subject to approval of a majority of the qualified electors voting in each system affected in an election called for that purpose.

(C) Consolidation. Subject to approval by a majority of the electors voting, in each system affected, in an election held for that purpose, any two or more school systems may be consolidated as provided by law.

COMMENT:
(1) Manual, Rule 18--place exception first.
(2) Standardization of language.
(4) See Webster's, Rule 4.4.2--commas inserted for emphasis.
(5) Standardization of language.
(6) Elements, V, 16--be clear.
(7) Standardization of language.
expenses of the boards created pursuant to this Article.

(1) Elements, V, 16--be clear.

(2) Ibid.

COMMENT:

Section 15. Appropriations; Higher Education

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

COMMENT:


(2) Elements, V, 16--be clear.
Section 16. Funding; Elementary and Secondary Education; Appropriation

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

COMMENT:
NO CHANGE

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

(B) Minimum Foundation Program.

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

COMMENT:

(1) Elements, II, 16--keep related words together.
(2) Manual, Rule 6--avoid hackneyed reference words.
(3) Manual, Rule 5--substitute word for phrase.

Local Funds. Local funds
for the support of elementary and
secondary schools shall be
derived from the following sources:

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

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

Third: For giving additional support to public elementary and secondary schools, any parish, school district, or sub-school district, or any municipality or city school board which supports a separate city system...
School Board.

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

COMMENT:


(2) Standardization of language.


(4) Standardization of language.

(5) Standardization of language.

Section (c) [deleted Section (c)].

(7) Elements, V, 16--be clear.

(8) Manual, Rule 5--substitute word for phrase.

(9) Ibid.


(13) Elements, V, 16--be clear.


(15) Webster's, Rule 4.4.1--omit needless commas.

(16) Standardization of language.


-35-

1 (D) For the effects and purposes of the provision
2 of this entire Section, the
3 municipalities of Monroe in
4 Ouachita Parish, and Bogalusa
5 in Washington Parish, and no
6 other, shall be regarded as,
7 and treated upon the same
8 basis and shall have the
9 same authority as parishes.

COMMENT:

(1) Standardization of language.
(2) Elements, *1, 16--be clear.

(3) Manual, Rule 5--substitute word for phrase.

"Ibid."

-36-

Section 17. Tulane University

Section 14. Tulane University

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

Section 14. The Tulane University of Louisiana in New Orleans is recognized as created and to be developed in accordance with Act No. 43 approved July 5, 1884.

COMMENT:

(1) Webster's, Rule 4.4.1--omit needless commas.


(3) Ibid.

(4) Ibid.

-37-

If that last sentence applies to all three items mentioned above, there arises a question as to whether consolidation of the school boards under Section 10(C) could be prohibited. But Section 10(C) seems to indicate that any school system may be abolished by the legislature.

Some non-essential words of the last paragraph of Paragraph 3 applies only to Item 3 (the effective date of the provisions) and are intended to supercede the effective date of the constitution which will be provided in the text. If that is the case, the sentence is needless and should be omitted. However, it is clear that the "notwithstanding" clause of Paragraph 3 applies only to Item 3 (the effective date of the provisions) and is intended to supersede the effective date of the constitution which will be provided in the text. If that is the case, the sentence is needless and should be omitted.

[336]
JANUARY 6, 1974

THE EDITING NOTATIONS IN PENCIL ON THE ATTACHED SHEET INDICATE THE CHANGES IN THE STYLING OF THE ARTICLE ON EDUCATION RECOMMENDED BY THE COMMITTEE ON EDUCATION.

SECTION 4 (B) BECOMES SECTION 3 (B)

1 (B) Membership; Terms.

2 The board shall consist of three members who shall be appointed by the governor, with the consent of the Senate from the state at large, and eight members who shall be elected from single-member districts to be determined by the legislature. All members shall serve overlapping terms of

1 (B) Membership; Terms (1)

2 [ ] (1)

3 consist of eight members elected from

4 single-member districts which shall (2)

5 be determined by law and three mem- (3)

6 bers appointed by the governor from the state at large, with consent (4)

7 of the Senate. Members shall serve 8 overlapping terms of six years, following the initial terms which
six years, following the initial

terms which shall be fixed by law.

COMMENT:


(2) Standardization of language.

(3) Elements, II, 16--keep related words together.


Section 6 becomes Section 4

Section 6. Approval of Private Schools; Effect

Section 4. Approval of Private Schools

Section 4. (1) Upon application by a private elementary, secondary, or proprietary school with a sustained curriculum or specialized course of study of quality at least equal to that prescribed for similar public schools, the State Board of Elementary and Secondary Education shall approve the private school. A certificate issued by an approved private school shall carry the same privileges as one issued by a state public school.
COMMENT:

(1) Elements, II, 16—keep related words together.
   Manual, Rule 12—singularization; Rule 5—substitute word for phrase.


**Question:**

*Can Style and Drafting "Caveat" to floor language which would make application line 3, mandatory?*

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**SECTION 7(A)**

1 Section 7. Board of Regents.
2 Section 7. (A) Board of Regents; establishment. There is created a body corporate known as the Board of Regents.
3 The board shall plan, coordinate, and have budgetary responsibility for all public higher education.

**becomes** **SECTION 5(1)**

1 Section 5. Board of Regents; creation; function.
2 Section 5. (1) There is created a body corporate. It shall plan, coordinate, and have budgetary responsibilities for all public higher education and shall have other powers, duties, and responsibilities provided in this.
and shall have such other powers, duties, and responsibilities as are provided in this Section and by law.

COMMENT:

(1) Manual, Rule 8—rewrite "there is"
(2) Manual, Rule 5—substitute word for phrase.
(5) "and" changed to "or"; Elements, V, 16—be clear.

SECTION 7 (B) becomes SECTION 5 (B)

(B) Board membership; terms.  

The board shall consist of fifteen electors appointed by the governor, with the consent of the Senate, for overlapping terms of six years, following initial terms which shall be fixed by law. At least one member, but no more than two members, shall be appointed from each of the several congressional districts.

COMMENT:

(2) Manual, Rule 8—rewrite "there is."
SECTION 7 (E) becomes SECTION 5(D)

1 (1) Powers of the Board. (1) The Board of Regents shall meet with the State Board of Elementary and Secondary Education at least twice a year to coordinate programs of public elementary, secondary, vocational-technical, career, and higher education. The Board of Regents shall have the following powers, duties, and responsibilities with respect to all public institutions of higher education and post-secondary vocational-technical training and career education:

16 (a) To revise or eliminate any existing degree program, department of instruction, division, or similar subdivision.
19 (b) To approve, disapprove, or modify any proposed degree program, department of instruction, division, or similar subdivision.
25 (c) To study the need for and feasibility of any new institution of post-secondary education, including branches of institutions and conversion of two-year institution.

1 (D) Powers. The Board of Regents shall meet with the State Board of Elementary and Secondary Education at least twice a year to coordinate programs of public elementary, secondary, vocational-technical, career, and higher education. The Board of Regents shall have the following powers, duties, and responsibilities relating to public institutions of higher education and post-secondary vocational-technical training and career education:

15 (1) To revise or eliminate an existing degree program, department of instruction, division, or similar subdivision.
19 (2) To approve, disapprove, or modify a proposed degree program, department of instruction, division, or similar subdivision.
23 (3) To study the need for and feasibility of any new institution of post-secondary education, including branches of institutions and conversion of two-year institution.
tion, including branches of
two-year institutions to institu-
tions offering longer courses of
study. If the creation of a new
institution is proposed, or an
additional management board for an
institution or group of institu-

SECTION 8 (A)

1 Section 8. Board of Trustees
2 for State Colleges and
3 Universities
4 (A) Creation;
5 Powers. There is created a body
corporate known as the Board of
Trustees for State Colleges and
Universities which, subject to
the powers vested in the Board of
Regents by this Article, shall
have:
(1) Supervision and management
of all state colleges and uni-
versities except those included
under the management of the Board
of Supervisors of Louisiana State
University and Agricultural and
Mechanical College, Board of
Supervisors of Southern University

becomes SECTION 6 (A)

1 Section 6. Board of Trustees
2 for State Colleges and
3 Universities
4 (A) Creation: Functions
5 [Powers][1] The Board of Trustees for
6 State Colleges and Universities
7 is created as a body corporate. [1]
8 Subject to powers vested by this
9 Article in the Board of Regents,
10 it shall have supervision and manage-
11 ment of:
12 (1) state colleges and univers-
13 ities not managed by a higher educati-
14 on board created by or under this Article
15 and
16 (2) unless the legislature pro-
17 vides otherwise, public institutions
18 of vocational-technical training and
19 career education at post-secondary
and Agricultural and Mechanical  
College, and any other board  
hereafter created pursuant to this Article.  
(2) Unless and until the legislature shall provide otherwise, supervision and management of all public institutions of vocational-technical training and career education at post-secondary levels.

COMMENT:
(1) Manual, Rule 8—rewrite "there is."
(2) Elements, II, 16—keep related words together.

SECTION 11 (B) becomes SECTION 8 (B)

(B) The legislature may provide for the membership of one student on the Board of Trustees for State Colleges and Universities, one student on the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, and one student on the Board of Supervisors of

(B) Student Membership. The legislature may provide for the membership of a student on the boards created by Sections 6 and 7 of this Article except the Board of Regents. The term of a student member shall not exceed one year, and no student member shall be eligible to succeed himself. A student member shall have all of the privileges and
COMMENT:

(1) Sentence rewritten to avoid listing all higher education boards.

(2) Manual, Rule 10—short sentences; Rule 14—unrelated ideas in separate sentences.

(3) Standardization of language.

SECTION 8(C)

(C) Compensation. A member of a board created by or pursuant to this Article shall serve without pay, but per diem and expenses may be provided by law. (1)

COMMENT:

(1) Part of Section 4(C) as enrolled and all of Section 7(C) as enrolled are consolidated and renumbered above as Section 8(C).
Paragraph (B) (1) provides for voting for and membership on the Monroe City and Ouachita Parish School Boards. (2) provides that any board member not meeting those requirements must vacate his position, then (3) provides that the Paragraph shall not be operative until 1977 or until reapportionment occurs. After this, the provision is inserted that "The provisions of this Paragraph shall be operative notwithstanding anything in this constitution to the contrary."

If that last sentence applies to all three items mentioned above, there arises a question as to whether consolidation of the two school boards under Section 10(C) would be prohibited. But Section 10(C) seems to indicate that any school system may be consolidated under procedures enacted by the legislature.

Another construction of the language is that the last "notwithstanding" clause of Paragraph (B) applies only to Item 3 (the effective date of the provisions) and was intended to supersede the effective date of the constitution which will be provided elsewhere. Thinking that this is the case, the staff restyled 10(B) to make it clear that the "notwithstanding" clause applies only to Item 3, the effective date. This construction is reinforced by the fact that Item 3 uses the phrase "shall not become operative" and the "notwithstanding" clause uses the expression "shall be operative." This somewhat unusual use of the word "operative" in this context, (it is not so used elsewhere in the constitution) supports the construction that the two sentences are related to each other.

To make it clear that the consolidation provision of Section 10(C) applies to all school systems, the committee added the word "any" so that the reference is to "any two or more school systems."

The Committee on Style and Drafting requests the views of the Committee on Education and Welfare as to whether either change might make a substantive change. [See attached sheet containing original staff draft of Section 10(B).]

Section 11

The mandate to appropriate funds refers to "expenses of the boards created pursuant to this Article." Constrained literally, that language may include parish and city school boards since they are referred to in the article. In styling the section, the Committee on Style and Drafting used the expression "state boards" to indicate that the mandate does not apply to parish and city school boards. The committee requests the views of the Committee on Education and Welfare as to whether this makes a substantive change.

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

The provisions of this Paragraph shall be operative notwithstanding anything in this constitution to the contrary.
COMMITTEE PROPOSAL NO. 7: FIRST ENROLLMENT EDUCATION

Styling Suggestions from Committee on Style and Drafting:
Comparative Presentation

SECTIONS ADOPTED BY CONVENTION

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

COMMENT:
(2) Elements,II, 16--keep related words together.

Section 2 becomes Section 1

13  Section 2. Public Educational System
14  Section 2. The legislature shall provide for the education

13  Section 1. Public Educational System
14  System
15  Section 1. The legislature shall provide for the education
17 of the people of the state and 18 shall establish and maintain a 19 public educational system.

COMMENT:
NO CHANGE

Section 3 Becomes Section 2

Section 3. State Superintendent of Public Elementary and Secondary Education

Section 3. (A) Term. Subject to the provisions for appointment in lieu of election, as set forth in Article IV, Section 23, there shall be a state superintendent of public education for elementary and secondary education, who shall be elected for a term of four years. If the office is made appointive, the qualifications of the superintendent shall be fixed by law. In addition, he shall be the administrative head of the Department of Elementary and Secondary Education for the implementation of the policies of the State Board of Elementary and Secondary Education and the laws affecting schools under its jurisdiction. The qualifications of the State Superintendent of Elementary and Secondary Education shall make the appointment. He shall be the administrative head of the Department of Education and shall implement the policies of the State Board of Elementary and Secondary Education.
cation and the laws affecting the 21 and other powers, functions, duties, 22 schools under its jurisdiction. and responsibilities of the superintend 23 (12) 23 tendent shall be provided by law. 24 25 26 27

COMMENT:


(2) Elements, II, 16—keep related words together.

(3) "Subject to" clause placed to clearly modify the four-year election of superintendent; Elements, V, 16—be clear.

(4) Standardization of language.

(5) Sentence removed from Section 4(A) as enrolled and placed in Section 2 as suggested for continuity of thought; Elements, II, 9—make paragraph unit of composition; Manual, Rule 5—substitute word for phrase.

Section 3 becomes Section 2


(8) Elements, V, 16—be clear.

(9) Manual, Rule 5—substitute word for phrase.


(11) Elements, V, 16—be clear.

(12) Ibid.

(13) Standardization of language.
Section 4. State Board of Elementary and Secondary Education

Section 4. (A) Creation; Function. There is created a body corporate, known as the State Board of Elementary and Secondary Education. The board shall supervise, control, and have budgetary responsibility for all funds appropriated or allocated by the state for all public elementary and secondary schools and special schools under its jurisdiction, as provided by law.

In the event the office of State Superintendent of Public Elementary and Secondary Education is made appointive, such appointment shall be made by the State Board of Elementary and Secondary Education. The board shall have such other specific powers, duties, and responsibilities as are provided by this constitution or by law, but shall have no control over the business affairs of parish and municipal school boards or the
selection or removal of their officers and employees.

COMMENT:

(1) Manual, Rule 8—rewrite "there is."
(2) Elements, V, 16--be clear.
(4) Standardization of language.
(6) Standardization of language.

Section 4 (B) becomes Section 3 (B)

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

COMMENT:

(2) Standardization of language.
(3) Elements, II, 16--keep related words together.


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Section 4(C) becomes Section 3(C)

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

13 (C) Vacancy. A vacancy in the office of an elected member, if the remaining portion of the term is more than one year, shall be filled for the remainder of the term by election, as provided by law. Other vacancies shall be filled for the remainder of the term by appointment by the governor.

COMMENT:

(1) Section rewritten for clarity. Provisions concerning per diem and expenses deleted, combined with Section 7(C) as enrolled, and consolidated and renumbered as Section 8(C).
Section 6. Approval of Private Schools; Effect

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

Section 4. Approval of Private Schools

Section 4. Upon application by a private elementary, secondary, or proprietary school with a sustained curriculum or specialized course of study of quality at least equal to that prescribed for similar public schools, the State Board of Elementary and Secondary Education shall approve the private school. A certificate issued by an approved private school shall carry the same privileges as one issued by a state public school.

COMMENT:

(1) Elements, II, 16—keep related words together. Manual, Rule 12—singularization; Rule 5—substitute word for phrase.


The Board of Regents is created as a body corporate. It shall plan, coordinate, and have budgetary responsibility for all public higher education and shall have other powers, duties, and responsibilities provided in this Section or by law.

Comment:

1. Manual, Rule 8—rewrite "there is"
5. "and" changed to "or"; Elements, V, 16—be clear.

Section 7 (B) becomes Section 5 (B)

(B) Board membership; terms.

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

COMMENT:

(2) Manual, Rule 8—rewrite "there is."

---

Section 7 (c) deleted here

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

Combined with similar provision in Section 4 (c) as en acted and renumbered as Section 8 (c).
of the term shall be filled for the remainder of the unexpired term by appointment by the governor, with the consent of the Senate.

COMMENT:

(1) Indefinite article changed to definite article; Elements, V, 16—be clear.


---

Section 7 (E) Becomes Section 5 (D)

1 (E) Powers of the board. (1) Board of Regents shall meet with the State Board of Elementary and Secondary Education at least twice a year to coordinate programs of public elementary, secondary, vocational-technical, career, and higher education. The board shall have the following powers, duties, and responsibilities with respect to all public institutions of higher education and post-secondary vocational-technical training and [356]
career education:

1. To revise or eliminate any existing degree program, department, division, or similar subdivision.

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

3. To study the need for and feasibility of any new institution of post-secondary education, including branches of institutions and conversion of two-year institutions to institutions offering longer courses of study. If the creation of a new institution is proposed, or an additional management board for an existing institution is proposed, the Board of Regents shall

4. Within one year of the Board of Regents' report, it may make a transfer to another is another management board for an existing institution, the addition of another management board, or the transfer of an existing institution from one board to another.

5. If the creation of a new institution is proposed, or an additional management board for an existing institution is proposed, and no report is filed, or, after the transfer of an existing institution from one board to another.

6. May the legislature take affirmative action on such a proposal and then report its written findings and recommendations to the legislature within one year. Only after the Board of Regents has been filed, or, after one year if no report is filed, may the legislature take affirmative action on such a proposal.
7 only by law enacted by two-thirds of
8 the members of each house.
9
10 (4) To formulate and make timely
11 revision of a master plan for higher
12 education and post-secondary vocational-
13 technical training and career education
14 As a minimum, the plan shall include a
15 formula for equitable distribution of
16 funds to the institutions of higher
17 education.
18 (5) To require that every higher
19 education board submit to it, at a
20 time it specifies, an annual budget
21 proposal for operational needs and for
22 capital needs of each institution
23 under the control of each board.
24 The Board of Regents shall submit its
25 budget recommendations for all
26 institutions of higher education and
27 post-secondary vocational-technical
28 training and career education in the
29 state. It shall recommend priorities
30 for capital construction and improve-
31 32
33
Section 7 (E) becomes Section 5(D)

1 annual budget proposals for the 1
2 operational and capital needs of 2
3 each institution under the 3
4 control of each. The Board of 4
5 Regents shall submit its recom-
6 mendations on budgets for all 6
7 institutions of higher education 7
8 and post-secondary vocational-
9 technical training and career 9
10 education in the state. It shall 10
11 recommend priorities for capital 11
12 construction and improvements. 12

COMMENT:

(1) **Elements**, V, 16--be clear.

(2) Manual, Rule 5--substitute word for phrase.

(3) Standardization of language.


(5) **Elements**, V, 16--be clear.

(6) **Ibid.**

(7) **Elements**, II, 16--keep related words together.

(8) Manual, Rule 5--substitute word for phrase.

(9) **Elements**, V, 16--be clear.

(10) **Elements**, II, 16--keep related words together.

(11) **Elements**, II, 15--parallelism; **Elements**, V, 16--be clear.
(12) Standardization of language.


(14) Ibid.


Section 7 (E) becomes Section 5(D)

(17) Elements, II, 15--parallelism.

(18) Elements, V, 16--be clear.


Section 7 (F) becomes Section 5(E)

1 (F) Powers not vested. Powers
2 of management over public insti-
3 tutions of higher education and
4 post-secondary vocational-technical
5 training and career education not
6 specifically vested in the Board
7 of Regents by this Section are
8 reserved to the Board of
9 Supervisors of Louisiana State
10 University and Agricultural and
11 Mechanical College and to the

1 (E) Powers Not Vested.
2 Powers of management over public
3 institutions of higher education
4 and post-secondary vocational-
5 technical training and career
6 education not specifically vested
7 by this Section in the Board of
8 Regents are reserved to the
9 Board of Supervisors of Louisiana
10 State University and Agricultural
11 and Mechanical College, the Board
Board of Trustees for State Colleges and Universities as to the institutions under the control of each or to any board created pursuant to this Article.

COMMENT:

(1) Elements, II, 16—keep related words together.

(2) Southern Board added to conform with language of Section 9(A) as enrolled.

(3) Elements, II, 16—keep related words together.

(4) Elements, V, 16—be clear.

Section 8 (13)

Section 6 (15)
of all state colleges and universities except those included under the management of the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, Board of Supervisors of Southern University and Agricultural and Mechanical College, and any other board hereafter created pursuant to this Article.

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

COMMENT:

(1) Manual, Rule 8--rewrite "there is."

(2) Elements, II, 16--keep related words together.

Section 8 (A) becomes Section 6(1)

(3) Manual, Rule 5--substitute word for phrase.

(4) Ibid.

Section 8 (B) becomes Section 6 (B)

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

COMMENT:

(1) Paragraph rewritten to state composition of board
before stating terms members serve.

Section 8 (C) becomes Section 6 (C)

1 (C) Vacancies. A vacancy
2 occurring prior to the expira-
3 tion of the term shall be filled

1 (C) Vacancy. A vacancy occur-
2 ring prior to the expiration of a
3 term shall be filled for the
for the remainder of the un-
expired term by appointment by the
governor, with the consent of the
Senate.

COMMENT:
(1) Indefinite article substituted for definite article.
(2) Standardization of language.

Section 9 (A) becomes Section 7 (A)

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

Section 9. (A) Creation;
Powers. There is created bodies corporate, known as the Board of Supervisors of Louisiana State University and Agricultural and mechanical College and the Board of Supervisors of Southern University and Agricultural and Mechanical College

Section 7. (A) Creation;
Powers. The Board of Supervisors of Louisiana State University and Agricultural and Mechanical College and the Board of Supervisors of Southern University and Agricultural and Mechanical College are created as bodies corporate.
Subject to powers vested in the
Mechanical College, which subject to the powers vested in the Board of Regents, shall supervise and manage the institutions, statewide agricultural programs, and other programs administered through its system.

Section 9 (B) becomes Section 7 (A)

1 manage the institutions and
2 statewide agricultural and other
3 programs administered through the
4 Louisiana State University and
5 Agricultural and Mechanical
6 College and the Southern University
7 Agricultural and Mechanical
8 College system.

COMMENT:

(1) Manual, Rule 8--rewrite "there is."

(2) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.

(3) Elements, V, 16--be clear.


Section 9 (B) becomes Section 7 (B)

(B) Membership; Terms. The members of each board shall be appointed by the governor, with the consent of the Senate, for overlapping terms of six years following initial terms which shall be fixed by law. Each

9 (B) Membership; Terms.
10 Each board shall be composed of two members from each congressional district and one member from the state at large, appointed by the governor with consent of the Senate. The
15 members shall serve overlapping
board shall be composed of two members from each of the congressional districts into which the state is divided, and one member shall be from the state at large.

COMMENT:

(1) Paragraph rewritten to state composition of board before stating terms members serve and to achieve construction parallel to Section 6(B).

SECTION 9 (C) becomes SECTION 7 (C)

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

COMMENT:

(1) Indefinite article substituted for definite article.

Section 11 (A) becomes Section 8 (A)

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

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

Section 8 (B) becomes Section 8 (B)

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

Commission:

(1) Elements, II, 16--keep related words together; i.e., do not split infinitive.

(B) The legislature may provide for the membership of one student on the Board of Trustees for State Colleges and Universities, one student on the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, and one student on the Board of Supervisors of Southern University and Agricultural and Mechanical College whose terms shall not exceed

(B) Student Membership. The legislature may provide for the membership of one student on the boards created by Sections 6 and 7 of this Article.

The term of a student member shall not exceed one year, and no student member shall be eligible to succeed himself. A student member shall have all of the privileges and rights of other board members except the right to vote.
one year. No student member shall be eligible to succeed himself. A student member shall enjoy all of the privileges and rights of other board members except the right to vote.

COMMENT:
(1) Sentence rewritten to avoid listing all higher education boards.
(2) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.
(3) Standardization of language.

SECTION 8(C)

(C) Compensation. A member of a board created by or pursuant to this Article shall serve without pay, but per diem and expenses may be provided by law.(1)

COMMENT:
(1) Part of Section 4(C) as enrolled and all of Section 7(C) as enrolled are consolidated and renumbered above as Section 8(C).

SECTION 12(A) becomes SECTION 9(A)

Section 12. Parish School Boards; Parish Superintendents
Section 12. (A) Parish School

Section 9. Parish School Boards; Parish Superintendents
Section 9. (A) Boards. The
Boards. The legislature shall 5 create parish school boards and 6 shall provide for the election 7 of the members of such boards.

COMMENT:
(2) Manual, Rule 5--substitute word for phrase.

Section 12 (B) becomes Section 9 (B)

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

COMMENT:
(1) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.
Section 13. Recognition of Existing Boards and Systems; Consolidation

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

COMMENT:

(1) Webster's, Rule 4.4.1—omit needless commas.


(3) Ibid.

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

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

SECTION 13(B) becomes SECTION 10(B)

COMMENT:

(2) Ibid.
(3) Elements, II, 11--positive form.

SECTION 13(B) becomes SECTION 10(C)

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

(1) Manual, Rule 18--place exception first.
COMMENT:
(1) Elements, V, 16--be clear.
(2) Ibid.

SECTION 11 BECOMES SECTION 12

1 Section 11. Appropriations;
2 State Boards
3 Section 11. The legislature shall
4 appropriate funds for the operating
5 and administrative expenses of the
6 state boards created by or pursuant to
7 this Article.

SECTION 12 BECOMES SECTION 15

1 Section 12. Appropriations;
2 Higher Education
3 Section 12. Appropriations for
4 the institutions of higher education
education and post-secondary vocational-technical training and career education shall be made to their respective managing boards. The appropriations shall be administered by the managing boards and used solely as provided by law.

COMMENT:


(2) Elements, V, 16--be clear.
Section 16 (B) becomes Section 13 (B)

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

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<tr>
<th>Comment:</th>
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<tbody>
<tr>
<td>(1) Elements, II, 16—keep related words together.</td>
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<tr>
<td>(2) Manual, Rule 6—avoid hackneyed reference words.</td>
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<tr>
<td>(3) Manual, Rule 5—substitute word for phrase.</td>
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Section 16 (C) becomes Section 13 (C)

1  (C) The local funds for the support of elementary and secondary schools shall be in the amount of

<table>
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<tbody>
<tr>
<td>(1) Local Funds.</td>
</tr>
<tr>
<td>(2) Local funds for the support of elementary and secondary schools.</td>
</tr>
</tbody>
</table>
secondary schools shall be derived from the following sources:

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

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

Third: For giving additional
of the city and collected in the manner and under the conditions and with the interest and penalties prescribed by law for city taxes. The money thus collected shall be paid daily to the Orleans Parish School Board.

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

ture.

COMMENT:


(2) Standardization of language.


(4) Standardization of language.

(5) Standardization of language.


SECTION 16 (C) becomes SECTION 13 (C)

(7) Elements, V, 16--be clear.

(8) Manual, Rule 5--substitute word for phrase.

(9) Ibid.


(13) Elements, V, 16--be clear.


(15) Webster's, Rule 4.4.1--omit needless commas.

(16) Standardization of language.


Section 16 (D) becomes Section 13 (D)

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

(D) Municipal School Systems.

For the effects and purposes of this Section, the municipalities of Monroe in Ouachita Parish, and Bogalusa in Washington Parish, and no others, shall be regarded and treated as parishes and shall have the authority granted parishes.

COMMENT:

(1) Standardization of language.

(2) Elements, V, 16—be clear.

(3) Manual, Rule 5—substitute word for phrase.

(4) Ibid.

- 36 -

Section 17 becomes Section 14

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

Section 14. Tulane University
Section 14. The Tulane University of Louisiana in New Orleans is recognized as created and to be developed in accordance with Act No. 43 approved July 5, 1884.
Legislative Act No. 43 approved July 5, 1884.

COMMENT:

(1) Webster’s, Rule 4.4.1--omit needless commas.
(3) Ibid.
(4) Ibid.

COMMITTEE PROPOSAL NO. 7: FIRST ENROLLMENT

Changes recommended by Committee on Education and Welfare and Committee on Style and Drafting to clarify possible ambiguous language in enrolled proposal, but involving possible substantive change in the provision as adopted by the Convention.

COMPARATIVE PRESENTATION

<table>
<thead>
<tr>
<th>SECTIONS AS ADOPTED: INCORPORATING CHANGES RECOMMENDED BY COMMITTEE ON STYLE AND DRAFTING</th>
<th>FURTHER CHANGES RECOMMENDED BY BOTH COMMITTEES TO CLARIFY POSSIBLE AMBIGUITIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Section 7. (A) Creation; Powers. The Board of Supervisors of Louisiana State University and Agricultural and Mechanical College and the Board of Supervisors of Southern University and Agricultural and Mechanical College are created as bodies corporate. Subject to powers vested in the Board of Regents, each shall supervise and manage the institu-</td>
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<tr>
<td>2 Powers. The Board of Supervisors of Louisiana State University and Agricultural and Mechanical College are created as bodies corporate. Subject to powers vested by this</td>
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<td>3 of Louisiana State University and Agricultural and Mechanical College</td>
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<td>4 and Agricultural and Mechanical College</td>
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<td>5 College and the Board of Supervisors of Southern University and Agricultural and Mechanical College</td>
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<td>6 visors of Southern University and Agricultural and Mechanical College</td>
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<tr>
<td>7 Agricultural and Mechanical College</td>
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<td>8 are created as bodies corporate.</td>
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<tr>
<td>9 Subject to powers vested by this (1)</td>
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<tr>
<td>10 Article in the Board of Regents,</td>
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<tr>
<td>11 each shall supervise and manage</td>
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<tr>
<td>[380]</td>
<td></td>
</tr>
</tbody>
</table>
12 tions, statewide agricultural pro-
13 grams, and other programs adminis-
14 tered through its system.

12 the institutions, statewide
13 agricultural programs, and other
14 programs administered through its
15 system.

CAVEAT: Section 6(A) as renumbered allows the Board of
Trustees for State Colleges and Universities
powers of supervision and management subject
"to powers vested by this Article in the Board
of Regents." The LSU Board and the Southern Board
are granted powers subject "to powers vested in
the Board of Regents" in Section 7(A) as
renumbered. For consistency, it might be advisable
to insert "by this Article" in the text of Section 7(A)
as suggested above.

SECTION 13(13) BECOMES SECTION 10(B)

1 (B) Ouachita Parish and Monroe
2 City School Systems; Board Mem-
3BERSHIP. Only persons residing within
4 the jurisdiction of the Monroe City
5 School Board shall be eligible to
6 vote for or be members of the Monroe
7 City School Board. Only persons
8 residing in that portion of Ouachita
9 Parish outside the jurisdiction
10 of the Monroe City School Board shall
11 be eligible to vote for or be members
12 of the Ouachita Parish School Board
13 The position of a member of either
14 board shall be vacated when he no
15 longer satisfies the requirements of
16 this Paragraph. This Paragraph shall

1 (B) Ouachita Parish and
2 Monroe City School Systems; Board
3 Membership. Only persons resid-
4 ing within the jurisdiction of
5 the Monroe City School Board
6 shall be eligible to vote for
7 or be members of the Monroe City
8 School Board. Only persons
9 residing in that portion of
10 Ouachita Parish outside the
11 jurisdiction of the Monroe City
12 School Board shall be eligible
13 to vote for or be members of
14 the Ouachita Parish School Board.
15 The position of a member of
16 either board shall be vacated
become operative upon the election of members to the Ouachita Parish School Board taking office in 1977 or upon the first reapportionment affecting the Ouachita Parish School Board, whichever occurs earlier.

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

CAVEAT:

Some ambiguity results from the last paragraph of Section 10(B) as enrolled which provides, "The provisions of this Paragraph shall be operative notwithstanding anything in this constitution to the contrary."

Paragraph (B) (1) provides for voting for and membership on the Monroe City and Ouachita Parish School Boards, (2) provides that any board member not meeting those requirements must vacate his position, then (3) provides that the Paragraph shall not be operative until 1977 or until reapportionment occurs. After this, the provision is inserted that "The provisions of this Paragraph shall be operative notwithstanding anything in this constitution to the contrary."

If that last sentence applies to all three items mentioned above, there arises a question as to whether consolidation of the two school boards under Section 10(C) would be prohibited. But Section 10(C) indicates that any school system may be consolidated under procedures enacted by the legislature.

One interpretation of the language, which would give effect to both the language and Section 10(C), is that the last "notwithstanding" clause of Paragraph (B) applies only to Item 3 (the effective date of the provisions) and was intended to supersede the effective date of the constitution which will be provided elsewhere. That interpretation is reinforced by the fact that Item 3 uses
the phrase "shall not become operative" and the 'notwithstanding' clause uses the expression "shall be operative." This somewhat unusual use of the word "operative" in this context, (it is not so used elsewhere in the constitution) supports the construction that the two sentences are related to each other. If that interpretation is correct, the Section can be restyled and shortened, as suggested above, to make it clear that the "notwithstanding" clause applies only to the effective date.

-3-

COMMITTEE PROPOSAL NO. 9: FIRST ENROLLMENT

HUMAN RESOURCES

Staff Styling Suggestions: Comparative Presentation

<table>
<thead>
<tr>
<th>PROPOSAL AS ENROLLED</th>
<th>SUGGESTED CHANGES</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 ARTICLE VII. HUMAN RESOURCES</td>
<td>1 ARTICLE VII. HUMAN RESOURCES</td>
</tr>
<tr>
<td>2 Section 1. State and City</td>
<td>2 Section 1. State and City</td>
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<tr>
<td>3 Civil Service</td>
<td>3 Civil Service</td>
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<tr>
<td>4 Section 1. (A) Civil Service</td>
<td>4 Section 1. (A) Civil Service</td>
</tr>
<tr>
<td>5 System; State; Cities.</td>
<td>5 Civil Service System.</td>
</tr>
<tr>
<td>6 (1) State Civil Service.</td>
<td>6 (1) State Civil Service.</td>
</tr>
<tr>
<td>7 The state civil service includes all offices and positions of trust or employment in the employ of the state, or any instrumentality thereof, and any joint state and federal agency, joint state and parochial agency or joint state</td>
<td>7 The state civil service is established includes all persons holding offices and positions of trust or employment in the employ of the state, or any instrumentality thereof, and any joint state and federal agency,</td>
</tr>
</tbody>
</table>
and municipal agency, irrespective of what funds are used to pay for such employment. It shall not include municipal boards of health or local governmental subdivisions.

(2) City Civil Service. The city civil service includes all offices and positions of trust or employment in the employ of each city in the state with over four hundred thousand population, and every instrumentality thereof. However, paid firemen and municipal policemen may be excluded if a majority of the electors in the city affected voting at an election held for the purpose of such exclusion, provided said election shall be called by the governing authority of the city affected within one year after the effective date of this constitution.

SECTION 1 (14) (2)
(B) Classified and Unclassified Service. The state and city civil service is divided into the unclassified and classified service.

All persons not included in the unclassified service are in the classified service.

The unclassified service shall include the following officers and employees in the state and city civil service:

1. (1) elected officers and persons appointed to fill vacancies in elective offices; (2) heads of principal executive departments appointed by the governor, the mayor, or the governing authority of a city;
2. (3) city attorneys; (4) registrars of voters; (5) members of state and city boards, authorities, and commissions; (6) one private secretary to the president of each college or university, and one person holding a confidential position and one principal assistant or deputy to any officer, board, commission.
and administrative officers of schools, colleges and universities of the state and bona fide students of such institutions employed by any state, parochial, or municipal agency; (9) employees, deputies, and officers of the legislature, of the offices of the governor, lieutenant governor, attorney general, each mayor and city attorney of the several cities, of police juries, of school boards, of assessors, of all offices provided for in Article V of this Constitution except the offices of clerk of the municipal and traffic courts in New Orleans, of coroners; (10) commissioners of elections, and watchers; cust...

board, commission, or authority mentioned in (a), (b), (d), or (e) above, except civil service departments; (h) members of the military or naval forces; (i) teaching and professional...
(C) State Civil Service Commission; Appointment; Nomination. There shall be a State Civil Service Commission, domiciled in Baton Rouge, composed of seven members who are electors of this state, four of whom constitute a quorum. No more than one appointed member shall be from each congressional district.

(1) Appointment. The members shall be appointed by the governor, as hereinafter provided, for overlapping terms of six years.

(2) Appointment. The members shall be appointed by the governor, as hereinafter provided, for overlapping terms of six years.

(3) Nominations. The presi-
(2) Nominations. The presidents of Centenary College at Shreveport, Louisiana; Dillard University at New Orleans, Louisiana College at Pineville, Loyola University at New Orleans, Tulane University at New Orleans, and Xavier University at New Orleans, after giving consideration to representation of all groups, each shall nominate three persons. The governor shall appoint one member of the commission from the three persons nominated by each president. One member of the commission shall be elected by the classified employees of the state from their number as provided by law. A vacancy for any cause shall be filled by appointment or election in accordance with the procedure or law governing the original appointment or election, and from the same source. Within thirty days after a vacancy occurs, the president concerned shall submit the required nominations. Within thirty days thereafter, the governor shall make

[388]
Within thirty days after a vacancy occurs, the president concerned shall submit the required nominations. Within thirty days thereafter, the governor shall make his appointment. Should the governor fail to appoint within thirty days, the nominee whose name is first on the list of nominees automatically shall become a member of the commission. If the governor fails to appoint within thirty days, the nominee whose name is first on the list of nominees automatically shall become a member of the commission. If the governor fails to appoint within thirty days, the nominee whose name is first on the list of nominees automatically shall become a member of the commission.

(D) City Civil Service Commission; Appointment; Nomination; Vacancies. There shall be a city civil service commission in each city having a population exceeding four hundred thousand. Each commission shall be composed of five members, who are qualified electors of the city, domiciled in the city served.
three of whom constitute a quorum. The members shall serve overlapping terms of six years as hereinafter provided. The domicile of each commission shall be in the city which it serves.

(1) New Orleans; Nomination and Appointment. In the city of New Orleans, the presidents of Dillard University, Loyola University of the South, St. Mary's Dominican College, Xavier University, and Tulane University of Louisiana, after giving due consideration to representation of all groups, each shall nominate three persons. The municipal governing authority shall appoint one member of the commission from the three persons nominated by each.

(2) Other Cities; Nomination and Appointment. In each other city subject to this Section, the presidents of any five institutions of higher education in the state, selected by the governing authority of the respective city, each shall nominate three persons, after giving consideration to
education in the state, which five institutions shall be selected by the governing authority of the respective city, each shall nominate three persons, after giving due consideration to representation of all groups, and from the three persons so nominated by each, the governing authority of the city shall appoint one to serve as a member of the commission.

(3) Vacancies. Vacancies for any cause shall be filled by appointment in accordance with the procedure for the original appointment and from the same source. Within thirty days after a vacancy occurs, the university president concerned shall submit the required nominations. Within thirty days thereafter, the municipal governing authority shall make the appointment. If the municipal governing authority fails to appoint within the thirty days, the nominee whose name is first on the list of nominees automatically shall become a member of the commission. If one of the nominating authorities fails to submit nominees in the time required, or if one of the named institutions ceases to exist, the municipal governing authority shall make the appointment.
section 1 (E)

(E) Removal. A member of the state or of a city civil service commission may be removed by the governor or the governing authority, as the case may be, for cause, after being served with written specifications of the charges against him, and an opportunity for a public hearing thereon is afforded by his appointing authority.
Section 1 (F)

(F) Department of Civil Service; Directors.

(1) State Department. There shall be a Department of State Civil Service in the executive branch of the state government.

(2) City Departments. There shall be a department of city civil service in each city having a population exceeding four hundred thousand.

(3) Directors. Each commission shall appoint a director, after competitive examination, who shall be the administrative head of his department, and who shall be in the classified service. Each director shall appoint personnel and exercise powers and duties to the extent prescribed by the commission appointing him.
Permanent appointments and promotions in the classified state and city service shall be made only after certification by the appropriate department of civil service under a general system based upon merit, efficiency, fitness, and length of service, as ascertained by examination which, so far as practical, shall be competitive. The number to be certified shall not be less than three; however, if more than one vacancy is to be filled, the name of one additional eligible for each vacancy may be certified. Each commission shall adopt rules for the method of certifying persons eligible for appointment, promotion, reemployment, and reinstatement and shall provide for appointments defined as emergency and temporary appointments where certification is not required.
(H) Appeals. (1) Disciplinary Actions. No person who has gained permanent status in the classified state or city service shall be subjected to disciplinary action except for cause expressed in writing. Any classified employee subjected to such disciplinary action shall have the right of appeal to the appropriate commission. The burden of proof on appeal, as to the facts, shall be on the appointing authority.

(2) Discrimination. No classified employee shall be discriminated against because of his political or religious beliefs, sex, or race. Any classified employee so discriminated against shall have the right of appeal to the appropriate commission. The burden of proof on appeal, as to the facts, shall be on the employee.
(I) Prohibitions Against Political Activities.

(1) No member of a civil service commission and no officer or employee in the classified service shall participate or engage in political activity; or be a candidate for nomination or election to public office except to seek election as the classified state employee serving on the State Civil Service Commission; or be a member of any national, state, or local committee of a political party or faction; or make or solicit contributions for any political party, faction, or candidate; or take active part in the management of the affairs of a political party, faction, or candidate or any political campaign, except to exercise his right as a citizen to express his opinion privately, to serve as a commissioner or official watcher at the polls, and to cast his vote as he desires.

(2) No person shall solicit contributions for political purposes from any classified employee.
(2) No person shall solicit contributions for political purposes from any classified employee or official or use or attempt to use his position in the state or city service to punish or coerce the political action of a classified employee.

(3) Political activity is defined as an effort made to support or oppose the election of a candidate for political office or the support of a particular political party in an election. There shall be no prohibition against support of issues involving bonded indebtedness, tax referenda, or constitutional amendment.
SECTION 1

(J) Rules; Investigations; Wages and Hours. (1) Rules.

Each commission is vested with broad and general rule-making and subpoena powers for the administration and regulation of the classified service, including but not limited to the adoption of rules for the regulation of employment, promotion, demotion, suspension, reduction in pay, removal, certification, qualifications, political activities, and all other personnel matters and transactions the adoption of a uniform pay and classification plan, employment conditions, employee training and safety, compensation and disbursements to employees, and generally to carry out and effectuate the objectives and purposes of the merit system of civil service as herein established. Nothing herein shall prevent the legislature from supplementing these uniform pay plans for sworn, commissioned law enforcement officers of the Division of State Police, and regularly commissioned officers.
1 department of city civil service 1 forces of the United States who
2 shall accord a five-point pre-
3 ference in original appointment
4 to each person honorably dis-
5 charged, or discharged under
6 honorable conditions from the
7 armed forces of the United States,
8 after having served between the
9 wartime dates of April 6, 1917
10 and November 11, 1918, both dates
11 inclusive; or between September
12 16, 1940 and July 25, 1947, both
dates inclusive; or between June
13 27, 1950 and January 31, 1955,
14 both dates inclusive; or who
15 served in the Viet Nam Theater
16 between July 1, 1958 and the
17 date the United States government
decides to be the date of termina-
18 tion of service for members of
19 the armed forces to receive credit
20 for the award of the Viet Nam Ser-
21 vice Medal; in a peacetime cam-
22 paign or expedition for which
23 campaign badges are authorized.
24 The [Department of State Civil Ser-
25 vice]
the government of the United States declares to be the date of termination of service for members of the armed forces to receive credit for the award of the Viet Nam Service Medal, both dates inclusive; or who served in the peacetime campaigns or expeditions for which campaign badges are authorized. The Department of State Civil Service and a department of city civil service shall accord a ten-point preference in original appointment to each honorably discharged veteran who served either in peace or in war and who has one or more disabilities recognized as service-connected by the Veterans Administration; to the spouse of each veteran whose physical condition precludes his or her appointment to a civil service job in his or her usual line of work; to the unmarried widow of each deceased veteran who served in a war period, as defined above, or in a peacetime campaign or expedition; or to the unmarried widowed parent of any person who died in active wartime or peacetime service or who suffered total and permanent disability in active wartime or peacetime service; or the divorced or separated parents of any person who died in wartime or peacetime service or who became totally and permanently disabled in
married widow of each deceased veteran who served in a war period as defined above or in a peacetime campaign or expedi-
tion; or to the unremarried parents of any person who died in active wartime or peacetime service or who suffered total and permanent disabilities in active wartime or peacetime service; or the divorced or separated parents of any person who died in wartime or peacetime service. However, only one ten-point preference shall be allowed in the original appointment to any person enumerated above. If the ten-point preference is not used by the veteran, either because of the veteran's physical or mental incapacity which precludes his appointment to a civil service job in his usual line of work or because of his death, the preference shall be available to his spouse, unremarried widow, or eligible parents as defined above, in the order specified. However, any such preference may be given only to a person who has attained at least the minimum score required on each test and who has received at least the minimum rating required for eligibility.

(c) Layoffs; Preference Employees. When a position in the classified service is abolished, or needs to be vacated because of stoppage of work from lack of funds or other causes, preference
married widow, or eligible parents as defined above, in the order specified, but all such preferences may be given only to persons who have attained marks on the tests which meet at least the minimum requirements imposed for each test and who have received at least the minimum rating required for eligibility. 

Layoffs; Preference Employees. Whenever a position in the classified service is abolished or needs to be vacated because of stoppage of work from lack of funds, or other causes, preference employees (ex-members of the armed forces and their dependents as described in this Section) whose length of service and efficiency ratings are at least equal to those of other competing employees shall be retained in preference to all other competing employees. However, when any function of a state agency is transferred to, or when a state agency is replaced by, one or more other state agencies, every preference employee in classification and performing functions transferred, or working as the state agency replaced shall be transferred to the replacing state agency or agencies for employment in a position for which he is qualified before that state agency or agencies appoint additional employees for such positions from eligible lists. The appointing authority shall give the director written notice of any proposed layoff within a reasonable length of time before its effective date, and the director shall issue orders relating thereto which he considers necessary to secure compliance with the rules. No rule, regulation, or
agencies, all preference employees in the classifications and performing the function or functions transferred or in the state agency which is replaced

by some other state agency shall first be transferred to the replacing state agency, or state agencies, for employment in positions for which they are qualified, before such state agency, or state agencies, shall appoint additional employees from eligible lists for such positions. The appointing authority shall give written notice to the director of any proposed layoff a reasonable time before the effective date thereof, and the director shall make such orders relating thereto as he considers necessary to secure compliance with the rules. No rule, regulation, or practice of the commission, of any agency or department, or of any official of the state or any political subdivision shall favor or discriminate against any applicant or employee because of his membership or non-membership in any private organization; but this shall not prohibit an agency, department, or political subdivision from contracting with an employee organization with respect to wages, hours, grievances, working conditions, or other conditions of employment in a manner not inconsistent with this constitution, a civil service law, or a valid rule or regulation of a commission. 

Rules adopted pursuant hereto shall have the effect of law and be published and made available to the public. Each commission may impose penalties for violation of its rules by
commission, any agency or depart- 20
demotion in or suspension or dis-
ment, or any officer of the 21
charge from position, with
state or any political subdivi-
attendant loss of pay.
sion shall favor or discrimi-
22
23
nate against any applicant or
24
25
employee on the basis of his
26
member membership or nonmembership in
27
any private organization; pro-
28
vided that this shall not
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prohibit any state agency, de-
30
partment or political subdivi-
31
sion from contracting with an
32
employee organization with
33
respect to wages, hours, griev-
34
ances, working conditions or
35
other conditions of employment

Rules adopted pursuant

in a manner not inconsistent with
this constitution or any civil
government law or valid rule or reg-
ulation of a commission.

Rules adopted pursuant
hereto shall be published and
available to the public and have
the effect of law. Each com-
misison may impose penalties for
violation of its rules by dem-
tion in, or suspension or dis-

(2) Investigations. Each (67) commission may investigate violations
of this Section and the rules,
and regulations adopted
pursuant hereto.

(3) Wages and Hours. Any rule or determination affecting
wages or hours shall have the
effect of law and become effective
only after approval by the governor
or the appropriate governing
charge from position, with attendant loss of pay.

(2) Investigations. Each commission is authorized to investigate violations of the provisions of this Section and the rules, statutes, or ordinances adopted pursuant hereto.

(3) Wages and Hours. Any rule or determination affecting wages or hours shall become effective and shall have the effect of law only after approval by the governor or the appropriate governing authority.

(K) Penalties. Any person who willfully violates any provision of this Section shall be guilty of a misdemeanor and shall, upon conviction, be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or both.
(L) Appeal. Each commission shall have the exclusive power and authority to hear and decide all removal and disciplinary cases, with subpoena power and power to administer oaths. It may appoint a referee to take testimony, with subpoena power and power to administer oaths to witnesses. The decision of a commission shall be subject to review on any question of law or fact upon appeal to the court of appeal wherein the commission is located, upon application filed with the commission within thirty calendar days after its decision becomes final.

(M) Appropriations. The legislature shall make adequate annual appropriations to the State Civil Service Commission and to the Department of State Civil Service to enable

- 23 -

(M) Appropriations. (1) State. The legislature shall make adequate annual appropriations to the State Civil Service Commission and to the Department of State Civil Service to enable
the commission and the department to carry out efficiently and effectively the provisions of this Section, and the amount so appropriated by the legislature shall not be subject to veto by the governor.

(2) Cities. Each city subject to the provisions of this Section shall make adequate annual appropriations to enable its civil service commission and department to carry out efficiently and effectively the provisions of this Section.

(N) Acceptance of Act; Other Cities, Parishes, City and Parish Governed Jointly. Any city having a population exceeding ten thousand but not exceeding four hundred thousand, and any parish, or any parish governed jointly with one or more cities under a plan of government, having a population exceeding ten thousand, according to the last preceding

Section 1 (N)
decennial federal census for
which the final report of popula-
tion returns have been reported
to the president of the United
States, may elect to accept the
provisions of this Section by a
majority vote of its qualified
electors voting at a general or
special election for this pur-
pose. The election shall be
ordered and held by the city,
the parish, or the city-parish,
as the case may be upon (1) the
adoption of an ordinance by the
governing body thereof calling
for such elections; or (2) the
presentation of such governing
body of a petition signed by
qualified electors equal in
number to five percent of the
qualified registered voters of
the city, the parish, or the
city-parish, as the case may be,
calling for such election.

If a majority of the votes
cast in such election are in
favor of the adoption of the
official decennial federal census,
may elect to be governed by this
Section by majority vote of its
electors voting at an election
hold for that purpose. The elec-
tion shall be ordered and held by
the city, the parish, or the city-
parish, as the case may be, upon
(a) the adoption of an ordinance
by the governing authority calling
the election; or (b) the presenta-
tion to the governing authority of
a petition calling for such an
election signed by
electors equal in number to five
percent of the registered voters
of the city, the parish, or the
city-parish, as the case may be.

If a majority of the
electors vote to adopt this Section,
its provisions shall apply perma-
nently to the city, the parish, or
the city-parish, as the case may be,
and shall govern it as if this
provisions of this Section, all the provisions thereof shall thereafter permanently apply to and govern the city or city-parish, as the case may be, in the same manner and to the same extent as if said Section and all its provisions had originally applied to such city, parish, or city-parish. In such instance, all officers and employees of the city, the parish, or the city-parish, or any other subdivision of the state, as the case may be, who have acquired civil service status under a civil service system established by legislative act, city charter, or otherwise, shall retain that status and thereafter shall be subject to and be governed by this Section and the rules and regulations adopted under it.

(3) If a majority of the electors vote against the adoption of this Section, the question of its adoption shall not be resubmitted to the voters of the political subdivision within one year thereafter.
Section shall not be resubmitted to the voters of the city, the parish, or the city-parish, as the case may be, within one year thereafter.

Section 1(N)

(0) City, Parish Civil Service System; Creation; Prohibition. Nothing in this Section shall prevent the establishment by the legislature, or by the respective parish governing authority, in one or more parishes, of a parish civil service system applicable to any or all parish employees, except teaching and professional staffs and administrative officers of schools, or the establishment by the legislature, or by the respective city governing
body, of a civil service system in one or more cities having a population of less than four hundred thousand, in any manner now or hereafter provided by law, except that paid firemen and paid municipal policemen, in a municipality which operates a regularly paid fire and police department and which has a population in excess of thirteen thousand, in all parishes, and in all fire protection districts with paid firemen, are hereby expressly excluded from such civil service system. However, nothing in this Paragraph shall permit inclusion in the local civil service of officials and employees listed in Paragraph (B) of this Section. No law enacted by the legislature after the effective date of this constitution establishing a civil service system applicable to one or more parishes or to one or more municipalities having a population of less than four hundred thousand, in any manner now or hereafter provided by law. However, paid firemen and paid municipal policemen in a municipality operating a regularly paid fire and police department and having a population exceeding thirteen thousand, and paid firemen in all parishes and in fire protection districts are expressly excluded from such a civil service system.

(2) Nothing in this Paragraph shall permit inclusion in the local civil service of officials and employees listed in Paragraph (B) of this Section.

(3) No law enacted after the effective date of this constitution establishing a civil service system applicable to one or more parishes or to one or more municipalities having a population of less than four hundred thousand, in any manner now or hereafter provided by law.
<table>
<thead>
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<td>6</td>
<td>more municipalities having a</td>
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| 7 | population of less than four hun-
| 8 | dred thousand shall be effective |
| 9 | in any parish or in any such |
| 10 | municipality until approved by |
| 11 | ordinance adopted by the govern-
| 12 | ing authority of the affected |
| 13 | parish or municipality. |

**NOTES**

Document XXX, originally dated 1/7/74, is reproduced above, dated 1/11/74. Additional changes by Committee on Style and Drafting are noted in the comparative text, right hand column. C.P. No. 9 Floor Presentation, dated 1/12/74, reproduces Document XXX, dated 1/11/74, above, incorporating the above noted Style and Drafting Committee changes.

1/3/74

**DOCUMENT XXV**

**COMMITTEE PROPOSAL NO. 10: FIRST ENROLLMENT**

**HUMAN RESOURCES**

Staff Styling Suggestions: Comparative Presentation

<table>
<thead>
<tr>
<th>PROPOSAL AS ENROLLED</th>
<th>SUGGESTED CHANGES</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 ARTICLE VII. HUMAN RESOURCES</td>
<td>1 ARTICLE VII. HUMAN RESOURCES</td>
</tr>
<tr>
<td>2 Section 1. Municipal Fire</td>
<td>2 Section 1. Municipal Fire</td>
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</table>
Section 1. (A) There is hereby created and established a system of classified fire and police civil service which shall be applicable to all municipalities with a population in excess of thirteen thousand which operate a regularly paid fire and municipal police department and all parishes and all fire protection districts which operate a regularly paid fire department. Permanent appointments and promotions in municipal fire and police civil service shall be made only after certification by the applicable Municipal Fire and Police Civil Service Board under a general system based upon merit, efficiency, fitness, and length of service as provided in Article XIV, Section 15.1 of the 1921 Constitution, subject to change by law enacted upon the favorable vote of two-thirds of the elected members of each house of the legislature.

Section 1. (A) Establishment of System. A system of classified fire and police civil service is created and established, and shall apply to all municipalities having a population exceeding thirteen thousand persons and operating a regularly paid fire and municipal police department and to parishes and fire protection districts operating a regularly paid fire department.

(B) Appointments and Promotions. Permanent appointments and promotions in municipal fire and police civil service shall be made only after certification by the applicable Municipal Fire and Police Civil Service Board under a general system based upon merit, efficiency, fitness, and length of service as provided in Article XIV, Section 15.1 of the Constitution of 1921, subject to change by law enacted by two-thirds of the elected members of each house of the legislature.
SECTION 1 becomes

Prior provisions. Except as inconsistent with this section, the prior provisions of Article XIV, Section 15.1 of the Constitution of 1921, are hereby retained and continued in force and effect as statutes. By vote of two-thirds of the elected membership of each house, the legislature may amend or otherwise modify any provision of Article XIV, Section 15.1 of the Constitution of 1921, and make it inapplicable to any municipality having a population exceeding thirteen thousand persons according to the latest decennial federal census or to any parish or fire protection district having a population exceeding thirteen thousand persons according to the latest decennial federal census.

The legislature upon the favorable vote of two-thirds of the elected membership of each house of the legislature of the State of Louisiana, may amend or otherwise modify any provision of Article XIV, Section 15.1 of the Constitution of 1921, except that the legislature may not abolish the system of classified civil service for such firemen and municipal policemen or make it inapplicable to any municipality having a population exceeding four hundred thousand persons, but it may not abolish the system of classified civil service for such firemen and municipal policemen or make it inapplicable to any municipality having a population exceeding thirteen thousand persons. However, in a municipality having a regularly paid fire department, a majority of the electors therein voting at an election held for that purpose approve the inclusion of such firemen and municipal policemen shall be included in the system of classified civil service for such firemen and municipal policemen or make the system inapplicable.

The legislature upon the favorable vote of two-thirds of the elected membership of each house of the legislature of the State of Louisiana, may amend or otherwise modify any provision of Article XIV, Section 15.1 of the Constitution of 1921, except that the legislature may not abolish the system of classified civil service for such firemen and municipal policemen or make it inapplicable to any municipality having a population exceeding four hundred thousand persons, but it may not abolish the system of classified civil service for such firemen and municipal policemen or make it inapplicable to any municipality having a population exceeding thirteen thousand persons. However, in a municipality having a regularly paid fire department, a majority of the electors therein voting at an election held for that purpose approve the inclusion of such firemen and municipal policemen shall be included in the system of classified civil service for such firemen and municipal policemen or make the system inapplicable.
Section 1 becomes

Section 1 (ii), (iii), (iv), (v), (vi)

shall be called by the governing authority of the affected city within one year after the effective date of this constitution.

(D) Exclusion. Nothing in Section 1 of this Article authorizing

-2-

cities or other political subdivisions to be placed under the provisions of said article by election, act of the legislature, or ordinance of the local governing authority shall authorize the inclusion in a city civil service system of firemen and policemen in any municipality having a population greater than thirteen thousand but fewer than four hundred thousand persons and operating a regularly paid fire and municipal police department or in any parish or fire protection district operating a regularly paid fire department. Such firemen and policemen are expressly excluded from any such system.
regularly paid fire and munici-
pal police department or in any
parish or fire protection dis-
trict which operates a regu-
larly paid fire department,
which said firemen and police-
men are hereby expressly ex-
cluded from any such system.

SECTIONS 1 BECOMES

(B) Prohibitions Against
Political Activities. Article
XIV, Section 15.1(34) of the
1921 Constitution is retained
and continued in force and
effect.

COMMENT:
Re: Footnote No. (1) in Section D, line 35, page 2:
"this Article" refers to the whole of Article VII, which
includes several proposals, one of which is CP#9 on State
and City Civil Service. Each of these proposals contains
a "Section 1." The "Section 1" on line 35, page 2, on
this presentation, refers to Section 1 of CP#9. It will
be renumbered in accordance with future action taken by
the Committee on Style and Drafting.
**PROPOSAL AS ENROLLED**

1. **ARTICLE VII. HUMAN RESOURCES**

   2. Section 1. Municipal Fire and Police Civil Service

   3. Section 1. (A) There is hereby created and established a system of classified fire and police civil service which shall be applicable to all municipalities with a population in excess of thirteen thousand which operate a regularly paid fire and municipal police department and all parishes and all fire protection districts which operate a regularly paid fire department.

6. Permanent appointments and promotions in municipal fire and police civil service shall be made only after certification by the applicable Municipal Fire

**SUGGESTED CHANGES**

1. **ARTICLE VII. HUMAN RESOURCES**

2. Section 1. Municipal Fire and Police Civil Service

4. Section 1. (A) Establishment of System. A system of classified fire and police civil service is created and established. It shall apply to all municipalities having a population exceeding thirteen thousand and operating a regularly paid fire and municipal police department and to all parishes and fire protection districts operating a regularly paid fire department.

6. (B) Appointments and Promotions

9. Permanent appointments and promotions in municipal fire and police civil service shall be made only after certification by the applicable Municipal Fire
and Police Civil Service Board
under a general system based
upon merit, efficiency, fitness,
and length of service as provided in Article XIV, Section 15.1
of the 1921 Constitution, subject to change by law enacted
upon the favorable vote of two-thirds of the elected members
of the legislature.

Section 1 becomes Section 1 (A), (B), (C), (D), (E)

1 of each house of the legislature. 1 (A) Prior provisions. Except as may be inconsistent
2 Except as may be inconsistent with the provisions of this
3 provisions of Article XIV, Section 4 XIV, Section 15.1 of the Constitution of 1921
5 15.1 of the Constitution of 1921, are hereby retained and continued in
6 force and effect as statutes. By
7 law enacted by two-thirds of the
8 legislature upon the favorable
9 vote of two-thirds of the elected
10 membership of each house may
11 amend or otherwise modify any of
12 said provisions of Article XIV,
13 Section 15.1 of the 1921 Constitution except that the legislature may not abolish the
14 system of classified civil service
15 for such firemen and municipal policemen or make the system inapplicable
to any municipality having a population exceeding thirteen thousand

(4) Law enacted by two-thirds of the elected members of each house, the legislature may amend or otherwise modify any of those provisions, but it may not abolish the system of classified civil service for such firemen and municipal policemen or make the system inapplicable to any municipality having a population exceeding thirteen thousand.
Section 1 becomes Section 1 (A), (B), (C), (D), (E)

shall be called by the governing authority of the city affected within one year after the effective date of this constitution. Nothing in Article VII, Section 1 of this constitution authorizing such firemen and municipal policemen or make it inapplicable to any municipality which has a population in excess of thirteen thousand according to the latest decennial census of the United States or to any parish or fire protection district having a regularly paid fire department. However, in municipalities with a population in excess of four hundred thousand, paid firemen and municipal policemen shall be included if a majority of the electors therein voting at an election held for that purpose approve their inclusion. Such an election shall be called by the governing authority of the affected city within one year after the effective date of this constitution.

Section 1 of this Article authorizing according to the latest decennial federal census or to any parish or fire protection district operating a regularly paid fire department. However, in a municipality having a population exceeding four hundred thousand, paid firemen and municipal policemen shall be included if a majority of the electors voting at an election held for the purpose of consent thereto, said election according to the latest decennial federal census or to any parish or fire protection district operating a regularly paid fire department. However, in a municipality having a population exceeding four hundred thousand, paid firemen and municipal policemen shall be included if a majority of the electors therein voting at an election held for that purpose approve their inclusion. Such an election shall be called by the governing authority of the affected city within one year after the effective date of this constitution.

Nothing in Article VII, Section 1 of this Article authorizing such firemen and municipal policemen or make it inapplicable to any municipality which has a population in excess of thirteen thousand according to the latest decennial census of the United States or to any parish or fire protection district having a regularly paid fire department. However, in municipalities with a population in excess of four hundred thousand, paid firemen and municipal policemen shall be included if a majority of the electors therein voting at an election held for that purpose approve their inclusion. Such an election shall be called by the governing authority of the affected city within one year after the effective date of this constitution.

Section 1 becomes Section 1 (A), (B), (C), (D), (E)

shall be called by the governing authority of the city affected within one year after the effective date of this constitution. Nothing in Article VII, Section 1 of this constitution authorizing such firemen and municipal policemen or make it inapplicable to any municipality which has a population in excess of thirteen thousand according to the latest decennial census of the United States or to any parish or fire protection district having a regularly paid fire department. However, in municipalities with a population in excess of four hundred thousand, paid firemen and municipal policemen shall be included if a majority of the electors therein voting at an election held for that purpose approve their inclusion. Such an election shall be called by the governing authority of the affected city within one year after the effective date of this constitution.

Nothing in Article VII, Section 1 of this Article authorizing such firemen and municipal policemen or make it inapplicable to any municipality which has a population in excess of thirteen thousand according to the latest decennial census of the United States or to any parish or fire protection district having a regularly paid fire department. However, in municipalities with a population in excess of four hundred thousand, paid firemen and municipal policemen shall be included if a majority of the electors therein voting at an election held for that purpose approve their inclusion. Such an election shall be called by the governing authority of the affected city within one year after the effective date of this constitution.
authorizing cities or other political subdivisions to be placed under the provisions of said article whether by election, act of the legislature, or ordinance of the local governing authority shall be construed as authorizing the inclusion therein of firemen and policemen in any municipality having a population in excess of thirteen thousand and less than four hundred thousand and which operates a regularly paid fire and municipal police department or in any parish or fire protection district operating a regularly paid fire department. Such firemen and policemen are expressly excluded from any such system.

Section 1 becomes

(B) Prohibitions Against Political Activities. Article XIV, Section 15.1, Paragraph
XIV, Section 15.1(34) of the 1921 Constitution is retained and continued in force and effect.

**Comment:**

Re: Footnote No. (1) in Section D, line 35, page 2:

"this Article" refers to the whole of Article VII, which includes several proposals, one of which is CP#9 on State and City Civil Service. Each of these proposals contains a "Section 1." The "Section 1" on line 35, page 2, on this presentation, refers to Section 1 of CP#9. It will be renumbered in accordance with future action taken by the Committee on Style and Drafting.

**NOTES**

C.P. No. 10 Floor Presentation is reproduced above as Document No. XXXI, dated 1/7/74.

12/17/73

**DOCUMENT NO. XVIII**

**COMMITTEE PROPOSAL NO. 11: FIRST ENROLLMENT**

**HUMAN RESOURCES**

Staff Styling Suggestions: Comparative Presentation

**PROPOSAL AS ENROLLED**

1 **ARTICLE VII. HUMAN RESOURCES**

2 Section 1. Retirement and

**SUGGESTED CHANGES**

1 **ARTICLE VII, HUMAN RESOURCES**

2 Section 1. Retirement and
Survivor's Benefits

Section 1. (A) Retirement System; Public School Employees. The legislature shall provide for the retirement of teachers and other employees of the public educational system through the establishment of a retirement system or systems for employees of the public educational system. Membership in such retirement system or systems shall be a contractual relationship between the employee and employer, and the state guarantees all benefits payable to a member or to his lawful beneficiary at retirement or death.

COMMENT:

(2) Ibid.
(3) Standardization or language.

(7) Elements, II, 15--parallelism.
(B) Retirement System;

(B) State Officers and Employees. The legislature shall
(1) provide for retirement of officers
(2) and employees of the state, its
(3) agencies, and its political sub-
(4) divisions, including persons
(5) employed jointly by state and
(6) federal agencies other than those
in military service, through the
(7) establishment of one or more re-
(8) tirement systems. Membership in
(9) any retirement system of the
(10) state or of a political subdivision
thereof shall be a contractual
(11) relationship between employee and
(12) employer, and the state shall
(13) guarantee benefits payable to a
(14) member or to his beneficiary at his
(15) retirement or death.
Section 1(c)

(C) Compensation for Survivors of Law Enforcement Officers and Firemen. The legislature shall
(1) enact legislation and appropriate
(2) funds for compensating the surviving spouses and dependent children
(3) of law enforcement officers, firemen,
(4) and other personnel, as defined by law, who die, or who died
(5) after June 30, 1972, as a result
(6) of injury sustained in the performance of official duties or in the protection of life or property

Section 1(c)

1 (C) Compensation for Surviving Spouses and Children of Law Enforcement Officers and Firemen. The legislature shall
2 establish a system, including the expenditure of public funds, for compensating the surviving spouses and dependent children of law enforcement officers, firemen, and personnel, as may be defined by law, who suffer death or who suffered death before the effective date of this constitution, but not

[124]
earlier than July 1, 1972, as a result of injury sustained in the performance of official duties or while engaged in the protection of life or property while on or off duty.

**COMMENT:**

(1) **Elements, V, 16**—be clear; **Manual, Rules 5, 13 and Elements, II, 13**—omit needless words.

(2) **Elements, V, 16**—be clear.

(3) **Manual, Rules 5, 13 and Elements, II, 13**—omit needless words.

(4) **Manual, Rule 5**—substitute word for phrase.

(5) **Ibid.**


(7) **Elements, II, 15**—parallelism.

1. (D) Retirement Systems;

2. Notice of Intention to Propose Change; Notice. No proposal to effect any change in existing laws or constitutional provisions relating to any retirement system shall be introduced in the legislature unless notice of intention to introduce the proposal has been published, without cost to the state, in the official state.
introduce such proposal shall have been published, without cost to the state, in the official state journal on two separate days, the last day of which is at least thirty days prior to the introduction of such a bill into the legislature. The notice shall state the substance of the contemplated law or proposal to amend the constitution. Every such bill shall contain a recital that the notice has been given.

COMMENT:


(2) Manual, Rule 5—substitute word for phrase.


(4) "in" substituted for "into"—see definitions in Webster's.


(8) Elements, V, 16—be clear.

(9) Manual, Rule 5—substitute word for phrase.


(12) Ibid.
ARTICLE VII. HUMAN RESOURCES

Section 1. Retirement and Survivor's Benefits

Section 1. (A) Retirement System; Public School Employees.

The legislature shall provide for the retirement of teachers and other employees of the public educational system through the establishment of a retirement system or systems for employees of the public educational system. Membership in such retirement system or systems shall be a contractual relationship between the employee and employer, and the state guarantees all benefits payable to a member of the system or to his lawful beneficiary at his death or retirement.

SUGGESTED CHANGES

ARTICLE VII, HUMAN RESOURCES

Section 1. Retirement and Survivor's Benefits

Section 1. (A) Public School Employees. The legislature shall provide for retirement of teachers and other employees of the public educational system through establishment of one or more retirement systems. Membership in such a retirement system shall be a contractual relationship between employee and employer, and the state shall guarantee benefits payable to a member at retirement or to his lawful beneficiary upon the member's death.
COMMENT:

(2) Ibid.
(3) Standardization of language.

-1-

Section 1(a)

(7) Elements, II, 15--parallelism.
(9) Ibid.
(10) Elements, V, 16--be clear; Elements, II, 16--keep related words together.

-2-

Section 1(b)

1 (B) Retirement System;
2 State Officers and Employees.
3 The legislature shall enact laws providing for the retirement of
4 officers and employees of the
5 State of Louisiana, its agencies
6 and political subdivisions, in-

1 (B) Other Officers: and
2 Employees. The legislature shall
3 enact laws providing for retirement
4 of officers and employees of the
5 state, its agencies, and its po-
6 litical subdivisions, including
7 persons employed jointly by state
excluding persons employed jointly by state and federal agencies other than those in military service, through the establishment of one or more retirement systems. Membership in any retirement system of the state or of a political subdivision thereof shall be a contractual relationship between employee and employer, and the state shall guarantee any benefits payable to a member at retirement or to his lawful beneficiary upon the member's death.

COMMENT:

(2) Ibid.
(4) Elements, V, 16--be clear.
(5) Ibid.
(6) Standardization of language.
(8) Ibid.
(9) Ibid.
(10) Elements, II, 15--parallelism.
Notice of Intention to Propose Amendments or Change; Publication

No proposal to amend or effect any change in existing laws or constitutional provisions relating to any retirement system in this state shall be introduced in the legislature unless notice of intention to introduce the proposal has been published, without cost to the state, in the official state journal on two separate days. The last day of publication shall be at least thirty days before introduction of the bill. The notice shall state the substance of the contemplated law or proposal, and the bill shall contain a recital that the notice has been given.

COMMENT:

(2) Manual, Rule 5—substitute word for phrase.
1  (C) Compensation for Surviving Spouses and Children of Law Enforcement Officers and Firemen. The legislature shall establish a system, including the expenditure of public funds, for compensating the surviving spouses and dependent children of law enforcement officers, firemen, and personnel, as may be defined

2  (D) Compensation for Survivors of Law Enforcement Officers and Firemen. The legislature shall establish a system, including the expenditure of public funds, for compensating the surviving spouses and dependent children of law enforcement officers, firemen, and personnel, as defined by law, (1) (2) (3)
by law, who suffer death or who
suffered death before the effective
date of this constitution, but not
earlier than July 1, 1972, as a
result of injury sustained in
the performance of official duties
or while engaged in the protection
of life or property while on or
off duty.

COMMENT:

(2) Manual, Rule 5--substitute word for phrase.
(3) Ibid.
(5) Elements, II, 15--parallelism.

NOTES
C.P. No. 11 Floor Presentation, dated
1/8/74, is reproduced above as Document No.
XXII, dated 12/22/73.

COMMITTEE PROPOSAL NO. 11: FIRST ENROLLMENT

Changes recommended by Committee on Education and Welfare and Committee on Style and Drafting to clarify possible ambiguous language in enrolled proposal, but involving possible substantive change in the provision as adopted by the Convention.
Changes recommended by Committee on Education and Welfare and Committee on Style and Drafting to clarify possible ambiguous language in enrolled proposal, but involving possible substantive change in the provision as adopted by the Convention.

COMPARATIVE PRESENTATION

SECTION AS ADOPTED: INCORPORATING CHANGES RECOMMENDED BY COMMITTEE ON STYLE AND DRAFTING

1 (B) Other Officers and Employees. The legislature shall enact laws providing for retirement of officers and employees of the state, its agencies, and its political subdivisions, including persons employed jointly by state and federal agencies other than those in military service, through the establishment of one or more retirement systems. Membership in any retirement system of the state or of a political subdivision thereof shall be a contractual relationship between employee and employer, and the state shall guarantee benefits payable to a member at retirement or to his lawful beneficiary upon the member's death.

CAVEAT:
The first sentence refers to retirement programs for employees of political subdivisions as well as for state employees. As styled, the second sentence provides that "the state shall guarantee benefits
payable to a member at retirement or to his lawful beneficiary upon the member's death," perhaps giving rise to the construction that the state must guarantee benefits to members of retirement systems created by political subdivisions. If the intent was that the state would guarantee benefits of members of state retirement systems only, additional language could be inserted after the word "member" so that the expression would read, "the state shall guarantee benefits payable to a member of a state retirement system at retirement or to his lawful beneficiary upon the member's death."

**Section 1 (C)**

| 1 | (C) Retirement Systems; |
| 2 | Change; Notice. No proposal to |
| 3 | effect any change in existing |
| 4 | laws or constitutional provisions |
| 5 | relating to any retirement system |
| 6 | shall be introduced in the legis-
| 7 | lature unless notice of intention |
| 8 | to introduce the proposal has |
| 9 | been published, without cost to |
| 10 | the state, in the official state |
| 11 | journal on two separate days. |
| 12 | The last day of publication shall |
| 13 | be at least thirty days before |
| 14 | introduction of the bill. The |
| 15 | notice shall state the substance |
| 16 | of the contemplated law or pro-
| 17 | posal, and the bill shall contain |
| 18 | a recital that the notice has |
| 19 | been given. |
CAVEAT:

The requirement for publication of notice of intent to introduce proposals in the legislature applies to those changing "any retirement system." If this language is construed literally, the notice requirement might apply to laws regulating private retirement or pension plans. If the intent was to make the requirements apply only to retirement systems for public employees, the section might be changed to read, in part:

"...relating to any retirement system for public employees shall be introduced in the legislature unless..."

NOTES

Style and Drafting Committee action on caveat report of December 22, 1973, is noted in margin of report and dated "action 1/5/74," below.

DOCUMENT NO. XXVI  Adopted 1/2/74

COMMITTEE PROPOSAL NO. 12: FIRST ENROLLMENT

ARTICLE VII. HUMAN RESOURCES

Staff Styling Suggestions: Comparative Presentation

PROPOSAL AS ENROLLED  SUGGESTED CHANGES

1  ARTICLE VII. HUMAN RESOURCES
2  Section 1. Penal Institutions
3  Section 1. (A) State Penal Institutions; Reimbursement of Parish Expense
4  Section 1. The state shall reimburse
5  a parish in which a state penal insti-
6  tution is located for expenses the
which are located penal institu-

tions of the State of Louisiana, the expenses incurred by the parish arising from crimes committed in the institution or by an inmate thereof.

parish arising from crimes committed in such institutions or by the inmates thereof shall be reimbursed by the state.

NOTES
C.P. No. 12 Floor Presentation, dated 1/8/74, reproduces Document No. XXVI, dated 1/2/74, above.

Adopted 1/2/74

DOCUMENT NO. XXVII

COMMITTEE PROPOSAL NO. 14: FIRST ENROLLMENT

HUMAN RESOURCES

Staff Styling Suggestions: Comparative Presentation

PROPOSAL AS ENROLLED

1 ARTICLE VII. HUMAN RESOURCES
2 Section 2. Economic and Social Welfare, Unemployment Compensation, and Public Health
3 Section 2. The legislature may establish a system of economic and social welfare, unemployment compensation and public health.

SUGGESTED CHANGES

1 ARTICLE VII. HUMAN RESOURCES
2 Section 2. Welfare, Unemployment Compensation, and Health
3 Section 2. The legislature may establish a system of economic and social welfare, unemployment compensation, and public health.

NOTES
C.P. No. 14 Floor Presentation, dated 1/8/74, reproduces Document No. XXVII, dated 1/2/74.
### PROPOSAL AS ENROLLED

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<tr>
<td>1</td>
<td>ARTICLE XI. REVENUE AND FINANCE</td>
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<td>2</td>
<td>Section 1. Power to Tax;</td>
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<tr>
<td>3</td>
<td>Public Purpose</td>
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<td>4</td>
<td>Section 1. Except as otherwise provided in this constitution, the power of taxation shall be vested in the legislature, shall never be surrendered, suspended, or contracted away, and shall be imposed for public purposes only.</td>
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<td>Section 2. Power to Tax;</td>
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<td>8</td>
<td>Limitation</td>
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### SUGGESTED CHANGES

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**Adopted**

Section 2

- The levy of a new tax, an increase in an existing tax, or a repeal of an existing tax exemption shall require the enactment of a law by two-thirds of the elected members of each house of the legislature.
Section 3. Collection of Taxes; Process to Restrain; Refunds

Section 3. The legislature shall provide against the issuance of process to restrain the collection of any tax and for a complete and adequate remedy for the prompt recovery by every taxpayer of any illegal tax paid by him.

Section 4. Limitations on Taxing Power; Graduated Rates, Severance Tax, and Subdivisions of the State

Section 4. (A) Equal and uniform taxes may be levied on net incomes, and such taxes may be graduated according to the amount of net income; however, the state individual and joint income tax schedule of rates shall never exceed the rates presently set forth in Title 47, Section 32 of the Louisiana Revised Statutes. Federal income taxes paid shall be allowed as a deductible item in com-

Section 4. Income Tax; Severance Tax; Political Subdivisions

Section 4. (A) Income Tax.

Equal and uniform taxes may be levied on net incomes, and these taxes may be graduated according to the amount of net income. However, the state individual and joint income tax schedule of rates shall never exceed the rates set forth in Title 47, Section 32 of the Louisiana Revised Statutes on the effective date of this constitution. Federal income taxes paid shall be allowed as a deductible item in com-
allowed as a deductible item in computing state income taxes paid during the same period.

Taxes may be levied on natural resources severed from the soil or water, to be paid proportionately by the owners thereof at the time of severance. Natural resources may be classified for the purpose of taxation, and such taxes may be predicated upon either the quantity or value of the products at the time and place of severance. No further or additional tax or license shall be levied or imposed upon oil, gas, or sulphur leases or rights, nor shall any additional value be added to the assessment of land by reason of the presence of oil, gas, or sulphur therein or their production therefrom. However, sulphur in place shall be assessed for ad valorem taxation to the person, firm, or corporation having the right to mine or produce the same in the

No further or additional tax or license fee shall be levied or imposed on oil, gas, or sulphur leases or rights, and no value added to the assessment of land because of the presence of oil, gas, or sulphur or their production. However, sulphur in place shall be assessed to the person, firm, or corporation having the right to mine or produce it. It shall be assessed in the parish where located, and at no more than twice the total assessed value of the physical

(5) putting state income taxes for the same period.

[439]
Parish where located, at no more than twice the total assessed value of the physical property subject to taxation, excluding the assessed value of sulphur above ground, in such parish as is used in sulphur operations. Likewise, severance tax shall be the only tax on timber; however, standing timber shall be equally liable with the land on which it stands for ad valorem taxes levied:

(C) Political subdivisions of the state shall not levy severance taxes, income taxes or taxes on motor fuel.

(D) Three-fourths of the timber severance tax, one-third of the sulphur severance tax, one-fifth of the property subject to taxation, excluding the assessed value of sulphur above ground. The severance tax shall not exceed one hundred
the severance tax on all other natural resources severed from the soil or water, and one-tenth of the royalties from mineral leases on state-owned property shall be remitted to the governing authority of the parish in which severance occurs or in which production is had, but the amount of severance tax on sulphur so remitted shall not exceed one hundred thousand dollars to any parish for any year, and the amount of severance tax on all other natural resources except timber severed from the soil or water so remitted shall not exceed five hundred thousand dollars to any parish for any year.

(E) Royalties Allocation. One-tenth of the royalties from mineral leases on state-owned land, lake and river beds and other water bottoms belonging to the state or the title to which is in the public for mineral development shall be remitted to the governing authority of the parish in which severance or production occurs.

A parish governing authority may fund these royalties into general obligation bonds of the parish in accordance with law. The provisions of this Paragraph shall not apply to properties comprising the Russell Sage Wildlife and Game Refuge.

Alternative

(D) Severance Tax; Deductions.

1. Three-fourths of the timber severance tax.
2. Three-fourths of the timber severance tax; one-tenth of the royalties from
the severance tax on all other natural resources severed from the soil or water, and one-tenth of the royalties from mineral leases on state-owned property shall be remitted to the governing authority of the parish in which severance occurs or in which production is had, but the amount of severance tax on sulphur so remitted shall not exceed one hundred dollars to any parish for any year, and the amount of severance tax on all other natural resources except timber severed from the soil or water so remitted shall not exceed five hundred thousand dollars to any parish for any year.

4 mineral leases on state-owned property.
5 one-third of the sulphur severance tax, but not to exceed one hundred thousand dollars; and one-fifth of the severance tax on all other natural resources, but not to exceed five hundred thousand dollars, shall be remitted to the governing authority of the parish in which severance or production occurs.

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Section 5. Annual Motor Vehicle License Tax

Section 5. The legislature shall impose an annual license tax of three dollars on automobiles for private use, and on other motor vehicles, an annual license tax based upon horsepower, carrying capacity, or weight, any or all. No parish or municipality may impose any license fee on motor vehicles.

Section 7. State Debt; Full Faith and Credit Obligation

Section 7. (A) Unless otherwise authorized by this constitution, the state shall have no power, directly or indirectly, or through any state board, agency, commission, or otherwise, to incur debt or to issue bonds except upon the affirmative vote of two-thirds of the members elected to each house of the legislature, and then only if the funds are to be used to repel
14 invasion; suppress insurrection; 14 to repel invasion; suppress insurrection;
15 provide relief from natural catastrophes; refund outstanding indebtedness at the same or at a lower effective rate of interest; or make capital improvements; but only in accordance with a comprehensive capital budget, which the legislature shall adopt. Legislative approval may be obtained only during open session except as otherwise provided in this constitution.

15 provide relief from natural catastrophes; refund outstanding indebtedness at the same or at a lower effective interest rate; or make capital improvements, but only in accordance with a comprehensive capital budget, which the legislature shall adopt. Except as otherwise provided by this constitution, legislative approval may be obtained only during open session.

CAVEAT: It is not entirely clear whether the intention of the convention is to authorize the legislature to make capital improvements, but only in accordance with a comprehensive capital budget, which the legislature shall adopt. Legislative approval may be obtained only during open session except as otherwise provided by this constitution.
location, and if more than one project, the amount allocated to each and the order of priority shall be stated in the comprehensive capital budget which the legislature adopts.

3 is to make capital improvements, the nature and location and, if more than one project, the amount allocated to each and the order of priority shall be stated in the comprehensive capital budget which the legislature adopts.

SECTION 7(c) becomes SECTION 6(c)

(C) The full faith and credit of the state shall be pledged to the repayment of all bonds or other evidences of indebtedness issued by the state directly or through any state board, agency, or commission.

The full faith and credit of the state is not hereby pledged to the repayment of bonds of a levee district, political subdivision, or local public agency.

Adopted

[445]
Section 6 (D)

(D) Referendum. The legislature, by law enacted by two-thirds of the elected members of each house, may propose a statewide public referendum for the incurrence of debt for any purpose for which the legislature is not herein authorized to incur debt.

Section 7 (E)

(E) Nothing contained in this section shall apply to any levee district, political subdivision, or local public agency unless the full faith and credit of the state is pledged to the payment of the bonds of such levee district or political subdivision.
Section 8 (ii) becomes

Section 7 (ii)

1 Section 8. State Debt; Interim Emergency Board
2 Section 8. (A) The Interim Emergency Board hereby is created and shall be composed of the governor, the lieutenant governor, the state treasurer, the presiding officers of both houses of the legislature, the chairman of the Senate Finance Committee, and the chairman of the House Appropriations Committee, or their designees.

1 Section 7. State Debt; Interim Emergency Board
2 Interim Emergency Board
3 Section 7. (A) Composition.
4 The Interim Emergency Board is created. It shall be composed of
5 the governor, lieutenant governor, state treasurer, presiding officer
6 of each house of the legislature, chairman of the Senate Finance Committee, and chairman of the House Appropriations Committee, or their designees.
During the interim between sessions of the legislature, when it is determined by majority vote of the Interim Emergency Board that an emergency exists, and then only for a purpose for which the legislature may appropriate funds, after having obtained, as provided by law, the written consent of two-thirds of all members elected to each house of the legislature, the Interim Emergency Board may appropriate from the State General Fund or borrow upon the full faith and credit of the state an amount to meet the emergency. The appropriation may be only for a purpose for which the legislature may appropriate funds and only after the board obtains, as provided by law, the written consent of two-thirds of the elected members of each house of the legislature. For the purposes of this Paragraph, an emergency is an event or occurrence not reasonably anticipated by the legislature.

Adopted

The aggregate of indebtedness outstanding at any one time and the amount appropriated from the State General Fund for the
5 current fiscal year under the 5 current fiscal year under the autho-
6 authority of this Section shall 6 rity of this Section shall not
7 not exceed one-tenth of one per-
8 cent of total state revenue 8 cent of total state revenue receipts for:
9 receipts for the previous 9 the previous fiscal year.
10 fiscal year.

Section 8 (D) becomes Section 7 (D)

11 (D) Each fiscal year, as a 11 (D) Allocation. An amount
12 first priority, there hereby is 12 sufficient to pay indebtedness in-
13 allocated from the State General 13 cured during the preceding fiscal
14 Fund an amount sufficient to 14 year under the authority of this
15 pay any indebtedness incurred 15 Section is allocated, as a first
16 during the preceding fiscal year 16 priority, each year from the state
17 under the authority of this 17 general fund. (A)
18 Section.

Section 10 (A) becomes Section 8 (A)

1 Section 10. State Debt; Poli-
2 tical Subdivisions of the 2 Section 8. State Bond
3 State; Issuance and Sale 3 Commission
4 of Obligations; State Bond 4 Section 8. (A) Creation. (1)
5 Commission; Approval Re-
6 quired (2) The State Bond Commission is created
7 Section 10. (A) The State 7 Its membership and authority shall
8 Bond Commission hereby is created 8 be determined by law.
9 and its membership and authority

adopted

adopted
shall be determined by the legislature.

Section 8 (b)

(b) Approval of Bonds. Bonds, notes, or other obligations shall be issued or sold by the state, directly or through any state board, agency, or commission, or by any political subdivision of the state, unless prior written approval of the bond commission is obtained.

Section 8 (c)

(c) Contesting State Bonds. Bonds, notes, certificates, or other evidence of indebtedness of the state (hereafter referred to collectively as "bonds") shall not be invalid for any irregularity or defect in the proceedings or the issuance and sale thereof, and shall be incontestible in the hands of a bona fide purchaser or holder thereof. The issuing agency, after authorizing the issuance of bonds by resolution, shall publish once in the
13 authorizing the issuance of bonds by resolution, shall publish once in the official journal of the state as provided by law a notice of intention to issue the bonds and a description thereof and the security therefor and for a period of thirty days only after such publication any person in interest shall have the right to contest the legality of said resolution and any provision therein of the bonds to be issued pursuant thereto and the provisions securing the bonds and the validity of all other provisions and proceedings in connection with the authorization and issuance of the bonds. If no action or proceeding is instituted within the said 30 day period, no one shall have any right of action to contest the validity of the bonds or provisions of the resolution pursuant to which the bonds were issued, the security of the bonds, or the validity of any other provisions or proceedings relating to their authorization and issuance, and the bonds shall be presumed conclusively to be legal.
the provisions of the resolution
pursuant to which the bonds were
issued or the security of the
bonds or the validity of any other
provisions or proceedings in con-
nection with the authorization and
issuance of the bonds and all the
bonds conclusively shall be pre-
sumed to be legal, and no court
thereafter shall have authority
to inquire into such matters.

Section 10(c) follows

Section 8(c)

Thereafter, no court shall have autho-

rity to inquire into such matters.

Adopted

Section 11. Collection of State Funds: Bond Security and Redemption Fund

Section 11. All money received by the state or by any state board, agency, or commission, immediately upon receipt, shall be deposited in the state treasury, except money received as the result of grants or donations or other forms of assistance when the terms and conditions thereof or of agreements pertaining thereto require otherwise; by trade or professional associa-
wise, and except money received by trade or professional associations, the employment security administration fund or its successor, retirement system funds and except money received by state agencies operating under authority of this constitution preponderantly from fees and charges for the shipment of goods in international maritime trade and commerce.

Subject to contractual obligations existing at the time this constitution is adopted, all state money deposited in the state treasury, except money received as the result of grants or donations or other forms of assistance when the terms and conditions thereof or of agreements pertaining thereto require otherwise, shall be credited to a special fund designated as the Bond Security and Redemption Fund, except grants or donations or other forms of assistance when the terms and conditions thereof or of agreements pertaining thereto require otherwise, In each fiscal year an amount is allocated for the operation of the employment security administration fund or its successor, retirement system funds and state agencies operating under authority of this constitution preponderantly from fees and charges for the shipment of goods in international maritime trade and commerce.

Subject to contractual obligations existing on the effective date of this constitution, all state money deposited in the state treasury shall be credited to a special fund designated as the Bond Security and Redemption Fund, except grants or donations or other forms of assistance when the terms and conditions thereof or of agreements pertaining thereto require otherwise.

Section 11
1. Fund designated as the Bond Security and Redemption Fund. In each fiscal year an amount is allocated for the operation of the Bond Security and Redemption Fund.
each fiscal year there hereby is allocated from the Bond Security and Redemption Fund an amount sufficient to pay all obligations, including but not necessarily limited to principal, interest, premiums, sinking or reserve fund requirements, which are secured by the full faith and credit of the state and which become due and payable within the current fiscal year. Thereafter, except as otherwise provided by law, all money remaining in the Bond Security and Redemption Fund shall be credited to the State General Fund. Nothing contained in this Section shall apply to any levee district or political subdivision unless the full faith and credit of the state is pledged to the payment of the bonds of such levee district or political subdivision.

Section 10. Appropriations.

Section 12. Expenditure of Funds.

Section 10. Expenditure of State Funds.

Section 12. (A) Except as
otherwise provided in this constitution, money shall be drawn from the state treasury only pursuant to an appropriation made in accordance with law.

Section 12 (B) becomes Section 16 (B)

(B) Total appropriations made by the legislature for any fiscal year shall not be greater than the anticipated revenues of the state. (A) (B) Balanced Budget. Total appropriations by the legislature for any fiscal year shall not exceed anticipated state revenues for that fiscal year.

Section 10 (C)

(C) The legislature shall provide for the publication of a regular statement of receipts and expenditures of all state money at intervals of not more than one year.

(C) Publication. The legislature shall have published a regular statement of receipts and expenditures of all state money at intervals of not more than one year.
Section 12-(D) becomes Section 12-(D)

(D) No appropriation shall be made except for public purposes.

(D) Public Purpose. No appropriation shall be made except for a public purpose.

Section 13. Management of State Funds; Budgets

Section 13. (A) The governor shall submit to the legislature, at a time fixed by law, a budget estimate for the next fiscal year setting forth all proposed state expenditures and anticipated state revenues, and shall cause to be submitted a general appropriation bill to authorize the proposed ordinary operating expenditures and, if necessary, a bill or bills containing recommendations for new or additional revenues.

Section 11. (A) Operating Budget

The governor shall submit to the legislature, at a time fixed by law, a budget estimate for the next fiscal year setting forth all proposed state expenditures and anticipated state revenues. He shall cause to be submitted a general appropriation bill for proposed ordinary operating expenditures and, if necessary, a bill or bills to raise additional revenues.

Adopted
Section 1(1) The governor shall submit to the legislature each regular session a proposed five-year capital outlay program with a request for implementation of the first year of the five-year program. All capital outlay projects approved by the legislature shall be made a part of the comprehensive state capital budget which shall be adopted by the legislature.

Section 14. Management of State Funds; Public Record

Section 14. All reports and records of the collection, expenditure, investment, and use of state moneys and all reports and records relating to state obligations shall be matters of public record, except returns of taxpayers and matters pertaining thereto.

Section 12. Reports and records of the collection, expenditure, investment, and use of state money and those relating to state obligations shall be matters of public record, except returns of taxpayers and matters pertaining to those returns.
Section 15. All money available for investment in the custody of the state treasurer shall be invested as provided by law.

Section 13. All money in the custody of the state treasurer which is available for investment shall be invested as provided by law.

Section 16. (A) Except as otherwise provided in this constitution, the funds, credit, property, or things of value of the state, or of any political subdivision thereof, shall not be loaned, pledged, or donated to or for any person or persons, associations or corporations, public or private. Neither the state nor a political subdivision shall subscribe to or purchase the stock of a corpora-
nor any political subdivision
purchase or subscribe to the
capital stock or stock of any
corporation or association what-
ever or for any private enter-
prise.

Section 14. (B) becomes

(B) Nothing contained in this
Section shall prevent: (1) the
use of public funds for programs
of social welfare for the aid and
support of the needy; (2) con-
tributions of public funds to
pension and insurance programs for
the benefit of public employees;
(3) the legislature from authori-
zizing the pledge of such funds,
credit, property, or things of
value for public purposes with
respect to the issuance of bonds
or other evidences of indebtedness
to meet public obligations.

(B) Authorized Uses. Nothing in
this Section shall prevent:
(1) the use of public funds for
programs of social welfare for the
aid and support of the needy;
(2) contributions of public funds to
pension and insurance programs for
the benefit of public employees; or
(3) the legislature from author-
izing the pledge of public funds, credit,
property, or things of value for
public purposes with respect to the
issuance of bonds or other evidences
of indebtedness to meet public
obligations as provided by law.

adopted
(D) The state and its political corporations may, for a public purpose, engage in cooperative endeavors with each other or with the United States or its agencies, or with any public or private association or corporation or individual.

(C) Cooperative Endeavors. For a public purpose, the state and its political corporations may engage in cooperative endeavors with each other or with the United States or its agencies, or with any public or private association, corporation, or individual.

(C) Funds, credit, property or things of value of the state or of any political subdivision thereof heretofore loaned, pledged, dedicated or granted by the prior laws of this state, or authorized to be loaned, pledged, dedicated or granted by the prior laws and constitution of this state, shall so remain for the full term as provided by the prior laws and constitution and for the full term as provided by any contract, unless such authorization is revoked by the legislature by a two-thirds vote of the elected members of each house of the legislature prior to the vesting of

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memeb ship of each house of the legislature prior to the vesting of any contractual rights pursuant to this Section.

Section 17 (A) becomes Section 15.

<table>
<thead>
<tr>
<th>Section 17.</th>
<th>Release of Obligation to State, Parish or Municipal Corporation; Taxes on Confiscated Property</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 17. (A)</td>
<td>The legislature shall have no power to release or extinguish or to authorize the releasing or extinguishment, in whole or in part, of the indebtedness, liability, or obligation of any corporation or individual to the state, or to any parish or municipal corporation thereof, provided, that the legislature may establish a system whereby claims by the state or a political subdivision may be compromised, and provided, that the heirs to confiscated property may be released from all taxes due thereon at the date of its reversion to them; and provided that, whenever any immovable property has been forfeited or adjudicated to the state for nonpayment of taxes due prior to January 1, 1880, and the state did not sell or dispose of it or dispossess the tax debtor or his heirs,</td>
</tr>
</tbody>
</table>

Section 15. (A) Release. The legislature shall have no power to release, extinguish, or authorize the releasing or extinguishment of any indebtedness, liability, or obligation of a corporation or person to the state, a parish, or a municipality. However, the legislature may establish a system under which claims by the state or a political subdivision may be compromised, and may provide for the release of heirs to confiscated property from taxes due thereon at the date of its reversion to them.
any immovable property has been
forfeited or adjudicated to the
state for the nonpayment of taxes
due prior to January 1, 1880, and
the state did not sell or dispose
of the same or dispossess the tax
debtor or his heirs, successors,
or assigns prior to the adoption
of the Constitution of 1921, it
shall be presumed conclusively
that such forfeiture or adjudica-
tion was irregular and null or
that the property has been re-
deemed, and the state and its
successors, or assigns prior to the
adoption of the Constitution of 1921,
it shall be presumed conclusively that
the forfeiture or adjudication was
irregular and null or that the property
has been redeemed. The state and its
assigns shall be estopped forever from
claiming any title to the property
because of such forfeiture or adjudica-
tion.

CAVEAT: Please consider lines 1 and 8 of a corporation
or person and advise whether the words
"corporation or" can be deleted, since "person" includes
assigns shall be estopped forever
from setting up any title to such
property by virtue of such for-
feiture or adjudication.

Section 16. Taxes, Prescriptions.

(1) All taxes and license fees,
other than real property taxes,
shall prescribe in three years from
the thirty-first day of December in
three years after the thirty-first

[162]
the year in which such taxes or licenses are due, but prescription may be interrupted or suspended as provided by law. No state, district, parish, or other tax, license, fee or assessment of any kind or nature, with all interest charges and penalties appertaining thereto, imposed, due or collectible, upon any property, minerals or the severance thereof, or due or payable by any person, firm, or corporation upon any business operation or activity within the tidelands area in dispute between the state and the United States and within the state's historic gulfward boundary three leagues from coast, as established and defined by the Act of Congress of April 8, 1812, which admitted this state into the Union, and as redefined in Louisiana Act No. 33 of 1954 shall prescribe until three years after the thirty-first day of December in the year in which the existing controversy is finally resolved and settled in accordance with law. However, no interest charge or penalty shall be assessed or collected on any such tax, license, fee, or assessment if it is paid within one year after the thirty-first day of December.
shall have been finally resolved and settled in accordance with law; provided, however, no interest shall have been finally resolved and settled in the year in which the controversy is finally resolved and settled.

Section 18. Legislation to Enable Compliance with Federal Laws and Regulations to Secure Federal Aid in Capital Improvement Projects.

Section 17. Legislation to Obtain Federal Aid.

The legislature may enact laws to enable the state, its agencies, boards, commissions, and political subdivisions and their agencies to comply with federal laws and regulations in order to secure.
and commissions, and political subdivisions of the state and their agencies to comply with federal laws and regulations in order to secure federal participation in the cost of capital improvement projects.

federal participation in funding capital improvement projects.

NOTES

Document No. XXI, dated 1/3/74, as reproduced above, dated 1/9/74, contains handwritten notes indicating committee action. C.P. No. 15 Floor Presentation, dated 1/12/74, is omitted. It produces Document No. XXI with changes as adopted by the committee.

HENRY PUGH, ET AL. AMENDMENT TO C.P. 15, SECTION 6(C)

Styling Suggestions from Committee on Style and Drafting: Comparative Presentation

PROPOSAL AS AMENDED

"(C) Full Faith and Credit. The full faith and credit of the state shall be pledged to the repayment of all bonds or other evidences of indebtedness issued by the state directly or through any state board, agency, or commission pursuant to the provisions of Paragraphs (a) and (b) hereof. The full faith and credit of the state is hereby pledged to the repayment of bonds of a levee district, political subdivision, or local public agency. In addition, any state board, agency, or commission authorized by law to issue bonds, in the manner so authorized and with the approval of the State Bond Commission or its successor, may issue bonds which are payable from revenues, fees, rentals, charges, grants, or other receipts or income derived by or in connection with an undertaking, facility, project, or any combination thereof, without a pledge of the full faith and credit of the state. Such revenue bonds may, but are not required to, be issued in accordance with the provisions of Paragraphs (a) and (b) hereof. If issued other than as provided in Paragraphs (a) and (b), such revenue bonds shall not carry the pledge of the full faith and credit of the state and the issuance of the bonds shall not constitute the incurring of state debt under this constitution. The rights granted to deep water port commissions or deep water port, harbor, and terminal districts under this constitution shall not be impaired by the provisions of this Section."
ARTICLE VI. LOCAL GOVERNMENT

Section 1. Creation, Dissolution, and Merger of Parishes; Change of Parish Lines;
Change of Parish Seats;
Existing Parishes

Section 1. (A) The legislature may establish and organize
new parishes, dissolve and merge
parishes and change parish boundaries, if two-thirds of the electors in each of the parishes affected
voting at an election held for
the purpose in each parish affected
consent thereto.

(B) The governing authority
of a parish, may call an election on the question of chang-
ing the location of the parish
seat. The election shall be
conducted in the manner provid-
ed by the general election laws
in the state, insofar as applic-
able. The location of a parish
seat shall be changed if two-
thirds of the total vote cast
at the election is in favor
thereof.

Section 1 (c)

1 (C) All parishes and their
boundaries as established under
existing law are recognized and
ratified.

Comment:


(3) Standardization of language.

(4) Webster's, Rule 4.4.1--omit needless commas.


(7) Standardization of language.
Section 3

When a parish is enlarged or created from contiguous territory, it shall be entitled to a just proportion of the property and assets and shall be liable for a just proportion of the existing debts and liabilities of the parish or parishes from which the territory is taken.

Comment:
No Change

Section 5

The legislature shall provide by general law for the incorporation, consolidation, merger, and government of municipalities. No local or special law shall be enacted to create a munici-
10 special law shall create a municipal corporation or amend, modify, or repeal its charter.
11 However, if a municipality is operating under a special legislative charter it may be amended,
12 modified, or repealed by local or special law as long as such municipality continues to operate
13 under such charter.

Comment:
(2) Elements, V, 16--be clear.
(3) Manual, Rule 5--substitute word for phrase.
(4) Elements, V, 16--be clear.

Section 6 Becomes Section 4

1 Section 6. Classification
2 Section 6. Except as provided in this constitution, the legislature may classify parishes or municipalities according to population or on any other reasonable basis related to the purpose of this classification, and legisla-
3 Section 4. Classification
4 The legislature may classify parishes or municipalities according to population or on any other reasonable basis related to the purpose of classification. It may enact laws affecting one or more classes.
tion may be limited in its effect to any of such class or classes.

Comment:

(1) Manual, Rules 5, 13 and Elements, II, 13—omit needless words; i.e., there are no other provisions in this constitution.

(2) Ibid.


Page 5

Section 7 Becomes Section 5

Section 7. Every plan of government or home rule charter existing or adopted when this constitution is adopted shall remain in effect and may be amended, modified, or repealed as provided therein. Except as inconsistent with the provisions of this constitution, each local governmental subdivision which has adopted such a home rule charter or plan of government shall retain the powers, functions and duties in effect when this constitution is adopted. Each of them, if its charter permits,
shall also enjoy the right to any powers and functions granted to other local governmental subdivisions. If its charter permits, each of them shall also have the right to powers and functions granted to other local governmental subdivisions.

Comment:

(1) Word placement changed to conform with title and with word placement in rest of Section.

(2) Standardization of language.


(4) Standardization of language.

(5) Elements, II, 16—keep related words together.

(6) Elements, V, 7, 14—do not overstate; avoid fancy words.

authority of any such local governmental subdivision may appoint a commission to prepare and propose a charter or alternate charter, or may call an election for the purpose of electing such a commission.

Comment:

(1) Standardization of language.
(3) Standardization of language.
(4) Manual, Rule 5—substitute word for phrase.
(5) Elements, V, 16—be clear.
(6) Elements, II, 15—parallelism.
(7) Manual, Rule 5—substitute word for phrase.

Section 8 (B) Becomes Section 6 (B)

1 (B) The governing authority of any such local governmental subdivision shall call an election to elect a commission to prepare and propose a charter or alternate charter when presented with a petition signed by not less than ten percent of the electors or ten thousand electors, whichever is the lesser, who live within the boundaries of the affected subdivision, as certified by the
11 within the boundaries of the
12 affected subdivision, as certi-
13 fied by the registrar of voters.

Comment:


(2) Ibid.

(3) Elements, p. 45—less refers to quantity; few, to number.

Page 8

Section 8 (c) Becomes Section 6 (c)

1 (c) A home rule charter shall
2 be adopted, amended, or repealed
3 when approved by a majority of the
4 electors who vote on the proposal
5 at an election called for that
6 purpose.

Comment:

(1) Standardization of language.

Section 8 (d) Becomes Section 6 (d)

1 (d) Adoption by Two or More
2 Local Governmental Subdivisions.
3 Two or more local governmental
4 subdivisions within the boundaries
5 of one parish may
6 avail themselves of the provisions
7 of this Section, provided that a
majority of the electors in each affected local governmental subdivision who vote in an election held for that purpose vote in favor thereof. The legislature shall provide for the method of appointment or election of a commission to prepare and propose such a charter consistent with Paragraph (A) of this Section. However, at least one member of the commission shall be elected or appointed from each affected local governmental subdivision. The legislature shall provide the method by which the electors of more than one local governmental subdivision within the boundaries of

Section 8 (D) becomes Section 6 (D)

1 one parish may petition for an
2 election for such purpose consistent with Paragraph (B) of
3 this Section.
4

Comment:


(2) Elements, V, 16--be clear.
Section 8 (E) Becomes Section 6 (E)

1 (E) A home rule charter adopted pursuant to the provisions of this Section shall provide for the structure and organization, powers, and functions for the government of the local governmental subdivision, which may include the exercise of any power and performance of any function necessary, requisite, or proper for the management of its affairs, not denied by general law or inconsistent with any provision of this constitution.

The legislature shall not pass any law the effect of which changes, modifies, or affects the structure and organization and/or the party-like.

1 (E) Structure and Organization; Powers; Functions. A home rule charter adopted under this Section shall provide the structure and organization, powers, and functions of the government of the local governmental subdivision, which may include the exercise of any power and performance of any function necessary, requisite, or proper for the management of its affairs, not denied by general law or inconsistent with this constitution.
18 cular distribution and redistri-
19 bution of the powers and functions
20 of any local governmental subdivi-
21 sion which operates under a home
22 rule charter.

Comment:
(1) Manual, Rule 5—substitute word for phrase;
Standardization of language.
(2) Manual, Rules 5, 13 and Elements, II, 13—
omit needless words.
(3) Elements, V, 16—be clear; i.e., substitution
of preposition "of" for "for."
(4) Standardization of language.

Page 11

Section 8 (F) Becomes Section 6 (F)

1 (F) A local governmental sub-
2 division adopting a home rule
3 charter under this Section shall
4 also enjoy such additional powers
5 and functions as are granted to
6 local governmental subdivisions
7 by other provisions of this
8 constitution, unless the exer-
9 cise of such powers and perfor-
10 mance of such functions is pro-
11 hibited by its charter.

Comment:
(1) Manual, Rule 18—place exceptions first when
specific.

1 (F) Additional Powers and
2 Functions. Except as prohibited
3 by its charter, a local government-
4 subdivision adopting a home rule
5 charter under this Section shall
6 have the additional powers and
7 functions granted to local govern-
8 mental subdivisions by other pro-
9 visions of this constitution.
10
11
(2) Standardization of language.


Section 8 (G) Becomes

Section 6 (G)

1 (G) No home rule charter or plan of local government shall contain any provision inconsistent with this constitution or any law now or hereafter enacted which affects the offices of district attorney, sheriff, assessor, clerk of a district court, coroner, parish school board, or city school board.

1 (G) Parish Officials and School Boards Not Affected. No home rule charter or plan of government shall contain any provision inconsistent with this constitution or with any law affecting a school board or the offices of district attorney, sheriff, assessor, clerk of a district court, or coroner.

Comment:

(1) Standardization of language.

(2) Elements, II, 15—parallelism.


Section 8 H

11 (H) Notwithstanding any pro- 
12 visions of this Article to the con- 
13 trary, the courts and their officers 
14 may be established or affected 
15 only as provided in Article V of 
16 this constitution.

[Note: 
Sections 
8(H) and 
9(C) are identical 
and become Section 27]

Page 13

Section 7

The legislature shall not pass 
any law the effect of which changes, 
modifies, or affects the structure 
and organization and/or the parti- 
cular distribution and redistri- 
bution of the powers and functions 
of any local governmental subdivi- 
sion which operates under a home 
rule charter.

Comment:
(1) Elements, II, 11--positive form; Standardi-
zation of language.
Section 9 (in becomes Section 8(14))

1 Section 9. Powers of Other Local Governmental Subdivisions
2
3 Section 9. (A) Subject to and not inconsistent with any provision of this constitution, the governing authority of any other local governmental subdivision may exercise any power and perform any function necessary, requisite, or proper for the management of the affairs of the local governmental subdivision not denied by its charter or by general law, provided that a majority of the electors in the affected local governmental subdivision who vote in an election held for that purpose vote in favor of the proposition that such governing authority may exercise such general powers. In the absence of

1 Section 8. Powers of Other Local Governmental Subdivisions
2
3 Section 8. (A) Powers and Functions. Subject to and not inconsistent with this constitution, the governing authority of a local governmental subdivision which has no home rule charter or plan of government may exercise any power and perform any function necessary, requisite, or proper for the management of its affairs, not denied by its charter or by general law, if approved by a majority of the electors voting thereon in an election held for the purpose. Otherwise, the local governmental subdivision shall have the powers authorized by this constitution or by law.
such a favorable vote, such local governmental subdivision shall have such powers as authorized by this constitution or by law.

Comment: (1) Standardization of language.
(2) Elements, V, 16--be clear.
(3) Manual, Rule 5--substitute word for phrase.
(4) Webster's, Rule 4.4.2--comma inserted to avoid ambiguity.
(5) Standardization of language.
(6) Manual, Rule 5--substitute word for phrase.

Section 9 (B) Becomes Section 8 (B)

(B) Nothing contained in this Section shall be construed to affect the powers and functions of a parish or city school board and the offices of district attorney, sheriff, clerk of a district court, coroner, or assessor.

Comment:
Section 9 (C)

(C) Notwithstanding any provision of this Article to the contrary, the courts and their officers may be established or affected only as provided in Article V of this constitution.

[Note: Sections 8(h) and 9(C) are identical and become Section 27.]

Page 16

Section 11 Becomes Section 9

1 Section 11. Home Rule Parish; 1 Section 9. Home Rule Parish;
2 Incorporation of Cities, 2 Incorporation of Cities,
3 Towns, and Villages 3 Towns, and Villages
4 Section 11. No parish plan of 4 Section 9. No parish home rule (1)
government or home rule charter 5 shall prohibit the incorporation (2)
6 shall prohibit the incorporation 7 of a city, town, or village as
7 of cities, towns, or villages as 8 provided by general law.
8 provided by general law.

Comment:

(1) Standardization of language.

Page 17
Section 12 (A) Becomes Section 10 (A)

9 Section 12. Limitations of
10 Local Governmental Subdivisions
11 Section 12. (A) Local governmental subdivisions shall not:
12 (1) define and provide for the
13 punishment of a felony; or (2)
14 except as may be provided by law,
15 enact private or civil ordinances
16 governing civil relationships.
17

Comment:

(1) Elements, II, 11--positive verb.


Section 12 (B) Becomes Section 10 (B)

19 (B) Notwithstanding any provision of this Article, the
20 police power of the state shall
21 never be abridged.
22

Comment:

No Change
Section 12.1. Codification of Ordinances

Section 12.1. The governing authority of each political subdivision shall within two years of the effective date of the adoption of this constitution, cause a code to be prepared containing all of the ordinances of the political subdivision of general application which are appropriate for continuation as law. When the code shall have been prepared the governing authority shall cause copies of the same to be prepared and made available for public distribution. All general ordinances adopted after the approval of the code shall be amendments or additions to the code.

Comment:

(1) Elements, II, 16—keep related words together.

(2) Manual, Rule 5—substitute word for phrase.

Section 13 Becomes Section 12

1. Section 13. Local Officials
2. Section 13. The electors of each local governmental subdivision shall have the exclusive right to elect their governing authority. Nothing herein shall be construed to prohibit the election of the members of any governing authority on the basis of single member districts.

Comment:


(2) Ibid.

(3) Manual, Rule 5--substitute word for phrase.
**Section 14 Becomes Section 13**

1. Section 14. Local Officials; Compensation
2. Section 14. The compensation or method of fixing the compensation of a local elected official of any local governmental subdivision which operates under a home rule charter or plan of government as provided in Sections 7 and 8 of this Article, shall be provided in its charter. The compensation or method of fixing the compensation of local elected officials of any other local governmental subdivision shall be provided for by law. Compensation of local officials shall not be reduced during the terms for which they are elected.

Comment:

2. Webster's, Rule 4.1.2—pair of commas to set off modifying phrases.
3. Section numbers changed to conform to suggested renumbering.
4. Standardization of language; Manual, Rule 12—singularization.
Section 15 (A) Becomes Section 14 (A)

1. Section 15. Filling of Vacancies; Appointment
2. Section 15. (A) Except as otherwise provided in this
3. constitution, and except for the office of assessor, a vacancy in
4. any local office filled by
5. election wholly within the boundaries of a local governmental subdivision or a parish
6. or city school district, shall
7. be filled by appointment by the governing authority of such
8. local governmental subdivision
9. or school district in which the vacancy occurs, until it is
10. filled by election as provided by law.

Section 14 (A) Becomes Section 14 (A)

1. Section 14. Filling of Vacancies; Appointment;
2. Exception
4. Section 14. (A) Vacancy;
5. Appointment. Except as otherwise provided by this constitution, (2)
6. a vacancy in any local office filled by election wholly within
7. the boundaries of a local governmental subdivision or a school district shall be filled by appointment by the governing authority of such governmental subdivision or school district in which the vacancy occurs, until it is filled by election as provided by law.

Comment:

1. Standardization of language.
2. Assessor has now been provided for elsewhere in constitution.
4. Webster's, Rule 4.4.1--omit needless words.
Section 15 (B) Becomes Section 14 (B)

1 (B) The provisions of this
2 Section shall apply to all local
3 governmental subdivisions unless
4 otherwise provided by the home
5 rule charter or the home rule
6 plan of government of the affect-
7 ed local governmental subdivisions.

Comment:
(1) Standardization of language.
(3) Manual, Rule 5--substitute a word for phrase.
(4) Standardization of language.

Page 23

Section 16 Becomes Section 15

1 Section 16. Legislation Increasing Financial Burden of
2 Political Subdivisions; Local
3 Approval
4 Section 16. No law requiring an
5 increase in expenditures for wages,
6 hours, working conditions, pension
7 and retirement benefits, vacation
8 or sick leave benefits of political
9 subdivision employees, except a law
10 providing for civil service, minimum wages, working
11 conditions, and
12

1 Section 15. Legislation
2 Increasing Financial
3 Burden of Political Sub-
4 divisions; Local Approval
5 Section 15. No law requiring
6 increased expenditures for wages,
7 hours, working conditions, pension
8 and retirement benefits, vacation,
9 or sick leave benefits of poli-
10 tical subdivision employees,
11 except a law providing for civil
12 service, minimum wages, working

[487]
retirement benefits for firemen and municipal policemen, shall have effect until approved by ordinance enacted by the governing authority of the political subdivision affected thereby or until the legislature appropriates funds to the affected political subdivision for that purpose and only to the extent and amount that such funds are provided.

Nothing in this Section shall be construed as applying to parish and municipal school boards.

Comment:

(1) Manual, Rule 5--substitute word for phrase.


(3) Formalization of language.

(4) Manual, Rule 5--substitute word for phrase.

(5) Elements, II, 16--keep related words together.


Section 17 Becomes Section 16

Section 17. Governing Authorities of Local Governmental Subdivisions; Control Over Agencies They Create

Section 16. Governing Authorities of Local Governmental Subdivisions; Control Over Agencies They Create
Section 17. The governing authority of a local governmental subdivision shall have general power over any agency heretofore or hereafter created by it, including, without limitation, the power to abolish any such agency and to require prior approval of any charge or tax levied, or bond issued by such agency.

Comment:


(3) Manual, Rule 5--substitute a word for phrase.


Section 18 (A) becomes Section 17 (I)
such local governmental subdivision. Upon such merger and consolidation the local governmental subdivision shall succeed to and be vested with all of the rights, revenues, resources, jurisdiction, authority, and powers of such special district or local public agency. No such merger and consolidation shall take effect unless a majority of the electors voting thereon in the local governmental subdivision as a whole and also a majority of the electors voting thereon in the affected special district vote in favor of such proposition. No such action involving a local public agency shall take effect unless a majority of the electors voting thereon in the local governmental subdivision in which the local public agency is located vote in favor thereof in an election held for that purpose.

and having jurisdiction entirely within the boundaries of the local governmental subdivision. Upon a consolidation, the local governmental subdivision shall be vested with the rights, revenues, resources, jurisdiction, authority, and powers of the special district or local public agency. A consolidation shall become effective only if approved by a majority of the electors voting thereon, both in the local governmental subdivision and in the affected special district. A local public agency shall be consolidated only if approved by a majority of the electors voting thereon in an election held for the purpose in the local governmental subdivision in which located.

**SECTION 18 (A) becomes Section 17 (A)**

Comment:

(2) Manual, Rule 6--avoid hackneyed reference words.


(4) Webster's, Rule 4.2.1--comma to separate introductory prepositional phrase.


(6) Ibid.


(9) Elements, II, 11--put statements in positive form.

(10) Standardization of language.


(12) Elements, II, 11--put statements in positive form.

Page 27

SECTION 18 (B) becomes SECTION 17 (B)

1 (B) If the special district
2 or local public agency which is
3 consolidated and merged has any
4 outstanding indebtedness, the
5 authority provided for by this
6 Section shall not be exercised
7 unless provision is made for the
8 assumption of such indebtedness
9 by the governing authority or

1 (B) Assumption of Debt. If the
2 consolidated special district or
3 local public agency has outstanding
4 indebtedness, the authority pro-
5 vided by this Section shall be
6 exercised only if the local gov-
7 ernmental subdivision assumes the
8 indebtedness.
10 authorities of the local govern- 
11 ernmental subdivisions involved. 

Comment:
(1) Manual, Rule 5--substitute a word for a phrase.
(3) Ibid.

Page 28

Section 19 Becomes Section 18

<table>
<thead>
<tr>
<th>1 Section 19. Land Use, Zoning and Historic Preservation</th>
<th>1 Section 18. Land Use; Zoning; Historic Preservation</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 Section 19. Subject to uniform legislatively established procedures, local governmental subdivisions shall have authority (1) to adopt regulations for land use, zoning and historic preservation, which authority is declared to be a public purpose; (2) to create commissions and districts to implement same; (3) to review decisions of any such commissions; (4) and to adopt standards for use, construction, demolition and modification of areas and structures. Existing constitutional authority for historic preservation districts is retained.</td>
<td></td>
</tr>
<tr>
<td>4 ' Section 18. Subject to uniform procedures established by law, a local governmental subdivision may (1) adopt regulations for land use, zoning, and historic preservation, which authority is declared to be a public purpose; (2) create commissions and districts to implement those regulations; (3) review decisions of any such commission; (4) and adopt standards for use, construction, demolition, and modification</td>
<td></td>
</tr>
</tbody>
</table>

[492]
Comment:

(1) Formalization of language
(2) Manual, Rule 12—singularization
(3) Standardization of language.
(4) Elements, V, 16—be clear.
(5) Ibid.; standardization of language.
area which entrances are provided for use by employees of such company, or for use by employees of independent contractors working on such premises, or for delivery of materials or supplies, other than by rail or water transportation, to such premises. Where individual plants provide police protection this protection shall be confined to the premises of each individual plant located in the area. Industrial areas shall not be subdivisions of the state.

Comment:


Manual, Rule 12—singularization;

Webster's, Rule 4.2.1—comma to set off introductory adverbial clause.

(4) Elements, V, 16—be clear.


Page 30
for access by public road to any
and all entrances to the premises
of each and every plant in such
area which entrances are provided
for use by employees of such
company, or for use by employees
of independent contractors
working on such premises, or for
delivery of materials or supplies,
other than by rail or water trans-
portation, to such premises. Where
individual plants provide police
protection this protection shall
be confined to the premises of
each individual plant located in
the area.

Comment to Alternative:

Manual, Rule 12--singularization;
Webster's, Rule 4.2.1--comma to set off intro-
ductive adverbial clause.

(2) Elements, V, 16--be clear.

(3) Manual, Rule 5--substitute word for phrase;

(4) Manual, Rule 5--substitute word for phrase.


(8) Elements, V, 16--be clear;
Part of Section 21 becomes Section 19(c)

14 Industrial areas shall not be subdivisions of the state.

15 An industrial area shall not be a political subdivision of the state.

Comment:

Section 22 becomes Section 20

1 Section 22. Creation of Special Districts by the Legislature; Authority

2 Subject to and

3 not inconsistent with the provisions of this constitution, the legislature by general law or by local or special law may create or authorize the creation of special districts, boards, agencies, commissions, and other authorities,

4 and may define their rights and powers, including, but not limited to, the power to tax, incur debt, and issue bonds.

Comment:
(1) Standardization of language.
Section 23 becomes Section 21

1 Section 23. Intergovernmental Cooperation
2 Any political subdivision may exercise and perform any of its authorized powers and functions, including financing, jointly or in cooperation with one or more political subdivisions, either within or without the state, with the United States or agencies thereof, except as the legislature shall provide otherwise by law.

Section 21.

1 Section 21. Intergovernmental Cooperation
2 Except as otherwise provided by law, a political subdivision may exercise and perform any authorized power and function, including financing, jointly or in cooperation with one or more political subdivisions, either within or without the state, and with the United States or its agencies.

Comment:

(1) Standardization of language.
Manual, Rule 18--place exceptions first when specific.

(2) Standardization of language.


Section 24. Assistance to Local Industry by Political Subdivisions; Deep-Water Port Commission, or Deep-Water Port, Harbor, and Terminal Districts

Section 24. Subject to such restrictions as it may impose, the legislature may authorize any political subdivision, deep-water port commission, or deep-water port, harbor, and terminal district, in order (1) to induce and encourage the location of or addition to industrial enterprises therein which would have economic impact upon the area and thereby the state, or (2) to provide for the establishment and furnishing of such industrial plant, or (3) to provide movable or immovable property, or both, for pollution control facilities: (a) to issue bonds, subject to the approval of the State Bond Commission, or any successor thereto, and to use the funds derived from the sale thereof to acquire and improve industrial plant sites and other property necessary to the purposes thereof;

Section 22. (A) Authorization. In order to (1) induce and encourage the location of or addition to industrial enterprises therein, or (2) provide for the establishment and furnishing of an industrial plant, or (3) provide movable or immovable property, or both, for pollution control facilities, the legislature may authorize, subject to restrictions it may impose, any political subdivision, deep-water port commission, or deep-water port, harbor, and terminal district to (a) issue bonds, subject to approval by the State Bond Commission, or its successor, and use the funds derived from the sale of the bonds to acquire and improve industrial plant sites and other property necessary to the purposes thereof;
thereof; (b) to acquire, through purchase, donation, exchange, and subject to Article I, Section 4, expropriation, and to improve improve industrial plant buildings and industrial plant equipment, machinery, furnishings, and appurtenances; and

**Section 24 becomes Section 22 (a), (b), (c)**

1. industrial plant buildings and
2. industrial plant equipment,
3. machinery, furnishings, and
4. appurtenances; and (c) to sell, lease, lease-purchase, or
5. demolish all or any part of the foregoing.

No property expropriated under the authority of this Article shall ever, directly or indirectly, be sold or donated to any foreign power, any alien, or any corporation in which the majority of the stock is controlled by any foreign power, alien corporation, or alien.

1. (c) sell, lease, lease-purchase, or demolish all or any part of the foregoing.
2. (b) Property Expropriated;
3. (B) Sale to Aliens Prohibited. No property expropriated under the authority of this Section shall ever, directly or indirectly, be sold or donated to any foreign power, any alien, or any corporation in which the majority of the stock is controlled by any foreign power, alien corporation, or alien.

4. (C) School Boards Not Affected
5. This Section shall not apply to a school board.
The provisions of this Section shall not apply to school boards.

Comment:

(1) Elements, II, 16--keep related words together.
(4) Elements, II, 16--keep related words together.
(5) Standardization of language.
(7) Elements, V, 16--be clear.
(8) Ibid.
(9) Elements, V, 16--be clear.
(10) Standardization of language.

Section 26 becomes Section 23
be called, conducted, and the returns thereof canvassed, in accordance with the procedures established by law pertaining to elections for incurring bonded indebtedness and special taxes relative to local finance, as the same now exists or may hereafter be amended, or as may be otherwise provided by law.

Comment:

(1) Standardization of language.


(3) Manual, Rule 5—substitute word for phrase.


(5) Standardization of language.

Section 27 becomes Section 24

1 Section 27. Acquisition of Property
2 Section 27. Subject to and not inconsistent with any provision of this constitution and subject to such restrictions as the legislature may provide by general law, political subdivisions may acquire
3 Section 27. Subject to and not inconsistent with this constitution and subject to restrictions provided by general law, political subdivisions may acquire property for any public purpose, including but
4 (1)
5 (2)
6 (3)
7 (4)
8 (5)
9 (6)
10 (7)
11 (8)
property for any public purpose, not limited to acquisition by purchase, donation, expropriation, or exchange.

Comment:
(1) Standardization of language.
(2) Manual, Rule 6—avoid hackneyed reference words.
(3) Standardization of language.

Page 37

Section 28 becomes Section 25

Section 28. Servitudes of Way; Acquisition by Prescription
Section 28. The public, represented by the various local governmental subdivisions, may acquire servitudes of way by prescription in the manner prescribed by law.

Comment:

Section 29 becomes Section 26

Section 29. Prescription Against State
Section 29. Prescription shall not run against the state in any

Section 26. Prescription Against State
Section 26. Prescription shall not run against the state in any
civil matter, unless otherwise provided in this constitution or expressly by law.

Comment:
No change.
PART II. FINANCE

Section 31. Parish Tax

Limits; Increase; Withdrawal of Municipality from Parish Taxing Authority

Section 31. (A) The governing authority of each parish may levy an ad valorem tax for general purposes, in an amount not to exceed in any one year, four mills on the dollar of assessed valuation. However, in Orleans Parish the limitation shall be seven mills and in Jackson Parish the limitation shall be five mills. Millage rates may be increased in any parish when approved by a majority of the electors who vote in an election held for that purpose.

Comment:

(1) See Webster's definitions--meaning in context identical; Manual, Rule 5--use short words.


(3) Webster's Rule 4.1--pair of commas to set off supplementary information.

(4) Webster’s, Rule 4.2.3--comma to separate clauses joined by coordinating conjunction.


(6) Standardization of language.
SECTION 31 (B) becomes SECTION 28 (B)

1. (B) When the millage increase
2. is for other than general purposes,
3. the proposition shall state the
4. specific purpose or purposes for
5. which the tax is to be levied, the
6. length of time the tax is to remain
7. in effect, and all proceeds of the
8. tax shall be used solely for the
9. purpose or purposes set forth in
10. the proposition.

Comment:
(1) Manual, Rules 5—substitute word for phrase.

SECTION 31 (C) becomes SECTION 28 (C)

1. (C) The amount of the parish tax for general purposes which
2. any parish, except the parish
3. of Orleans, may levy, without
4. a vote of the electors, on
5. property located wholly within
6. any municipality, which has a
7. population in excess of one
8. thousand inhabitants according
9. to the last federal decennial
10. census, or such other census

1. (C) Parish Tax in Municipality.
2. The amount of the parish tax for
3. general purposes which any parish,
4. except Orleans Parish, may levy,
5. without a vote of the electors,
6. on property located wholly
7. within any municipality which has
8. a population in excess of one
9. thousand inhabitants according
10. to the last federal decennial
11. census, or other census permitted
as may be provided for by law, and which provides and maintains a system of street paving, shall not exceed one-half the tax levy for general purposes.

Comment:

(1) Manual, Rule 5—substitute word for phrase
(2) Webster's, Rule 4.4.1—omit needless commas.
(4) Manual, Rule 5—substitute word for phrase.

Section 31 (D) becomes Section 28 (D)

(D) This Section shall not be construed to repeal or affect the withdrawal of property in a municipality from parochial taxing jurisdiction, in whole or in part, by a provision of the legislative charter of the municipality in effect on the date of adoption of this constitution.

Comment:

(1) Elements, II, 11—put sentences in positive form; Manual, Rules 5, 13 and Elements, II, 13—omit needless words; Elements, V, 16—be clear.
Section 32 (A) becomes Section 29 (A)

1 Section 32. Municipal Tax Limits; Increase
2 Section 32. (A) The governing authority of each municipality may levy an ad valorem tax for general purposes, in an amount not to exceed in any one year, seven mills on the dollar of assessed valuation; provided that where any municipality is, by its charter or by law, exempt from payment of parish taxes or, under legislative authority, maintains its own public schools, it may levy an annual tax not to exceed ten mills on the dollar of assessed valuation. Millage rates may be increased in any municipality when approved by a majority of the electors who vote in an election held for that purpose.

Comment:

(1) Standardization of language; Elements II, 15--parallelism.

(2) Webster's, Rule 4.4.1--omit needless commas

(4) Webster's, Rule 4.1--pair of commas to set off supplementary information; Elements, II, 15 parallelism.

(5) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.

(6) Elements, II, 16--keep related words together.

(7) Elements, V, 16--be clear.

(8) Ibid.

(9) Standardization of language.

Page 44

**SECTION 32 (B) becomes SECTION 29 (B)**

1  (B) When the millage increase
2 is for other than general purposes,
3 the proposition shall state the
4 specific purpose or purposes for
5 which the tax is to be levied,
6 the length of time the tax is to
7 remain in effect, and all proceeds
8 of the tax shall be used solely
9 for the purpose or purposes set
10 forth in the proposition.
11

1  (B) Millage Increase Not For General Purposes. When the millage increase is not for general purposes, the proposition shall state the specific purpose or purposes for which the tax is to be levied, and the length of time the tax is to remain in effect. All proceeds of the tax shall be used solely for the purpose or purposes set forth in the proposition.

**Comment:**

(1) Manual, Rule 5--substitute word for phrase; Elements, II, 15--parallelism.


**SECTION 32 (C) becomes SECTION 29 (C).**

11  (C) This Section shall not
11  (C) Not Applicable to New Orleans.
Section 33 becomes Section 30

1 Section 33. Local Governmental Subdivision; Occupational License Tax; Limitations
2 Section 33. Local governmental subdivisions may impose an occupational license tax in an amount not greater than that imposed by the state. However, those who pay municipal occupational license taxes shall be exempt from parish occupational license taxes to the extent of the municipal tax. Local governmental subdivisions may impose an occupational license tax in an amount greater than that imposed by the state when so authorized by an act passed by at least a two-thirds vote of each house of the legislature.

Comment:
No change.
of the elected membership of each house of the legislature.

Comment:


(2) Elements, V, 16—be clear; pronoun "those" has no antecedent.


(4) Elements, V, 16—be clear.


(7) Standardization of language.

(8) Ibid.

Page 46

\[\text{SECTION 34 (A) becomes SECTION 31 (A)}\]

| Section 34. Local Governmental Subdivisions and School Boards; Sales Tax Authorized; Limitations; Exemptions; Protection of Existing Sales Tax Authorizations and the Security of Outstanding Bonds (A) Except as otherwise authorized in a home rule charter as provided for in Section 7 of this Article, any local governmental | Section 31. Local Governmental Subdivisions and School Boards; Sales Tax Authorized; Limitations; Exemptions; Protection of Existing Sales Tax Authorizations and Security of Outstanding Bonds Section 31. (A) Sales Tax Authorized; Limitations; Protection of Existing Authorization and Security of Bonds. Except as otherwise authorized in a home |
subdivision or school board may levy and collect a tax upon the sale at retail, the use, the lease or rental, the consumption and storage for use or consumption of tangible personal property and on sales of services as defined by law, if approved by a majority of the electors who vote in an election held for that purpose. The rate thereof, when combined with the rate of all other presently imposed or future sales and use taxes, exclusive of state sales and use taxes, levied and collected within any local governmental subdivision, shall not exceed three percent; however, the legislature may by general or special law, authorize the imposition of additional sales and use taxes by local governmental subdivisions or school boards, upon approval by the electors thereof as herein provided.

---

Section 34 (A) becomes Section 31 (A)

1 Nothing contained in this Subsection shall be construed to
2 approved by a majority of the electors voting thereon in an
affect any sales or use tax authorized or imposed on the effective date of this constitution or to affect or impair the security of any bonds payable from such tax.

Comment:
(1) Section number changed to conform to re-numbering.
(3) Standardization of language.
(5) Standardization of language.
(6) Ibid.
(8) Standardization of language.
(10) Elements, V, 16--be clear.

Section 34 (B) became Section 31 (B)

(B) Except where bonds in connection therewith have been authorized, the legislature may uniformly exempt or exclude any goods, tangible personal property.
6 or services from sales or use
7 taxes levied by local governmental
8 subdivisions, school boards, and
9 the state.
10

Comment:
No Change.

Page 49

Section 36. Political Sub-
1 divisions; Taxing Power;
2 Limitations
3 Section 35. Political sub-
4 divisions may exercise the power
5 of taxation, subject to such
6 limitations as may be elsewhere
7 provided in the constitution, under
8 authority granted to them by the
9 legislature for parish, municipal,
10 and local purposes, strictly public
11 in their nature. The provisions
12 of this Section shall not apply to,
13 nor affect, similar grants to such
14 political subdivisions under other
15

Section 37. Political Sub-
1 divisions; Taxing Power;
2 Limitations
3 Section 32. Subject to (2) (3)
4 limitations elsewhere provided in
5 this constitution and under auth-
6 ority granted to it by the legis-
7 lature, any political subdivision
8 may tax for public purposes.
9 This Section shall not affect
10 similar grants to political
11 subdivisions under self-operative
12 sections of this constitution.
13

[513]
16 sections of this constitution which are self-operative.

Comment:

(1) Manual, Rule 18--place exceptions first when specific.

(2) Manual, Rule 6--avoid hackneyed reference words.


(5) Webster's, Rule 4.2.1--comma to separate introductory element.


(7) Manual, Rule 5--substitute word for phrase.


(9) Standardization of language.


Section 36 (A) becomes Section 33(A)

1 Section 36. Special Taxes; Ratified
2 Section 36. (A) Any special tax
3 being levied by any political subdivision under prior laws or under the
4 1921 Louisiana Constitution, as
5
6

Page 50
amended, when this constitution is adopted is hereby confirmed and ratified.

Comment:
(1) Standardization of language.
(2) Ibid.

SECTION 36 (B) becomes SECTION 33(B)

(B) For the purpose of acquiring, constructing, improving, maintaining and operating any work of public improvement, any political subdivision may levy special taxes when authorized by a majority of the electors in the political subdivision who vote in an election held for that purpose.

Comment:
(1) Elements, V, 16—be clear.
(2) Standardization of language.
(3) Ibid.
Section 38.

Bonds of Political Subdivisions; General Obligations

Section 38. The full faith and credit of every political subdivision is hereby pledged to the payment of general obligation bonds issued by it under this constitution or the terms of the statute or proceedings pursuant to which they are issued. The governing authority of the issuing political subdivision shall levy and collect or cause to be levied and collected on all taxable property in the subdivision ad valorem taxes sufficient to pay principal and interest and redemption premiums, if any, on such bonds as they mature.

Comment:


(2) Ibid.

(3) Ibid.

Page 52
Section 39 becomes

1 Section 39. Taxpayer Authorization of Political Subdivision Bonds

Section 39. Subject to the approval of the State Bond Commission or any successor thereto, general obligation bonds may be issued only after authorization by a vote of a majority of the electors who vote on the proposition at an election in the political subdivision issuing such bonds. Bonds to refund outstanding indebtedness at the same or at a lower effective rate of interest, even though payable solely from ad valorem taxes, need not be so authorized at an election if the indebtedness refunded is paid or cancelled at the time of the delivery of the refunding bonds, or if money, or securities made eligible for such purpose by law, are deposited in escrow in an adequate amount, with interest, to be utilized solely for the purpose of retiring the refunded indebtedness or bonds and paying interest thereon and redemption premiums, if any, to the time of retirement.

1 Section 35. Taxpayer Authorization of Political Subdivision Bonds

Section 35. Subject to approval by the State Bond Commission or its successor, general obligation bonds may be issued only after authorization by a majority of the electors voting on the proposition at an election in the political subdivision issuing the bonds. Bonds to refund outstanding indebtedness at the same or at a lower effective rate of interest, even though payable solely from ad valorem taxes, need not be authorized at an election if the indebtedness refunded is paid or cancelled at the time of the delivery of the refunding bonds, or if money, or securities made eligible for such purpose by law, are deposited in escrow in an adequate amount, with interest, to be utilized solely to retire the refunded indebtedness or bonds and to pay...
Section 39 becomes Section 35

Comment:
(1) Standardization of language.
(2) Manual, Rule 5—substitute word for phrase.
(3) Standardization of language.
(6) Manual, Rule 5—substitute word for phrase.
(7) Elements, II, 15—parallelism.

Section 40 becomes Section 36

Section 40. Limitations on Bonded Indebtedness of Political Subdivisions
Section 40. The legislature shall fix the limitation on bonded indebtedness payable solely from ad valorem taxes levied by political subdivisions.

Comment:
No Change.
Section 41 (A) becomes Section 37 (A)

Section 41. Limited Time for Contesting Bonds of Political Subdivisions

Section 41. (A) For a period of sixty days from the promulgation of the result of any election held for the purpose of incurring or assuming debt, issuing bonds, or levying a tax, any person in interest shall have the right to contest the legality of such election, the bond issue provided for, or the tax authorized, for any cause after which time no one shall have any cause or right of action to contest the regularity, formality, or legality of said election, tax provisions, or bond authorization, for any cause whatsoever. If the validity of any election, tax, debt assumption, or bond issue authorized or provided for, held under the provisions of this Section, is not raised within the sixty days herein prescribed, the authority to incur or assume debt, levy the tax, or issue the bonds, the legality thereof, and the
dept, levy the tax, or issue the bonds, the legality thereof, and the
dept, levy the tax, or issue the bonds, the legality thereof, and the
30 taxes and other revenues necessary 30 conclusively presumed to be valid, to pay the same shall be conclusive 31 and no court shall have authority 32 ly presumed to be valid, and no 32 to inquire into such matters. 33 court shall have authority to inquire 33 into such matters.

Page 55

SECTION 41(A) becomes SECTION 37(A)

Comment:


(2) Manual, Rule 3--make time periods clear.

(3) Standardization of language.

(4) Manual, Rule 5--substitute word for phrase.

(5) Standardization of language.


(7) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.


(9) Standardization of language.

Every ordinance or resolution authorizing the issuance of bonds or other debt obligation by a political subdivision shall be published at least once in the official journal of the political subdivision, or if there is none, then in a newspaper having general circulation therein. For a period of thirty days from the date of the publication any person in interest may contest the legality of the ordinance or resolution and of any provision therein made for the security and payment of the bonds. After this time, no one shall have any cause of action to test the regularity, formality, legality, or effectiveness of the ordinance or resolution, and provisions thereof for any cause whatever; and after this time it shall be conclusively presumed that every legal requirement for the issuance of the bonds or other debt obligation, including all things pertaining to the election, if any, at which the bonds or other debt obligations were authorized, has been contested. After that time, no one shall have any cause of action to test the regularity, formality, legality, or effectiveness of the ordinance or resolution, and provisions thereof for any cause whatever. Thereafter, it shall be conclusively presumed that every legal requirement for the issuance of the bonds or other debt obligation, including all things pertaining to the election, if any, at which the bonds or other debt obligations were authorized, has been contested.

Section 41 (B) becomes Section 37 (B)
30 complied with, and no court shall have authority to inquire into any such matters after the lapse of this thirty days.

30 taining to an election at which bonds or other debt obligation were authorized, has been complied with. No court shall have authority to inquire into any of these matters after the thirty days.

Section 41 (b) becomes Section 37(b)

Comment:

(1) Webster's, Rule 4.1—pair of commas to set off supplementary clause.


(3) Manual, Rule 3—make time periods clear.

(4) Manual, Rules 5, 13 and Elements, II, 13—omit needless words

(5) Webster's, Rule 4.2.1—comma to separate introductory prepositional phrase.

(6) Elements, V, 16—be clear.

(7) Manual, Rule 5—substitute word for phrase.

(8) Ibid.


(10) Manual, Rule 10—short sentences; Rule 14—unrelated ideas in separate sentences.


Section 42(A) becomes Section 38(A)

Section 42. Local Improvement
Assessments

(A) The legislature shall provide by general law or by local or special law the procedures by which political subdivisions levy and collect local or special assessments on real property, for the purpose of acquiring, constructing, or improving works of public improvement.

Comment:
(1) Elements, V, 16--be clear; Manual, Rule 12—singularization.
(2) Webster's, Rule 4.4.1—omit needless commas.

Section 42(B) becomes Section 38(B)

(B) Certificates of indebtedness may be issued to cover the cost of any such public improvement which shall be secured by the pledge of the local or special assessments levied therefor, and may be further secured by

Page 59
8 the pledge of the full faith and
9 credit of the political subdivi-
10 sion.
11
Comment:
(1) Manual, Rule 10—short sentences; Rule 14—unrelated
   ideas in separate sentences.
(2) Webster's, Rule 4.4.1—omit needless commas.

Section 42 (c) becomes Section 38 (c)

11 (c) The provisions of this
12 Section shall not apply to school
13 boards.

Comment:
(1) Standardization of language.

Section 43 (a) becomes Section 39 (a)

1 Section 43. Revenue-Producing
2 Property
3 Section 43. (A) The legislature
4 may authorize political subdivi-
5 sions to issue bonds or other
6 debt obligations for the purpose
7 of constructing, acquiring, extend-
8 ing, or improving any revenue-
9 producing public utility or work
10 of public improvement. The bonds
11 or other debt obligations may be
12 secured by mortgage on the lands,

Page 60
13 buildings, machinery, and equipment or by the pledge of the income and revenues of such public utility or work of public improvement and shall not be a charge upon the other income and revenues of the political subdivision.

Comment:
(2) Manual, Rule 5—substitute word for phrase.
(4) Manual, Rule 10—short sentences; Rule 14—unrelated ideas in separate sentences.

**SECTION 43 (B) becomes SECTION 39 (B)**

1 (B) The provisions of this Section shall not apply to school boards.

Comment:
(1) Standardization of language.

**SECTION 44 (A) becomes SECTION 40 (A)**

PART III. LEVEE DISTRICTS

1 Section 44. Levee Districts

2 Section 44. (A) Levee districts

PART III. LEVEE DISTRICTS

1 Section 40. Levee Districts

2 Section 40. (A) Levee districts
Levee districts as now organized and constituted shall continue to exist, except that:

(1) The legislature may provide for the consolidation, division, or reorganization of existing levee districts or create new levee districts. However, the members of the boards of commissioners of districts heretofore or hereafter created shall be appointed or elected from residents of such district, as provided by law;

(2) Any levee district whose flood control responsibilities are limited to and which is situated entirely within the boundaries of one parish may be merged and consolidated into such parish under the terms and conditions and in the manner provided in Section 18 of this Article. This provision shall be self-operative.
SECTION 44(A) becomes SECTION 40(A)

Comment:
(1) Standardization of language.
(2) See Webster's, Rule 6.1 on uses of colon.
(3) Elements, II, 15--parallelism.
(5) Elements, V, 16--be clear.
(7) Standardization of language.
(9) Ibid.
(11) Section numbers changed to conform with suggested renumbering.
(12) Sentence deleted because apparently inconsistent with stated requirement for reference to Section 17.

SECTION 44(B) becomes SECTION 40(B)

1 (B) No action taken here-
2 under shall impair the obli-
3 gation of any outstanding
4 bonded indebtedness or of any
5 other contract of such levee
6 district.

Comment:
1 Section 45. District Taxes;  
2 Increase in Tax to Raise  
3 Additional Funds  
4 Section 45. (A) For the  
5 purpose of constructing and  
6 maintaining levees, levee  
7 drainage, flood protection,  
8 hurricane flood protection, and  
9 for all other purposes incident-  
10 al thereto, the governing au-  
11 thority of each district, may  
12 levy annually a tax not to  
13 exceed five mills on the asses-  
14 sed valuation, except the Board  
15 of Levee Commissioners of the  
16 Orleans Levee District which  
17 may levy annually a tax not to  
18 exceed two and one-half mills  
19 on the assessed valuation of all  
20 taxable property situated within  
21 the alluvial portions of said  
22 district subject to overflow.

Comment:

(1) Webster's, Rule 4.4.1--omit needless commas.
(2) Manual, Rule 6--avoid hackneyed reference words.
(3) Elements, V, 16--be clear.
**SECTION 45 (A) becomes SECTION 41 (A):**

1. Section 45. (A) For the purpose of constructing and maintaining levees, levee drainage, flood protection, hurricane flood protection, and for all other purposes incidental thereto, the governing authority of each district, may levy annually a tax not to exceed five mills on the assessed valuation, except the Board of Levee Commissioners of the Orleans Levee District which may levy annually a tax not to exceed two and one-half mills on the assessed valuation of all taxable property situated within the alluvial portions of said district subject to overflow.

**Comment:**

(1) Webster's, Rule 4.4.1--omit needless commas.

Page 65

**SECTION 45 (B) becomes SECTION 41 (B):**

1. (B) Should the necessity to raise additional funds

2. (B) Millage Increase. If the necessity for additional funds
arise in any levee district
for any of the purposes here-
in set forth, or for any
other purpose related to its
authorized powers and func-
tions which may be specified
by the legislature, the tax
herein authorized may be
increased. However, before
taking effect, the necessity
for the increase and the rate
thereof shall be submitted to
the electors of such district
and no increase in taxes shall
occur unless a majority of the
electors in such district who
vote in the election herein-
avove provided for vote in
favor thereof.

Comment:
(4) Manual, Rule 5—substitute word for phrase.
(6) Standardization of language.
Section 46 (A) becomes Section 42 (A)

1. Section 46. Bond Issues
   2. Section 46. (A) Subject to the approval of the State Bond Commission or any successor thereto, the governing body of any levee district may fund the avails of said taxes or other revenues into bonds, or other evidences of indebtedness, the proceeds thereof to be used for the purposes mentioned in this Article or for the payment of any outstanding indebtedness.

Comment:
(1) Standardization of language.
(2) Ibid.
(3) Ibid.
(4) Elements, V, 16--be clear.
(5) Ibid.
(6) Ibid.
Section 46 (B) becomes 463 (B)

1 (B) Bonds issued under
2 the authority of the fore-
3 going provision shall be sold
4 in accordance with applicable
5 provisions of the Louisiana
6 Revised Statutes relating to
7 the issuance of bonds by levee
8 districts.

Comment:
(2) Standardization of language.

Page 68

Section 48 becomes Section 43

1 Section 48. Cooperation with
2 Federal Government
3 Section 48. All governing
4 authorities of levee districts
5 which have been, or may be
6 created, are authorized to
7 cooperate with the federal
8 government in the construction
9 and maintenance of the levees
10 in this state, on such terms
11 and conditions as may be
12 provided by the federal authori-
ties and accepted by the levee districts.

Comment:
(2) Standardization of language.
(3) Manual, Rule 5—substitute word for phrase.

Section 49 (A) becomes Section 44 (A)

1 Section 49. Compensation for
2 Property Used or Destroyed; Tax
3 Section 49. (A) Notwithstanding any other provision of this
4 constitution, lands and improvements thereon hereafter actually
5 used or destroyed for levees or
6 levee drainage purposes shall be
7 paid for as provided by law; and
8 provided further, nothing con-
9 tained in this Paragraph with
10 respect to compensation for lands
11 and improvements shall apply to

11 Section 44. Compensation for Property Used or
12 Destroyed; Tax
13 Section 44. (A) Compensation
14 Notwithstanding any contrary pro-
15 vision of this constitution,
16 lands and improvements thereon
17 hereafter actually used or des-
18 troyed for levees or levee drain-
19 age purposes shall be paid for as
20 provided by law. Nothing in this
21 Paragraph with respect to compen-
22 sation for lands and improvements
23 shall apply to batture or to

[533]
property the control of which is vested in the state or any political subdivision for the purpose of commerce.

Comment:

(1) Standardization of language.


(4) Ibid.


(7) Webster's, Rule 4.4.1—omit needless commas.


(11) Ibid.

Section 49 (B)

1 (B) If the district has no other funds or resources out of which such payment can be made, it shall levy, on all taxable property situated within the

Consolidated into Section 44 (A)
Section 49 (C) becomes Section 44 (B)

(C) Nothing contained in this Section shall prevent the appropriation of said property before payment.

(B) Appropriation. Nothing in this Section shall prevent the appropriation of property before payment.

Comment:


(2) Manual, Rule 6--avoid hackneyed reference words.
to exist, except that:
(A) The legislature may grant additional powers and functions to any such commission or district and may create new port commissions or port, harbor, and terminal districts;
(B) The legislature may consolidate or abolish any such commission or district or may diminish, reduce, or withdraw from any such commission or district any of its powers and functions and may affect the structure and organization, distribution, and redistribution of the powers and functions of any such commission or district, including additions or reductions of its territorial jurisdiction, only by act passed by a favorable vote of at least two-thirds of the elected membership of each house;

(1) The legislature may grant additional powers and functions to a commission or district and may create new port commissions or port, harbor, and terminal districts.

(2) By law enacted by a vote of two-thirds of the elected members of each house, the legislature may consolidate or abolish a commission or district or may diminish, reduce, or withdraw from a commission or district any of its powers and functions and may affect the structure and organization, distribution, and redistribution of the powers and functions of a commission or district, including additions or reductions of its territorial jurisdiction.

(C) The legislature shall make provisions with respect to the membership of the commissions therein.
4 provided commissions. Once the membership is established it may be changed only upon a two-thirds vote of the elected members of each house of the legislature.

Comment:


(2) Standardization of language.


(4) See Webster's, Rule 6.1 on uses of colon.


(6) Standardization of language; Webster's, Rule 4.2.1—commas after introductory prepositional phrases.

(7) Manual, Rule 5—substitute word for phrase.

(8) Ibid.

(9) Ibid.

(10) Standardization of language.


(12) Webster's, Rule 4.2.1—comma to separate introductory clause.

(13) Standardization of language.
**Section 51**

**PART V. DEFINITIONS**

1. Section 51. Terms Defined

   2. Section 51. As used in this Article:

   3. (1) "Local governmental subdivision" means any parish or municipality;

   4. (2) "Political subdivision" means parishes and municipalities, and any other unit of local government, including school boards and special districts, authorized by law to perform governmental functions;

   5. (3) "Municipality" means all incorporated cities, towns, and villages;

   6. (4) "Governing authority" means the body which exercises the legislative functions of the political subdivision;

   7. (5) "General law" means a law of statewide concern enacted by the legislature which is uniformly applicable to all persons or to all political subdivisions in the entire state or which is uniformly applicable to all persons or to all political subdivisions in the entire state or which is...

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**Section 46**

**PART V. DEFINITIONS**

1. Section 46. Terms Defined

   2. Section 46. As used in this Article:

   3. (1) "Local governmental subdivision" means any parish or municipality.

   4. (2) "Political subdivision" means a parish, municipality, and any other unit of local government, including a school board and a special district, authorized by law to perform governmental functions.

   5. (3) "Municipality" means an incorporated city, town, or village.

   6. (4) "Governing authority" means the body which exercises the legislative functions of the political subdivision.

   7. (5) "General law" means a law of statewide concern enacted by the legislature which is uniformly applicable to all persons or to all political subdivisions in the state or which is uniformly applicable to all persons or to all political subdivisions in the entire state or which is...
uniformly applicable to all persons or to all political subdivisions within the same class. 

(6) "General obligation bond" means those bonds, the principal and interest of which are secured by and payable from ad valorem taxes levied without limitation as to rate or amount.

SECTION 51 becomes SECTION 46

(7) "Deep-water port commissions and deep-water port, harbor, and terminal districts" mean those commissions or districts within whose territorial jurisdiction exist facilities capable of accommodating vessels of at least twenty-five feet of draft and of engaging in foreign commerce.

Comment:


(2) Ibid.


(4) "bond" pluralized; verb pluralized for agreement.

(5) Quotation marks changed to encompass only titles; verbs pluralized for agreement.

Page 75
within the alluvial portions of the district subject to overflow.” The second retains the language arrangement adopted by the convention, which may seem to limit only the Board of Commissioners of the Orleans Levee District to taxation of property “situated within the alluvial portions of the district subject to overflow.”

Section 42(A), (as suggested); Section 45(A), (as enrolled).

CAVEAT: The enrolled section allows the funding of revenues into bonds, the proceeds of which may be used for “purposes mentioned in this Article.” The source for the language noted above is Article XVI, Section 3, of the 1921 Constitution. However, levee districts are accorded an entire article in the 1921 Constitution, and the Committee on Style and Drafting may wish to consider whether or not “Section 41 of this Article” is a clearer statement of the intent of the convention than is “Article

NOTE: Remarks as to Section 4.

NOTE TO COMMITTEE ON LOCAL AND PAROCHIAL GOVERNMENT:

A. Clause 1, the last sentence of Paragraph 6 is removed from Section 5 and becomes Section 6. That sentence, as enrolled, reads:

“The legislature shall not pass any law

Section 29(A), (as suggested); Section 32(A), (as enrolled).

CAVEAT: The section as enrolled permits a municipality which maintains its own public schools under legislative authority to levy an annual tax not to exceed ten mills on the dollar of assessed valuation. Is “legislative” a broad enough term to use? Does “legal” or “legislative or constitutional” more clearly reflect the intent of the convention?

Section 41(A), (as suggested); Section 45(A), (as enrolled).

NOTE: The staff draft suggests alternatives to Section 41(A): The first rearranges language to make clear that tax levied by all levee districts shall be on “property situated

Section 2(A), (as suggested); Section 3(A), (as enrolled).

NOTE: Remarks as to Section 2.

NOTE TO COMMITTEE ON LOCAL AND PAROCHIAL GOVERNMENT:

A. Clause 1, the last sentence of Paragraph 6 is removed from Section 5 and becomes Section 6. That sentence, as enrolled, reads:
January 10, 1974

THE EDITING NOTATIONS IN PENCIL ON THE ATTACHED SHEETS
INDICATE THE CHANGES IN THE STYLING OF THE ARTICLE ON
LOCAL GOVERNMENT RECOMMENDED BY THE COMMITTEE ON
LOCAL AND PAROCHIAL GOVERNMENT.

Adopted 12-6-73

DOCUMENT NO. XV

COMMITTEE PROPOSAL NO. 17: FIRST ENROLLMENT
LOCAL GOVERNMENT
Staff Styling Suggestions: Comparative Presentation

PROPOSAL AS ENROLLED

1 ARTICLE VI. LOCAL GOVERNMENT
2 Section 1. Creation, Dissolu-
3 tion, and Merger of Parish-

SUGGESTED CHANGES

1 ARTICLE VI. LOCAL GOVERNMENT
2
3 PART I. GENERAL PROVISIONS

[541]
Section 1. Parishes

(A) Parishes and Boundaries Ratified.

Parishes and their boundaries as established under existing law are recognized and ratified.

(B) Creation; Dissolution; Merger; Boundaries.

The legislature may establish and organize new parishes, dissolve and merge parishes, and change parish boundaries if approved by two-thirds of the electors in each parish affected voting thereon at an election held for that purpose.

(C) Change of Parish Seat.

The governing authority of a
3 existing law are recognized and 4 ratified.

---

Comment:


(3) Standardization of language.

(4) Webster's, Rule 4.4.1—omit needless commas.


(7) Standardization of language.

---

Page 2

Section 3 becomes Section 1 (D)

Section 3. New or Enlarged Parishes; Adjustment of Assets and Liabilities

Section 3. When a parish is enlarged or created from contiguous territory, it shall be entitled to a just proportion of the property and assets and shall be liable for a just proportion of the existing debts

(D) Adjustment of Assets and Liabilities. When a parish is enlarged or established from contiguous territory, it shall be entitled to a just proportion of the property and assets and shall be liable for a just proportion of the existing debts and liabilities of the parish or parishes from which
and liabilities of the parish
or parishes from which the territory is taken.

Comment:
(1) Formalization of language.

Page 3

Section 5 Becomes Section 2

Section 5. Municipalities;
Incorporation, Consolidation, Merger, and Government
Section 5. The legislature shall provide by general law for
the incorporation, consolidation, merger, and government of municipalities. No local or special law shall be enacted to create a municipal corporation or to amend, modify, or repeal its charter. However, if a municipality is operating under a special legislative charter it may be amended, modified, or repealed by local or special law as long as such

Section 2. Municipalities
Section 2. The legislature shall provide by general law for the incorporation, consolidation, merger, and government of municipalities. No local or special law shall create a municipal corporation or amend, modify, or repeal a municipal charter. However, an existing special legislative charter may be amended, modified, or repealed by local or special law.
municipality continues to operate under such charter.

Comment:


(2) Elements, V, 16—be clear.


Section 6 Becomes Section 3

1 Section 6. Classification
2 Section 6. Except as provided in this constitution, the legislature may classify parishes or municipalities according to population or on any other reasonable basis related to the purpose of this classification, and legislation may be limited in its effect to any of such class or classes.

Comment:

(1) Manual, Rules 5, 13 and Elements, II, 13—omit needless words; i.e., there are no other provisions in this constitution.

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<th>Section 7 Becomes Section 8</th>
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<tr>
<td>1 Section 7. Existing Home Rule</td>
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<td>2 Charters and Plans of Government</td>
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<td>13 the effective date of this constitution.</td>
</tr>
<tr>
<td>14 If its charter permits, each of them also</td>
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<td>15 shall have the right to powers and functions</td>
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<td>16 granted to other local governmental</td>
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<td>17 subdivisions.</td>
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Comment:

(1) Word placement changed to conform with title and with word placement in rest of Section.

(2) Standardization of language.
Section 8. Home Rule Charter

(A) Subject to and not inconsistent with the provisions of this constitution, any local governmental subdivision may draft, adopt, or amend a charter of government to be known as a home rule charter in accordance with the provisions of this Section. The governing authority of any such local governmental subdivision may appoint a commission to prepare and propose a charter or alternate charter, or may call an election for the purpose of electing such a commission.

Comment:

(1) Standardization of language.

(3) Standardization of language.

(4) Manual, Rule 5--substitute word for phrase.

(5) Elements, V, 16--be clear.

(6) Elements, II, 15--parallelism.

(7) Manual, Rule 5--substitute word for phrase.

Section 8 (B) Becomes Section 5 (B)

1 (B) The governing authority
2 of any such local governmental
3 subdivision shall call an election
4 to elect a commission to
5 prepare and propose a charter or
6 alternate charter when presented
7 with a petition signed by not
8 less than ten percent of the
9 electors or ten thousand electors,
10 whichever is the lesser, who live
11 within the boundaries of the
12 affected subdivision, as certified
13 by the registrar of voters.

1 (B) Petition to Elect Commission. The governing authority
2 shall call an election to elect
3 such a commission when presented
4 with a petition signed by not
5 less than ten percent of the
6 electors or ten thousand electors,
7 whichever is fewer, who live
8 within the boundaries of the
9 affected subdivision, as certified
10 by the registrar of voters.
11
12
13

Comment:


(2) Elements, V, 16--be clear.

(3) Elements, p. 45--less refers to quantity; few, to number.
Section 8 (c) Becomes Section 5 (c)

1. (C) A home rule charter shall be adopted, amended, or repealed when approved by a majority of the electors who vote on the proposal at an election called for that purpose.

Comment:
(1) Standardization of language.

Section 8 (d) Becomes Section 5 (d)

7. (D) Two or more local governmental subdivisions situated within the boundaries of one parish may avail themselves of the provisions of this Section, provided that a majority of the electors in each affected local governmental subdivision who vote in an election held for that purpose vote in favor thereof. The legislature shall provide for the method of appointment or election of a commission to prepare and propose such a charter consistent with Paragraph (A) of this paragraph.

7. (D) Adoption by Two or More Local Governmental Subdivisions.

8. Two or more local governmental subdivisions within the boundaries of one parish may adopt a home rule charter under this Section if approved by a majority of the electors in each affected local governmental subdivision voting thereon in an election held for that purpose. The legislature shall provide the method of appointment or election of a commission to prepare and propose a charter consistent with Paragraph (4).
Section. However, at least one member of the commission shall be elected or appointed from each affected local governmental subdivision. The legislature shall provide the method by which the electors of more than one local governmental subdivision within the boundaries of

22 (A) of this Section and the method by which the electors may petition for an election consistent with Paragraph (B) of this Section. However, at least one member of the commission shall be elected or appointed from each affected local governmental subdivision.

Comment:


(2) Elements, V, 16--be clear.

(3) Standardization of language.


(5) Ibid.

(6) Elements, V, 16--be clear.


Section 6 (E) Becomes Section 7 (E)

1. (E) A home rule charter adopted pursuant to the provisions of this Section shall provide for the structure and organization, powers, and functions for the government of the local governmental subdivision, which may include the exercise of any power and performance of any function necessary, requisite, or proper for the management of its affairs, not denied by general law or inconsistent with any provision of this constitution.

2. The legislature shall not pass any law the effect of which changes, modifies, or affects the structure and organization and/or the particular distribution and redistri- bution of the powers and functions of any local governmental subdivision which operates under a home rule charter.

Comment:

(1) Manual, Rule 5--substitute word for phrase; Standardization of language.


[551]
(3) Elements, V, 16--be clear; i.e., substitution of preposition "of" for "for."

(4) Standardization of language.

Page 11

SECTION 8 (F) BECOMES SECTION 8 (F)

1 (F) A local governmental subdivision adopting a home rule charter under this Section shall also enjoy such additional powers and functions as are granted to local governmental subdivisions by other provisions of this constitution, unless the exercise of such powers and performance of such functions is prohibited by its charter.

1 (F) Additional Powers and Functions. Except as prohibited (1) by its charter, a local governmental subdivision adopting a home rule charter under this Section shall have the additional powers and functions granted to local governmental subdivisions by other provisions of this constitution.

Comment:

(1) Manual, Rule 18--place exceptions first when specific.

(2) Standardization of language.

Section 8 (G) Becomes

(G) No home rule charter or plan of local government shall contain any provision inconsistent with this constitution or any law now or hereafter enacted which affects the offices of district attorney, sheriff, assessor, clerk of a district court, coroner, parish school board, or city school board.

"(G) Parish Officials and School Boards Not Affected. No home rule charter or plan of government shall contain any provision inconsistent with this constitution or with any law affecting a school board or the offices of district attorney, sheriff, assessor, clerk of a district court, or coroner, which is inconsistent with this constitution or a law."

Comment:

(1) Standardization of language.

(2) Elements, II, 15--parallelism.

(3) Manual, Rule 11--present tense; Manual, Rule 5--substitute word for phrase.

(4) Elements, V, 16--be clear; Manual, Rules 5, 13 and Elements, II, 13--omit needless words.

Section 8 (H)

(H) Notwithstanding any provision of this Article to the contrary, the courts and their officers may be established or affected only as provided in Article V of this constitution.

[Note: Sections 8 (H) and 9 (C) are identical and become Section 27]
Section 6. The legislature shall not pass any law the effect of which changes, modifies, or affects the structure and organization and/or the particular distribution and redistribution of the powers and functions of any local governmental subdivision which operates under a home rule charter.

Comment:

(1) Elements, II, 11—positive form; Standardization of language.


(3) Elements, p. 35—do not use and/or.

(4) Manual, Rule 5—substitute word for phrase.
Section 9. Powers of Other Local Governmental Subdivisions

Section 9. (A) Subject to and not inconsistent with any provision of this constitution, the governing authority of any other local governmental subdivision may exercise any power and perform any function necessary, requisite, or proper for the management of the affairs of the local governmental subdivision not denied by its charter or by general law, provided that a majority of the electors in the affected local governmental subdivision who vote in an election held for that purpose vote in favor of the proposition that the governing authority may exercise such general powers. In the absence of such a favorable vote, such local governmental subdivision shall have such powers as authorized by this constitution or by law.

Section 7. Powers of Other Local Governmental Subdivisions

Section 7. (A) Powers and Functions. Subject to and not inconsistent with this constitution, the governing authority of a local governmental subdivision which has no home rule charter or plan of government may exercise any power and perform any function necessary, requisite, or proper for the management of its affairs, not denied by its charter or by general law, if a majority of the electors voting in an election held for that purpose vote in favor of the proposition that the governing authority may exercise such general powers. Otherwise, the local governmental subdivision shall have the powers authorized by this constitution or by law.
Section 9 (B) Becomes Section 7 (B)

(B) Nothing contained in this Section shall be construed to affect the powers and functions of a parish or city school board and the offices of district attorney, sheriff, clerk of a district court, coroner, or assessor.

Comment:
(2) Ibid.
(3) Ibid.
(4) Elements, II, 15--parallelism; i.e., language arranged to conform with previous usage in Section 6(G).
Section 9 (C)

(C) Notwithstanding any provision of this Article to the contrary, the courts and their officers may be established or affected only as provided in Article V of this constitution.

[NOTE: Sections 9 (C) and 9 (C) are identical and become Section 27]

Section 11 Becomes

Section 8, Home Rule Parish;
Incorporation of Cities, Towns, and Villages

Section 8

Section 8, Home Rule Parish;
Incorporation of Cities, Towns, and Villages

Section 8

Section 8, No parish plan of government
shall prohibit the incorporation of a city, town, or village as
provided by general law.

Comment:
(1) Standardization of language.
Section 12 (A) Becomes Section 9 (A)

9 Section 12. Limitations of Local Governmental Subdivisions
12 Section 12. (A) Local governmental subdivisions shall not:
13 (1) define and provide for the punishment of a felony; or (2)
14 except as may be provided by law,
15 enact private or civil ordinances,
16 governing civil relationships.

Comment:
(1) Elements, II, 11-positive verb.
(3) Manual, Rule 12-singularization
(4) Elements, V, 16-be clear.

Section 12 (B) Becomes Section 9 (B)

19 (B) Notwithstanding any provision of this Article, the police power of the state shall never be abridged.

Comment:
No Change
Section 12.1. Codification of Ordinances

Section 12.1. The governing authority of each political subdivision shall within two years of the effective date of the adoption of this constitution, cause a code to be prepared containing all of the ordinances of the political subdivision of general application which are appropriate for continuation as law. When the code shall have been prepared the governing authority of the political subdivision shall cause copies of the same to be prepared and made available for public distribution. All proposed ordinances of general application adopted after the approval of the code shall be amendments or additions to the code.

Comment:

(1) Elements, II, 16--keep related words together.

(2) Manual, Rule 5--substitute word for phrase.

Section 13 becomes

1 Section 13. Local Officials
2 Section 13. The electors of
each local governmental subdivi-
sion shall have the exclusive
right to elect their governing
authority. Nothing herein shall
be construed to prohibit the
election of the members of any
governing authority on the basis
of single member districts.

Comment:
(1) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

(2) Manual, Rule 5--substitute word for phrase.
Section 14 Becomes Section 12

Section 14. Local Officials; Compensation
Section 14. The compensation or method of fixing the compensation of a local elected official of any local governmental subdivision which operates under a home rule charter or plan of government as provided in Sections 7 and 8 of this Article, shall be provided in its charter. The compensation or method of fixing the compensation of local elected officials of any other local governmental subdivision shall be provided by law. Compensation of local officials shall not be reduced during the terms for which they are elected.

Comment:


(2) Webster's, Rule 4.1.2—pair of commas to set off modifying phrases.

(3) Section numbers changed to conform to suggested renumbering.

(4) Standardization of language; Manual, Rule 12—singularization.
SECTION 15 (A) BECOMES SECTION 13 (A)

1 Section 15. Filling of Vacancies; Appointment
2 Section 15. (A) Except as otherwise provided in this constitution, and except for the office of assessor, a vacancy in any local office filled by election wholly within the boundaries of a local governmental subdivision or a parish or city school district, shall be filled by appointment by the governing authority of such local governmental subdivision or school district in which the vacancy occurs, until it is filled by election as provided by law.

Comment:

(1) Standardization of language.

(2) Assessor has now been provided for elsewhere in constitution.


(5) Elements, V, 16--be clear.

Section 15 (B) Becomes

1. (B) The provisions of this Section shall apply to all local governmental subdivisions unless otherwise provided by the home rule charter or the home rule plan of government of the affected local governmental subdivisions.

Comment:

(1) Standardization of language.


(3) Manual, Rule 5--substitute a word for phrase.

(4) Standardization of language.

Section 16 Becomes

1. Section 16. Legislation Increasing Financial Burden of Political Subdivisions; Local Approval

Section 16. No law requiring an increase in expenditures for wages, hours, working conditions, pension and retirement benefits, vacation or sick leave benefits of political subdivision employees, except a law...
providing for civil service, minimum wages, working conditions, and retirement benefits for firemen and municipal policemen, shall have effect until approved by ordinance enacted by the governing authority of the political subdivision affected thereby or until the legislature appropriates funds to the affected political subdivision for that purpose and only to the extent and amount that such funds are provided. Nothing in this Section shall be construed as applying to parish and municipal school boards.

Comment:

(1) Manual, Rule 5—substitute word for phrase.


(3) Formalization of language.

(4) Manual, Rule 5—substitute word for phrase.

(5) Elements, II, 16—keep related words together.

Section 17 Becomes Section 15

Section 17. Governing Authorities of Local Governmental Subdivisions; Control Over Agencies They Create

Section 15. The governing authority of a local governmental subdivision shall have general power over any agency heretofore or hereafter created by it. It may abolish the agency and require prior approval of any charge or tax levied or bond issued by the agency.

Comment:


Section 18. Special Districts and Local Public Agencies; Consolidation, Merger, and Assumption of Debt

Section 16. (A) Any local governmental subdivision may consolidate and merge into itself any special district or local public
validate and merge into itself any special district or local public agency, except a school district, situated and having jurisdiction entirely within the boundaries of such local governmental subdivision. Upon such merger and consolidation the local governmental subdivision shall succeed to and be vested with all of the rights, revenues, resources, jurisdiction, authority, and powers of such special district or local public agency. A consolidation and merger shall become effective only if approved by a majority of the electors voting thereon in the local governmental subdivision as a whole and also a majority of the electors voting thereon in the affected special district. No such action involving a local public agency shall take effect unless a majority of the electors voting thereon in the local governmental subdivision in which the local public agency is located vote in favor thereof in an election held for that purpose.
Section 18 (B) becomes Section 16 (B)

1 (B) If the special district
2 or local public agency which is
3 consolidated and merged has any
4 outstanding indebtedness, the
5 authority provided for by this
6 Section shall not be exercised
7 unless provision is made for the
8 assumption of such indebtedness
9 by the governing authority or
10 authorities of the local govern-
11 mental subdivisions involved.

1 (B) Assumption of Debt. If
2 the special district or local public
3 agency which is consolidated and
4 merged has outstanding indebtedness,
5 the authority provided by this Sec-
6 tion shall not be exercised unless
7 provision is made for the assumption
8 of the indebtedness by the governing
9 authority of the local governmental
10 subdivision involved.
Comment:


(2) Ibid.


Page 29

Section 17. Land Use; Zoning; Historic Preservation

1 Section 17. Land Use; Zoning; Historic Preservation
2 Section 17. Subject to uniform procedures established by law, a local governmental subdivision may (1) adopt regulations for land use, zoning and historic preservation, which authority is declared to be a public purpose; (2) create commissions and districts to implement same; (3) review decisions of any such commissions; (4) and to adopt standards for use, construction, demolition and modification of areas and structures. Existing constitutional authority for historic preservation districts is retained.

20

21

[568]
Comment:
(1) Formalization of language
(2) Manual, Rule 12—singularization
(3) Standardization of language.
(4) Elements, V, 16—be clear.

Section 21

Section 21. Industrial Areas
Section 18.

Section 18. Industrial Areas

Section 18. (A) Authorization. The legislature may authorize
parishes to create and define industrial areas within their boundaries
in accordance with procedures and subject to regulations which it
determines. An industrial area shall not be a political subdivision of
the state.
delivery of materials or supplies, other than by rail or water transportation, to such premises. Where individual plants provide police protection this protection shall be confined to the premises of each individual plant located in the area. Industrial areas shall not be subdivisions of the state.

Comment:

(2) Manual, Rule 11--present tense.

Page 31

PART OF SECTION 21 BECOMES SECTION 18(B)
individual plants provide police protection this protection shall be confined to the premises of each individual plant located in the area.

Comment to Alternative:

   Manual, Rule 12--singularization;
   Webster's, Rule 4.2.1--comma to set off introductory adverbial clause.

(2) Elements, V, 16--be clear.


(4) Elements, V, 16--be clear; Manual, Rules 5, 13 and Elements, II, 13--omit needless words.
agencies, commissions, and authorities of every type, define their powers, and grant to the special districts, boards, agencies, commissions, and authorities so created such rights, powers, and authorities as it deems proper, including, but not limited to, the power of taxation, the power to incur debt and issue bonds.

Comment:

(1) Standardization of language.
(2) Manual, Rule 5--substitute words for phrase.
(3) See Elements, I, 4--comma may separate two clauses with same subject if clarity demands.
(6) Manual, Rule 5--substitute word for phrase.
either within or without the state, or with the United States or agencies thereof, except as the legislature shall provide otherwise by law.

Comment:

(1) Standardization of language. Manual, Rule 18—place exceptions first when specific.

(2) Standardization of language.


Section 24 becomes Section 21 (A)

Section 24. Assistance to Local Industry by Political Subdivisions; Deep-Water Port Commission, or Deep-Water Port, Harbor, and Terminal Districts

Subject to such restrictions as it may impose, the legislature may authorize any political subdivision, deep-water port commission, or deep-water port, harbor, and terminal district, in order (1) to induce and encourage the location of or

Section 21. Assistance to Local Industry

(A) Authorization. In order to (1) induce and encourage the location of or addition to industrial enterprises therein which would have economic impact upon the area and thereby the state, (2) provide for the establishment and furnishing of such industrial plant, or (3) provide movable or immovable property, or both, for pollution control facilities, the legislature

(4)
Section 24 becomes Section 21 (A), (B), (C)

1. industrial plant buildings and
2. industrial plant equipment,
3. machinery, furnishings, and
4. appurtenances; and (c) to sell, lease, lease-pur-
   chase, or demolish all or any
   part of the foregoing. 

4. (B) Property Expropriated;
lease, lease-purchase, or demolish all or any part of the foregoing.

No property expropriated under the authority of this Article shall ever, directly or indirectly, be sold or donated to any foreign power, any alien, or any corporation in which the majority of the stock is controlled by any foreign power, alien corporation, or alien.

The provisions of this Section shall not apply to a school board.  

Comment:

(1) Elements, II, 16--keep related words together.

(2) Elements, II, 16--keep related words together.

(3) Standardization of language.


(5) Elements, V, 16--be clear.

(6) Ibid.

(7) Standardization of language.

Page 36

Section 26 becomes Section 22.
the Returns of Certain Special Elections

Section 26. When any election is required to be held in any political subdivision pursuant to the provisions of this constitution which require submission to the electors of any proposition or question, the election shall be called, conducted, and the returns thereof canvassed, in accordance with the procedures established by the law then in effect pertaining to elections for incurring bonded indebtedness and special taxes relative to local finance, as the same now exists or may hereafter be amended, or as may be otherwise provided by law.

Comment:

(1) Standardization of language.


(3) Manual, Rule 5—substitute word for phrase.

(4) Elements, V, 16—be clear.


(6) Standardization of language.
Section 27. Acquisition of Property

Section 27. Subject to and not inconsistent with any provision of this constitution and subject to such restrictions as the legislature may provide by general law, political subdivisions may acquire property for any public purpose, including but not limited to acquisition by purchase, donation, expropriation, or exchange.

Comment:

(1) Standardization of language.

(2) Manual, Rule 6--avoid hackneyed reference words.

(3) Standardization of language.

(4) Manual, Rule 5--substitute word for phrase.

Page 38

Section 28 becomes Section 24

Section 28. Servitudes of Way; Acquisition by Prescription

Section 28. The public, represented by the various local governmental subdivisions, may acquire servitudes of way by prescription
in the manner prescribed by law.

Comment:


**SECTION 29** becomes **SECTION 25**

Section 29. Prescription Against State

Section 25. Prescription Against State

Prescription shall not run against the state in any civil matter, unless otherwise provided in this constitution or expressly by law.

Comment:

No change.

**SECTION 8 (i)**

**SECTION 9 (c)**

Notwithstanding any provision of this Article to the contrary, the courts and their officers may be established or affected only as provided in Article V of this constitution.

Comment:

PART II. FINANCE

Section 31. Parish Tax

Limits; Increase; Withdrawal of Municipality from Parish Taxing Authority

Section 31. (A) The governing authority of each parish may levy an ad valorem tax for general purposes, in an amount not to exceed in any one year, four mills on the dollar of assessed valuation. However, in Orleans Parish the limitation shall be seven mills, and in Jackson Parish the limitation shall be five mills. Millage rates may be increased in any parish when approved by a majority of the electors voting thereon in an election held for that purpose.

Comment:

(1) See Webster's definitions--meaning in context identical; Manual, Rule 5--use short words.

(2) Manual, Rule 5--substitute word for phrase.

(4) Webster's, Rule 4.2.3--comma to separate clauses joined by coordinating conjunction.


(6) Standardization of language.

Page 41

Section 31(B) becomes Section 25(B)

1  (B) When the millage increase
2  is for other than general purposes,
3  the proposition shall state the
4  specific purpose or purposes for
5  which the tax is to be levied, the
6  length of time the tax is to remain
7  in effect, and all proceeds of the
8  tax shall be used solely for the
9  purpose or purposes set forth in
10  the proposition.

1  (B) Millage Increase Not for
2  General Purposes. When the millage
3  increase is not for general purposes, the proposition shall state
4  the specific purpose or purposes
5  for which the tax is to be levied
6  and the length of time the tax is
7  to remain in effect. All proceeds
8  of the tax shall be used solely
9  for the purpose or purposes set
10  forth in the proposition.

Comment:

(1) Manual, Rules 5--substitute word for phrase.

Section 31 (C) becomes Section 27 (C)

1 (C) The amount of the parish tax for general purposes which any parish, except the parish of Orleans, may levy, without a vote of the electors, on property located wholly within any municipality, which has a population in excess of one thousand inhabitants according to the last federal decennial census, or such other census as may be provided for by law, and which provides and maintains a system of street paving, shall not exceed one-half the tax levy for general purposes.

1 (C) Parish Tax in Municipality.

2 The amount of the parish tax for general purposes which any parish, except Orleans Parish, may levy, without a vote of the electors, on property located wholly within any municipality which has a population in excess of one thousand inhabitants according to the last federal decennial census, or other census authorized by law, and which provides and maintains a system of street paving, shall not exceed one-half the tax levy for general purposes.

Comment:

(1) Manual, Rule 5--substitute word for phrase.

(2) Webster's, Rule 4.4.1--omit needless commas.


(4) Manual, Rule 5--substitute word for phrase.
Section 31. (D) This Section shall not be construed to repeal or affect the withdrawal of property in a municipality from parochial taxing jurisdiction, in whole or in part, by a provision of the legislative charter of the municipality in effect on the date of adoption of this constitution.

Comment:


(2) Standardization of language.

(3) Ibid.

Section 32. (A) The governing authority of each municipality may levy an ad valorem tax for general purposes, in an amount not to exceed in any one year, seven mills on the dollar of assessed valuation; provided that where any municipality

[582]
is, by its charter or by law, exempt from payment of parish taxes or, under legislative authority, maintains its own public schools, it may levy an annual tax not to exceed ten mills of the dollar of assessed valuation. Millage rates may be increased in any municipality when approved by a majority of the electors who vote in an election held for that purpose.

Comment:

(1) Standardization of language: Elements II, 15--parallelism.

(2) Manual, Rule 5--substitute word for phrase.

(3) Webster's, Rule 4.4.1--omit needless commas.


(5) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.

(6) Elements, II, 16--keep related words together.

(7) Elements, V, 16--be clear.

(8) Ibid.


(10) Standardization of language.
(B) When the millage increase is for other than general purposes, the proposition shall state the specific purpose or purposes for which the tax is to be levied, the length of time the tax is to remain in effect, and all proceeds of the tax shall be used solely for the purpose or purposes set forth in the proposition.

Comment:

(1) Manual, Rule 5—substitute word for phrase; Elements, II, 15—parallelism.


(C) This Section shall not apply to the city of New Orleans.

Comment:

No change.

Section 32 (c) becomes Section 29 (c)

(C) Exception. This Section shall not apply to the city of New Orleans.

Comment:

No change.
Section 33. Local governmental subdivisions may impose an occupational license tax in an amount not greater than that imposed by the state. However, those who pay municipal occupational license taxes shall be exempt from parish occupational license taxes to the extent of the municipal tax.

Section 29. The governing authority of a local governmental subdivision may impose an occupational license tax greater than that imposed by the state. However, a parish occupational license tax shall be exempt from any occupational license tax imposed by the state.

Comment:
(1) Elements, V, 16—be clear.
(3) Elements, V, 16—be clear; pronoun "those" has no antecedent.

(5) *Elements*, V, 16--be clear.

(6) *Ibid*.


omit needless words; *Elements*, II, 15--parallelism.

(9) *Ibid*.

(10) Standardization of language.

(11) *Ibid*.

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**SECTION 34 (A) becomes SECTION 30 (A), (B), (C)**

| 1 | Section 34. Local Governmental Subdivisions and School Boards; Sales Tax Authorized; Limitations; Exemptions; Protection of Existing Sales Tax Authorizations and the Security of Outstanding Bonds (A) Except as otherwise authorized in a home rule charter as provided for in Section 7 of this Article, any local governmental subdivision or school board may levy and collect a tax upon the sale at retail, the use, the lease or rental, the consumption and storage for use or consumption of tangible personal property and on sales of services as defined by law, if approved by a majority of the electors voting thereon in an election held for that purpose. |
| 2 | Section 30. Local Governmental Subdivisions and School Boards; Sales Tax Authorized. Except as otherwise authorized in a home rule charter as provided for in Section 4 of this Article, the governing authority of any local governmental subdivision or school board may levy and collect a tax upon the sale at retail, the use, the lease or rental, the consumption and storage for use or consumption of tangible personal property and on sales of services as defined by law, if approved by a majority of the electors voting thereon in an election held for that purpose. |
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20 law, if approved by a majority
21 of the electors who vote in an
22 election held for that purpose.
23 The rate thereof, when combined
24 with the rate of all other
25 presently imposed or future
26 sales and use taxes, exclusive
27 of state sales and use taxes,
28 levied and collected within any
29 local governmental subdivision,
30 shall not exceed three percent;
31 however, the legislature may by
32 general or special law, author-
33 ize the imposition of additional
34 sales and use taxes by local
35 governmental subdivisions or school
36 boards, upon approval by the
37 electors thereof as herein provided.

The rate thereof, when combined
with the rate of all other sales
and use taxes, exclusive of state
sales and use taxes, levied and
collected within any local govern-
mental subdivision, shall not exceed
three percent.

(B) Additional Sales Tax
Authorized. However, the legis-
lature, by general or by local or
special law, may authorize the
imposition of additional sales and
use taxes by local governmental
subdivisions or school boards, if
approved by a majority of the
electors voting thereon in an
election held for that purpose.

(C) Bond; Security. Nothing

Section 34 (A) becomes Section 30 (A), (B), (C).
the security of any bonds payable from such tax.

(1) Section number changed to conform to renumbering.

(2) Elements, V, 16--be clear.


(4) Webster's, Rule 4.4.2--comma inserted to prevent ambiguity.

(5) Standardization of language.


(7) Standardization of language.

(8) Ibid.


(10) Standardization of language.


(12) Elements, V, 16--be clear.
Section 34 (B) becomes Section 30 (C)

(B) Except where bonds in connection therewith have been authorized, the legislature may uniformly exempt or exclude any goods, tangible personal property, or services from sales or use taxes levied by local governmental subdivisions, school boards, and the state.

(D) Exemption: Protection of Bonds. Except when bonds secured thereby (1) have been authorized, the legislature may uniformly exempt or exclude any goods, tangible personal property, or services from sales or use taxes levied by local governmental subdivisions, school boards, and the state.

Comment:
(1) Elements, V, 16--be clear.

Section 35 becomes Section 31

Section 35. Political Subdivisions; Taxing Power; Limitations

Section 35. Political subdivisions may exercise the power of taxation, subject to such limitations as may be elsewhere provided in the constitution, under authority granted to them by the legislature for parish, municipal,

Section 31. Political Subdivisions; Taxing Power

Section 31. A political subdivision may exercise the power of taxation, subject to limitations elsewhere provided by this constitution, under authority granted by the legislature for parish, municipal, and other local purposes.
and local purposes, strictly public in their nature. The provisions of this Section shall not apply to, nor affect, similar grants to such political subdivisions under other sections of this constitution which are self-operative.

Comment:

(2) Manual, Rule 6—avoid hackneyed reference words.
(4) Standardization of language.
(6) Elements, V, 16—be clear.

Page 51
adopted is hereby confirmed and ratified.

Comment:

(1) Standardization of language.


(3) Standardization of language.


Section 36 (B) becomes Section 33.

(B) For the purpose of acquiring, constructing, improving, maintaining and operating any work of public improvement, any political subdivision may levy special taxes when authorized by a majority of the electors in the political subdivision who vote in an election held for that purpose.

Comment:

(1) Elements, V, 16—be clear.

(2) Standardization of language.

(3) Ibid.
Section 38. Bonds of Political Subdivisions; General Obligations

Section 38. The full faith and credit of every political subdivision is hereby pledged to the payment of general obligation bonds issued by it under this constitution or the terms of the statute or proceedings pursuant to which they are issued. The governing authority of the issuing political subdivision shall levy and collect or cause to be levied and collected on all taxable property in the political subdivision ad valorem taxes fully sufficient to pay principal and interest and redemption premiums, if any, on such bonds as they mature.

Section 39 becomes Section 34 (A)

Section 39. Taxpayer Authorization of Political Subdivision Bonds

Section 39. Subject to the
approval of the State Bond Commiss-
ion or any successor thereto,
general obligation bonds may be
issued only after authorization by
a vote of a majority of the electors
who vote on the proposition at an
election in the political subdivi-
sion issuing such bonds. Bonds to
refund outstanding indebtedness at
the same or at a lower effective
rate of interest, even though payable
solely from ad valorem taxes, need
not be so authorized at an election
if the indebtedness refunded is paid
or cancelled at the time of the
delivery of the refunding bonds, or
if money, or securities made eligi-
able for such purpose by law, are
deposited in escrow in an adequate
amount, with interest, to be utilized
solely for the purpose of retiring
the refunded indebtedness or bonds and
paying interest thereon and redemption
premiums, if any, to the time of
retirement.

Subject to approval by
the State Bond Commission or its
successor, general obligation
bonds may be issued only after
authorization by a majority of
the electors voting on the pro-
position at an election in the
political subdivision issuing
the bonds. Bonds to refund
outstanding indebtedness at the
same or at a lower effective
rate of interest, even though
payable solely from ad valorem
taxes, need not be authorized
at an election if the indebted-
ness refunded is paid or can-
celled at the time of the deliv-
ery of the refunding bonds, or
if money, or securities made
eligible for such purpose by
law, are deposited in escrow
in an adequate amount, with
interest, to be utilized solely
to retire the refunded indebted-
ness or bonds and to pay
interest thereon and redemption
premiums, if any, to the time
of retirement.
Section 39 becomes Section 34(B)

Comment:
(1) Standardization of language.
(2) Manual, Rule 5--substitute word for phrase.
(3) Standardization of language.
(6) Manual, Rule 5--substitute word for phrase.
(7) Elements, II, 15--parallelism.

Section 38 becomes Section 34(B)

1 Section 38. Bonds of Political
2 Subdivisions; General Obliga-
3 tions

Section 38. The full faith and
4 credit of every political subdivi-
5 sion is hereby pledged to the pay-
6 ment of general obligation bonds
7 issued by it under this constitu-
8 tion or the terms of the statute
9 or proceedings pursuant to which
10 they are issued. The governing
11 authority of the issuing politi-
12 cal subdivision shall levy and
13 collect or cause to be levied

1 (B) Full Faith and Credit.
2 The full faith and credit of
3 a political subdivision is
4 hereby pledged to the payment
5 of general obligation bonds
6 issued by it under this constitu-
7 tion or the statute or pro-
8 ceedings pursuant to which they
9 are issued. The governing
10 authority of the issuing politi-
11 cal subdivision shall levy
12 and collect or cause to be
13 levied and collected on all
14 taxable property in the poli-

[594]
and collected on all taxable
property in the political subdivi-
sion ad valorem taxes fully
sufficient to pay principal and
interest and redemption premiums,
if any, on such bonds as they
mature.

15 tical subdivision ad valorem
16 taxes sufficient to pay prin-
17 cipal and interest and redemp-
18 tion premiums, if any, on such
19 bonds as they mature.
20
21

Section 38 becomes Section 34(b)

Comment:
(1) Standardization of language.
(2) Manual, Rules 5, 13 and Elements, II, 13--
Omit needless words.

Section 40 becomes Section 35

Section 40. Limitations on
Bonded Indebtedness of
Political Subdivisions

Section 40. The legislature
shall fix the limitation on bond-
ed indebtedness payable solely
from ad valorem taxes levied by
political subdivisions.

Comment:
No Change.
<table>
<thead>
<tr>
<th>Section 41 (A) becomes Section 36 (A)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
</tr>
<tr>
<td>Section 41. Limited Time for</td>
</tr>
<tr>
<td>Contesting Bonds of Political Subdivisions</td>
</tr>
<tr>
<td>4 Section 41. (A) For a period</td>
</tr>
<tr>
<td>of sixty days from the promulgation of</td>
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<tr>
<td>the result of any election held for</td>
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<tr>
<td>the purpose of incurring or assuming</td>
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<tr>
<td>debt, issuing bonds, or levying a tax,</td>
</tr>
<tr>
<td>any person in interest shall have</td>
</tr>
<tr>
<td>the right to contest the legality</td>
</tr>
<tr>
<td>of such election, the bond issue</td>
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<tr>
<td>provided for, or the tax authorized,</td>
</tr>
<tr>
<td>for any cause after which time no one</td>
</tr>
<tr>
<td>shall have any cause or right of action</td>
</tr>
<tr>
<td>to contest the regularity, formality,</td>
</tr>
<tr>
<td>or legality of said election, tax</td>
</tr>
<tr>
<td>provisions, or bond authorization, for</td>
</tr>
<tr>
<td>any cause whatsoever. If the validity</td>
</tr>
<tr>
<td>of any election, tax, debt assumption,</td>
</tr>
<tr>
<td>or bond issue authorized or provided</td>
</tr>
<tr>
<td>for, held under the provisions of this</td>
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<tr>
<td>Section, is not raised within the</td>
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<tr>
<td>sixty days herein prescribed, the</td>
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<tr>
<td>authority to incur or assume debt,</td>
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<tr>
<td>levy the tax, or issue the bonds,</td>
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<tr>
<td>the legality thereof, and the</td>
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<td>5</td>
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<tr>
<td>26 within the sixty days, the</td>
</tr>
<tr>
<td>authority to incur or assume debt,</td>
</tr>
<tr>
<td>levy the tax, or issue the bonds,</td>
</tr>
<tr>
<td>the legality thereof, and the</td>
</tr>
<tr>
<td>29 necessary to pay the same shall be</td>
</tr>
<tr>
<td>30</td>
</tr>
</tbody>
</table>
30 taxes and other revenues necessary to pay the same shall be conclusively presumed to be valid, and no court shall have authority to inquire into such matters.

31 conclusively presumed to be valid, and no court shall have authority to inquire into such matters.

32 ly presumed to be valid, and no court shall have authority to inquire into such matters.

33 into such matters.

34

Comment:


(2) Manual, Rule 3—make time periods clear.

(3) Standardization of language.

(4) Manual, Rule 5—substitute word for phrase.

(5) Standardization of language.


(7) Manual, Rule 10—short sentences; Rule 14—unrelated ideas in separate sentences.


(9) Standardization of language.

1 (B) Every ordinance or resolution authorizing the issuance of
2 bonds or other debt obligation
3 by a political subdivision shall
4 be published at least once in the
5 official journal of the political
6 subdivision, or if there is none,
7 then in a newspaper having general
8 circulation therein. For a period
9 of thirty days from the date of
10 the publication any person in
11 interest may contest the legality
12 of the ordinance or resolution and
13 of any provision therein made for
14 the security and payment of the
15 bonds. After this time, no one
16 shall have any cause of action to
17 test the regularity, formality,
18 legality, or effectiveness of the
19 ordinance or resolution, and provi-
20 sions thereof for any cause what- 
21 ever; and after this time it shall
22 be conclusively presumed that every
23 legal requirement for the issuance
24 of the bonds or other debt obliga-
25 tion, including all things pertai-
26 ning to the election, if any, at
27 which the bonds or other debt obli-
28 gations were authorized, has been
29 [598]
complied with, and no court shall have authority to inquire into any such matters after the lapse of this thirty days.

Section 41 (b) becomes Section 36 (b)

Comment:

(1) Webster's, Rule 4.1--pair of commas to set off supplementary clause.


(3) Manual, Rule 3--make time periods clear.


(5) Webster's, Rule 4.2.1--comma to separate introductory prepositional phrase.

(6) Elements, V, 16--be clear.

(7) Manual, Rule 5--substitute word for phrase.

(8) Ibid.

(9) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.


**SECTION 42(A) becomes SECTION 37(A)**

1. Section 42. Local Improvement Assessments
2. Section 42. (A) The legislature shall provide by general law or by local or special law the procedures by which political subdivisions levy and collect local or special assessments on real property, for the purpose of acquiring, constructing, or improving works of public improvement.

**Comment:**

(1) Elements, V, 16--be clear; Manual, Rule 12--singularization.

(2) Webster's, Rule 4.4.1--omit needless commas.

**SECTION 42(B) becomes SECTION 37(B)**

1. (B) Certificates of indebtedness may be issued to cover the cost of any such public improvement which shall be secured by the pledge of the local or special assessments levied therefor, and may be further secured by the pledge of the full faith and credit of the political subdivision.
10 sion. 10 and credit of the political sub-
11 11 division.

Comment:
(1) Manual, Rule 10--short sentences; Rule 14--unrelated
Ideas in separate sentences.
(2) Webster's, Rule 4.4.1--omit needless commas.

Section 42 (C) becomes Section 37 (C)

11 (C) The provisions of this 11 (C) Exception. This
12 Section shall not apply to school 12 Section shall not apply
13 boards.

Exception.

Comment:
(1) Standardization of language.

Page 62

Section 43 (A) becomes Section 38 (A)

Section 43. Revenue-Producing 1 Section 33. Revenue-
2 Property Producing Property
3 Section 43. (A) The legislature 3 Section 38. (A) Authori-
4 may authorize political subdivi-
5 sions to issue bonds or other
6 debt obligations for the purpose
7 of constructing, acquiring, extend-
8 ing, or improving any revenue-
9 producing public utility or work
10 of public improvement. The bonds
11 or other debt obligations may be
12 secured by mortgage on the lands,

[601]
13 buildings, machinery, and equipment or by the pledge of the income and revenues of such public utility or work of public improvement and shall not be a charge upon the other income and revenues of the political subdivision.

Comment:

(1) Manual, Rule 5—substitute word for phrase.

(2) Manual, Rule 6—avoid hackneyed reference words.

(3) Manual, Rule 10—short sentences; Rule 14—unrelated ideas in separate sentences.

Section 43 (B) becomes Section 38 (B)

1 (B) The provisions of this Section shall not apply to school boards.

Comment:

(1) Standardization of language.
PART III. LEVEE DISTRICTS

Section 44. (A) Levee districts as now organized and constituted shall continue to exist, except that:

1. The legislature may provide for the consolidation, division, or reorganization of existing levee districts or may create new levee districts. However, the members of the boards of commissioners of districts heretofore or hereafter created shall be appointed or elected from among residents of the district, as provided by law.
2. Any levee district whose flood control responsibilities are limited to and which is situated entirely within one parish may be merged into such parish under the terms and conditions and in the manner provided in Section 16 of this Article. This provision shall be self-operative.

3. Levee districts as now organized and constituted shall continue to exist, except that:

4. The legislature may provide for the consolidation, division, or reorganization of existing levee districts or may create new levee districts. However, the members of the boards of commissioners of districts heretofore or hereafter created shall be appointed or elected from among residents of the district, as provided by law.

5. Levee districts as organized and constituted on the effective date of this constitution shall continue to exist, except that:

6. The legislature may provide for the consolidation, division, or reorganization of existing levee districts or may create new levee districts. However, the members of the boards of commissioners of districts heretofore or hereafter created shall be appointed or elected from among residents of the district, as provided by law.

7. This provision shall be self-operative.
SECTION 44(A) becomes SECTION 39(A)

Comment:
(1) Standardization of language.
(2) See Webster's, Rule 6.1 on uses of colon.
(3) Elements, II, 15--parallelism.
(5) Elements, V, 16--be clear.
(7) Standardization of language.
(9) Section numbers changed to conform with suggested renumbering.

SECTION 44(B) becomes SECTION 39(B)

1 (B) No action taken here-
2 under shall impair the obligation of any outstanding
3 bonded indebtedness or of any
4 other contract of such levee
5 district.

Comment:

1 (B) Obligation of Contract
2 Affirmed. No action taken under this
3 Section shall impair the obligation
4 of outstanding bonded indebtedness
5 or of any other contract of a levee
6 district.

## Section 45 (A) becomes Section 40 (A)

<table>
<thead>
<tr>
<th>Original Section 45 (A)</th>
<th>Revised Section 40 (A)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Section 45. District Taxes;</td>
<td>1 Section 40. Levee District Taxes</td>
</tr>
<tr>
<td>2 Increase in Tax to Raise Additional Funds</td>
<td>2</td>
</tr>
<tr>
<td>3</td>
<td>Section 40. (A) District Tax;</td>
</tr>
<tr>
<td>4 Section 45. (A) For the purpose of constructing and maintaining levees, levee drainage, flood protection, hurricane flood protection, and for all other purposes incidental thereto, the governing authority of a levee district may levy annually a tax not to exceed five mills, except the Board of Levee Commissioners of the Orleans Levee District which may levy annually a tax not to exceed two and one-half mills, on the dollar of the assessed valuation of all taxable property situated within the alluvial portions of the district subject to overflow.</td>
<td></td>
</tr>
<tr>
<td>5 of constructing and maintaining levees, levee drainage, flood protection, hurricane flood protection, and for all other purposes incidental thereto, the governing authority of a levee district may levy annually a tax not to exceed five mills, except the Board of Levee Commissioners of the Orleans Levee District which may levy annually a tax not to exceed two and one-half mills, on the dollar of the assessed valuation of all taxable property situated within the alluvial portions of the district subject to overflow.</td>
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<td>21</td>
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<td>22</td>
<td></td>
</tr>
</tbody>
</table>

**Comment:**

(1) Webster's, Rule 4.4.1--omit needless commas.

(2) Elements, V, 16--be clear.
Section 45 (B) becomes Section 40 (B)

1 (B) Should the necessity to raise additional funds arise in any levee district for any of the purposes hereinafter set forth, or for any other purpose related to its authorized powers and functions which may be specified by the legislature, the tax herein authorized may be increased. However, before taking effect, the necessity for the increase and the rate thereof shall be submitted to the electors of such district and no increase in taxes shall occur unless a majority of the electors in such district who vote in the election hereinabove provided for vote in favor thereof.

1 (B) Millage Increase. If the necessity for additional funds arises in any levee district for any purpose set forth in Paragraph (A), or for any other purpose related to its authorized powers and functions as specified by the legislature, the tax may be increased. However, the necessity and the rate of the increase shall be submitted to the electors of the district, and the tax increase shall take effect only if approved by a majority of the electors voting thereon in an election held for that purpose.

Comment:
(4) Manual, Rule 5--substitute word for phrase.
SECTION 46 (A) BECOMES SECTION 41 (A)

1. Section 46. Bond Issues
2. Section 46. (A) Subject
3. to the approval of the State
4. Bond Commission or any suc-
5. cessor thereto, the govern-
6. ing body of any levee district
7. may fund the avails of said
8. taxes or other revenues into
9. bonds, or other evidences of
10. indebtedness, the proceeds
11. thereof to be used for the
12. purposes mentioned in this
13. Article or for the funding or
14. payment of any outstanding in-
15. dentity,

Comment:
(1) Standardization of language.
(2) Ibid.
(3) Ibid.
(4) Elements, V, 16--be clear.
(5) Ibid.
(6) Ibid.

Page 68
Section 46 (B) becomes 46 (B)

1 (B) Sale. Bonds issued under the authority of Paragraph (A) shall be sold as provided by the laws concerning the issuance of bonds by levee districts.
2 (B) Sale. Bonds issued under the authority of Paragraph (A) shall be sold as provided by the laws concerning the issuance of bonds by levee districts.

Comment:

(2) Standardization of language.

Page 69

Section 48 becomes Section 48

1 Section 48. Cooperation with Federal Government
2 Section 48. Cooperation with Federal Government
3 Section 48. All governing Section 42. The governing authority of any levee district may cooperate with the federal government in constructing and maintaining levees in this state, under terms and conditions provided by the federal authorities and accepted by the governing authority.
4 authorities of levee districts which have been, or may be created, are authorized to cooperate with the federal government in the construction and maintenance of the levees in this state, on such terms and conditions as may be provided by the federal authorities and accepted by the levee districts.
5
6
7
8
9
10
11
12
13
14

Comment:

(2) Standardization of language.

(3) Manual, Rule 5—substitute word for phrase.

(4) Elements, V, 16—be clear.

Page 70

Comment:

(1) Standardization of language.
(2) **Elements, V, 16**—be clear.


(4) Manual, Rule 5—substitute word for phrase.


(6) Webster's, Rule 4.4.1—omit needless commas.


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<table>
<thead>
<tr>
<th>Sect. 49 (c)</th>
<th>Section 49 (b)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 (B) If the district has no</td>
<td>1</td>
</tr>
<tr>
<td>2 other funds or resources out of</td>
<td>2</td>
</tr>
<tr>
<td>3 which such payment can be made,</td>
<td>3</td>
</tr>
<tr>
<td>4 it shall levy, on all taxable</td>
<td>4</td>
</tr>
<tr>
<td>5 property situated within the</td>
<td>5</td>
</tr>
<tr>
<td>6 district, a tax sufficient to</td>
<td>6</td>
</tr>
<tr>
<td>7 pay for said property so used</td>
<td>7</td>
</tr>
<tr>
<td>8 or destroyed to be used solely</td>
<td>8</td>
</tr>
<tr>
<td>9 in the district where collected</td>
<td>9</td>
</tr>
</tbody>
</table>

**Comment:**

(2) Exemplify, Rule 6—avoid hackneyed reference words.

Section 50 becomes Section 44

Part IV. Ports

Section 50. Ports

Section 50. All deep-water port commissions and all deep-water port, harbor, and terminal districts as they are now organized and constituted, including their powers and functions, structure and organization, and territorial jurisdiction, are ratified and confirmed and shall continue to exist, except that:

(A) The legislature may grant additional powers and functions to any such commission or district and may create new port commissions or port, harbor, and terminal districts;

(B) The legislature may consolidate or abolish any such commission or district or may diminish, reduce, or withdraw from any such commission or district any of its powers and functions.

Section 44. Port Commissions and Districts

Section 44. All deep-water port commissions and all deep-water port, harbor, and terminal districts as organized and constituted on the effective date of this constitution, including their powers and functions, structure and organization, and territorial jurisdiction, are ratified and confirmed and shall continue to exist, except that:

(1) The legislature may grant additional powers and functions to any such commission or district and may create new port commissions or port, harbor, and terminal districts. Only by a favorable vote of two-thirds of the elected members of each house, the legislature may consolidate or abolish any such commission or district or may diminish, reduce, or withdraw from any such commission or district any of its powers and functions.
and may affect the structure and organization, distribution, and redistribution of the powers and functions of any such commission or district, including additions or reductions of its territorial jurisdiction, only by act passed by a favorable vote of at least two-thirds of the elected membership of each house; or district any of its powers and functions and may affect the structure and organization, distribution, and redistribution of the powers and functions of any such commission or district, including additions to or reductions of its territorial jurisdiction.

**SECTION 50 becomes SECTION 4**

1 (C) The legislature shall make provisions with respect to the membership of the herein provided commissions. Once the membership is established it may be changed only upon a two-thirds vote of the elected members of each house of the legislature.

1 (3) The legislature shall enact laws with respect to the membership of the commissions provided in this Section. Once the law with respect to membership is enacted, it may be changed only by the favorable vote of two-thirds of the elected members of each house.

Comment:


(2) Standardization of language.

(3) See Webster's, Rule 6.1 on uses of colon.
(4) Standardization of language; Webster's, Rule 4.2.1--commas after introductory prepositional phrases.

(5) Elements, II, 15--parallelism.

(6) Standardization of language.


(8) Elements, V, 16--be clear.

(9) Webster's, Rule 4.2.1--comma to separate introductory clause.

(10) Standardization of language.

Page 74

SECTION 51

PART V. DEFINITIONS

1 Section 51. Terms Defined
2 Section 51. As used in this Article:
3
4 (1) "Local governmental subdivision" means any parish or municipality;
5
6 (2) "Political subdivision" means parishes and municipalities, and any other unit of local government, including school boards and special districts, authorized by law to perform governmental functions;
7
8 (3) "Municipality" means all incorporated cities, towns, villages, and villages as defined by law.

Section 45. Terms Defined

1 Section 45. Terms Defined
2 Section 45. As used in this Article:
3
4 (1) "Local governmental subdivision" means any parish or municipality.
5
6 (2) "Political subdivision" means a parish, municipality, and any other unit of local government, including a school board and a special district, authorized by law to perform governmental functions.
7
8 (3) "Municipality" means an incorporated city, town, or village.
9
10 (4) "Governing authority"
and villages;
18. (4) "Governing authority" means the body which exercises the legislative functions of the political subdivision;
19. (5) "General law" means a law of statewide concern enacted by the legislature which is uniformly applicable to all persons or to all political subdivisions in the entire state or which is uniformly applicable to all persons or to all political subdivisions within the same class.
20. (6) "General obligation bonds" means those bonds, the principal and interest of which are secured by and payable from ad valorem taxes levied without limitation as to rate or amount;

SECTION 51 becomes SECTION 4.

1. (7) "Deep-water port commissions and deep-water port, harbor, and terminal districts" mean those commissions or districts within whose territorial jurisdiction exist facilities capable of handling vessels of substantial size, regardless of tonnage, and in connection with which there are planned or existing facilities for the receipt, storage, handling, and dispatch of cargo and passengers and provisions and other supplies to and from vessels.
7 of accommodating vessels of at
8 least twenty-five feet of draft
9 and of engaging in foreign
10 commerce.

Comment:
(2) Ibid.
(3) Manual, Rules 5, 13 and Elements, II, 13--
   omit needless words.
(4) "bond" pluralized; verb pluralized for agreement.
(5) Quotation marks changed to encompass only titles;
   verbs pluralized for agreement.

Page 76

MEMORANDUM

January 8, 1974

TO: Members of Committee on
Local and Parochial Government
FROM: Research Staff
RE: Report to Committee on Style and Drafting

Please find enclosed a copy of the proposed Committee
Report to the Committee on Style and Drafting, prepared by the
Staff in accord with the stylistic changes and caveats recommended
by the committee. If you have any recommended changes or additions
to this report, we understand an opportunity will be given at the
next committee meeting.

encl.

January 7, 1974

TO: Committee on Style and Drafting
FROM: Committee on Local and Parochial Government
RE: Report on Draft No. XV, Committee Proposal No. 17

The Committee on Local and Parochial Government recommends
with the styling suggestions prepared by the Committee on
Style and Drafting except as noted below:

Section 3. On pgs. 5, line 2, after "Section 3." and before
the word "legislature" delete the word "The" and insert in
lieu thereof the following:

"Except as provided in this constitution, the"

Section 4.

Caveat No. 1: On pgs. 6, lines 6 and 7, the
words "on the effective date of this constitution"
were substituted for the words "when this consti-
tution is adopted". Several members of the
committee think this is a substantive change and
recommend that further consideration be given
this matter.

Caveat No. 2: On pgs. 6, lines 10 and 11, the
phrase "except as inconsistent with this consti-
tution" is used. In other instances the phrase
"subject to and not inconsistent with this
constitution" is used. The committee recommends
deleting these phrases as needless words (in
conformity with Manual, Rules 5, 13 and Elements,
II, 13--omit needless words) in each instance
unless some provision of the constitution is
shown to be inconsistent.

Answer to Note from Committee on Style and Drafting:
The committee recommends that these phrases be left
as they appear in the adopted proposal, subject to
the reservation expressed in Caveat No. 2, supra.

Section 5(A). On pgs. 7, lines 3 and 4, the phrase "subject
to and not inconsistent with this constitution" is used.
See reservation expressed in Caveat No. 2 under Section 4,
supra.

Section 5(B). On pgs. 9, line 18, after the word "provide"
and before the word "the" insert the words "by law"

Section 5(D). Answer to Caveat from Committee on Style and
Drafting: The committee agrees with the recommenda-
tion to remove the second sentence of this paragraph
and place it in a separate section.

Section 5(G). On pgs. 11, delete lines 1 through 10, both
inclusive, in their entirety and insert in lieu thereof the
following:

"(G) Parish officials and School Boards Not
Affected. No new rule charter or plan of govern-
ment shall contain any provision affecting a school
board or the officers of districts are mayors, sheriffs,
assessors, clerks of a district court, or coroners,
which is inconsistent with this constitution or a
law."

Section 7(A). On pgs. 15, lines 5 and 6, the phrase "subject
to and not inconsistent with this constitution" is used. See
reservation expressed in Caveat No. 2 under Section 4, supra.
Section 10. On page 20, lines 4 and 5 the words "after the effective date of this constitution" were substituted for the words "effective date of the adoption of this constitution". See reservation expressed in Caveat No. 1 under Section 4, supra.

Section 15. On page 26, delete lines 4 through 11, both inclusive, in their entirety and insert in lieu thereof the following: "Section 15. The governing authority of a local governmental subdivision shall have general power over any agency heretofore or hereafter created by it, including, without limitation, the power to abolish the agency and require prior approval of any charge or tax levied, or bond issued by the agency."

Section 16. On page 27, line 30, after the word "which" and before the word "located" insert the words "the agency is"

Answer to Caveat from Committee on Style and Drafting:

The committee thinks there is no need for a caveat to the convention on this section.

Section 17. On page 30, at the beginning of line 22, delete the word "districts" and insert in lieu thereof the word "commissions".

Answer to first Caveat from Committee on Style and Drafting:

The committee believes the question raised in the first caveat warrants no action by either committee.

-2-

Section 18. The committee recommends: The insertion of the Section, page 33, left column, as it was adopted by the convention with the following changes:

(1) On page 33, left column, at the beginning of line 1, change "Section 22." to "Section 19."

(2) On page 33, left column, at the beginning of line 5, change "Section 22." to "Section 19."

(3) On page 33, left column, line 6, after the word "with" delete the proviso and at the beginning of line 7, delete "sions of"

Caveat: On page 33, left column, lines 5 and 6 the phrase "Subject to and not inconsistent with the constitution" is used. See reservation expressed in Caveat No. 2 under Section 4, supra.

Section 20. On page 34, line 11, after the word and punctuation "state," and before the word "with" delete the word "and" and insert in lieu thereof the word "or"

Section 21. On page 36, line 7, after the word "this" and before the word "shall" delete the word "Article" and insert in lieu thereof the word "Sections".

Caveat: The committee thinks this is a substantive change and should be cavorted to the convention as such.

Answer to second Caveat from Committee on Style and Drafting:

The committee thinks there is no substantive change in the constitutionality of the provision restricting alien land ownership be cavorted to the convention. The committee intends to raise this issue on the floor of the convention at the appropriate time.

Section 22. On page 38, lines 3 and 4, the phrase "Subject to and not inconsistent with this constitution" is used. See reservation expressed in Caveat No. 2 under Section 4, supra.

Section 27(A). On page 41, line 15, after the word "increased" and before the word "when" insert the word "in any parish"

Section 27(B). On page 42, line 3, after the word "is" and before the word "general" delete the words "not for" and insert in lieu thereof the words "for other"

Section 29(D). On page 44, lines 9 and 10, the words "on the effective date of this constitution" are substituted for the words "on the date of adoption of this constitution". See reservation expressed in Caveat No. 1 under Section 4, supra.

Section 28(A). On page 45, line 20, after the word "increased" and before the word "when" insert the words "in any municipality"

Section 28(B). On page 46, line 3, after the word "is" and before the word "general" delete the words "not for" and insert in lieu thereof the words "for other"

Section 29. On page 47, line 8, after the word and punctuation "state," delete the word "provision" and at the beginning of line 9, delete the word "pays" and insert in lieu thereof the words "Those who pay"

Section 32. On page 52, line 1, after "Section 32," and before the word "Caveat," delete the word "special". On page 52, at the beginning of line 4, delete the word "special"

Caveat No. 1: The committee does not think this is a substantive change.

Caveat No. 2: On page 52, lines 7 and 8, the words "on the effective date of this constitution" are substituted for the words "when the constitution is adopted". See reservation expressed in Caveat No. 1 under Section 4, supra.

Section 35(A). On page 57, line 22, after the word "for" delete the comma and delete the words "held" and at the beginning of line 23 delete the words and punctuation "under this Section,"

Section 35(B). On page 59, line 30, after the word "election" and before the word "at" insert the punctuation and words ", if any,"

Caveat: The reason for this recommendation is refunding bonds at the same or a lower effective rate of interest shall not be authorized at an election (see Section 34, supra).

Section 36(A). On page 54, line 28, immediately after the word "Article" insert a period "." and delete the remainder of the line and delete line 29 in its entirety.

Section 39(A). On page 64, line 18, immediately after the word "Article" insert a period "." and delete the remainder of the line and delete line 19 in its entirety.

Section 39(B). On page 67, line 2, after the word "necessity" and before the word "additional" delete the word "for" and insert in lieu thereof the words "to raise"

Section 41(A). The committee does not object to changing "Article "CO PORT" to "Article III" on page 68, line 12, but recommends this change be cavorted to the convention.

Section 41(B). On page 69, line 3, after the word "by" delete the words "The laws" and insert in lieu thereof the word "law"

Section 41(A). The committee recommends the insertion of Section 41(A), page 71, left column, as it was adopted by the convention with the following changes:

(1) On page 71, left column, line 5, after the word "any" and before the word "provision" delete the word "other" and insert in lieu thereof the word "contrary"

(2) On page 71, left column, line 19, after the word and punctuation "commerce," add the following: "If the district has no other funds or resources from which the payment can be made, it shall levy on all taxable property within the district a tax sufficient to pay for property used or destroyed to be used solely in the district where collected."

(3) On page 71, left column, at the beginning of line 1, change "Section 49." to "Section 43."

(4) On page 71, left column, at the beginning of line 4, change "Section 49." to "Section 43."

Section 43(A). On page 72, line 12, after the word "of" and before the word "property" insert the words "said"

Section 44. On page 73, line 1, after "Section 44," delete the word "forts" and insert in lieu thereof the words "port Commissions and Districts." On page 73, line 18, after the number "(2)" and
Section 32. On page 57, line 1 after "Section 32," and before the word "Taxes" delete the word "Special.", On page 52, at the beginning of line 4, delete the word "special"

Caveat No. 1: The committee does not think this is a substantive change.

Caveat No. 2: On page 6, line 1 after the word "Chronology" delete the words "on the effective date of this constitution" substituted for the words "when this constitution is adopted." See reservation expressed in Caveat No. 1 under Section 4, supra.

Section 45(A). On page 57, line 22, after the word "for" delete the comma"," and delete the word "held" and at the beginning of line 23 delete the words and punctuation "when this Section"

Section 45(B). On page 59, line 10, after the word "election" and before the word "at" insert the punctuations"," and words ", if any."

Caveat: The reason for this recommendation is refunding bonds at the same or a lower effective rate of interest need not be authorized at an election (see Section 28, supra.)

Section 49(A). On page 64, line 24, immediately after the word "Article" insert a period "." and delete the remainder of the line and delete line 29 in its entirety.

Caveat No. 1: The committee thinks this paragraph is self-operative and therefore those words as well as the sentence adopted (this provision shall be self-operative) are needless words. However, the committee thinks this change should be viewed to the convention.

Caveat No. 2: With respect to the term "now" in section 49 (page 41, left column, line 1) it was the intent of the committee that "now" meant the date of adoption of the proposed constitution to the convention. The committee recommends consideration of a date certain such as January 1, 1974, or January 19, 1974, the final date of the convention, be inserted in the title line.

1/11/74

COMMITTEE PROPOSAL NO. 19: FIRST ENROLLMENT

LOCAL GOVERNMENT

Styling Suggestions from Committee on Style and Drafting:

Comparative Presentation

SECTIONS ADOPTED BY CONVENTION

1 ARTICLE VI. LOCAL GOVERNMENT

2 Section 1. Creation, Dissolution, and Merger of Parishes; Change of Parish Lines;

3 Change of Parish Seats;

4 Existing Parishes

[618]

CHANGES RECOMMENDED BY COMMITTEE

1 ARTICLE VI. LOCAL GOVERNMENT

2

3 PART I. GENERAL PROVISIONS

4

5 Section 1. Parishes

6 Section 1. (A) Parishes and
Section 1. (A) The legislature may establish and organize new parishes, dissolve and merge parishes and change parish boundaries, if two-thirds of the electors in each of the parishes affected voting at an election held for the purpose in each parish affected consent thereto.

(B) The governing authority of a parish, may call an election on the question of changing the location of the parish seat. The election shall be conducted in the manner provided by the general election laws in the state, insofar as applicable. The location of a parish seat shall be changed if two-thirds of the total vote cast at the election is in favor thereof.

(C) All parishes and their boundaries as established under existing law are recognized and ratified.

Boundaries Ratified. (1) Parishes and their boundaries as established under existing law are recognized and ratified.

Creation; Dissolution; Merger; Boundaries. The legislature may establish and organize new parishes, dissolve and merge parishes, and change parish boundaries if approved by two-thirds of the electors in each parish affected voting thereon at an election held for that purpose. (2)

(C) Change of Parish Seat. The governing authority of a parish may call an election on the question of changing the parish seat. The parish seat shall be changed if ap-
Comment:


(3) Standardization of language.

(4) Webster's, Rule 4.4.1—omit needless commas.


(7) Standardization of language.

Page 2

Section 3. When a parish is enlarged or created from contiguous territory, it shall be entitled to a just proportion of the property and assets and shall be liable for a just proportion of the existing debts and liabilities of the parish or parishes from which the territory is taken.

Comment:

(1) Formalization of language.

Page 3
Section 5. The legislature shall provide by general law for
the incorporation, consolidation, merger, and government of munici-
palities. No local or special law shall be enacted to create a munici-
pal corporation or to amend, modify, or repeal its charter.
However, if a municipality is operating under a special legis-
lative charter it may be amended, modified, or repealed by local
or special law as long as such municipality continues to operate
under such charter.

Comment:
(1) Manual, Rules 5, 13, and Elements, II, 13--
omit needless words.
(2) Elements, V, 16--be clear.
(3) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.
municipalities according to population or on any other reasonable basis related to the purpose of this classification, and legislation may be limited in its effect to any of such class or classes.

Comment:

(1) Manual, Rules 5, 13 and Elements, II, 13--omit needless words; i.e., there are no other provisions in this constitution.


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

Section 7. Every plan of government or home rule charter existing or adopted when this constitution is adopted shall remain in effect and may be amended, modified, or repealed as provided therein. Except as inconsistent with the provisions of this constitution, each local governmental subdivision which has adopted such a home rule charter or plan of government shall retain the powers, functions, and duties in effect when
this constitution is adopted. Each of them, if its charter permits, shall also enjoy the right to any powers and functions granted to other local governmental subdivisions.

Comment:

(1) Word placement changed to conform with title and with word placement in rest of Section.


(3) Elements, II, 16—keep related words together.

(4) Elements, V, 7, 14—do not overstate, avoid fancy words.

a commission to prepare and propose a charter or alternate charter, or may call an election for the purpose of electing such a commission.

Comment:

(1) Standardization of language.
(3) Standardization of language.
(4) Manual, Rule 5—substitute word for phrase.
(5) Elements, V, 16—be clear.
(6) Elements, II, 15—parallelism.
(7) Manual, Rule 5—substitute word for phrase.

Page 7
11 within the boundaries of the 
12 affected subdivision, as certi-
13 fied by the registrar of voters.

Comment:
(1) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.
(2) Elements, V, 16--be clear.
(3) Elements, p. 45--less refers to quantity;
few, to number.

Page 8

Section 8 (c) Becomes Section 6 (c)

1 (C) A home rule charter shall 
2 be adopted, amended, or repealed 
3 when approved by a majority of the 
4 electors who vote on the proposal 
5 at an election called for that 
6 purpose.

Comment:
(1) Standardization of language.

Section 8 (d) Becomes Section 5 (d)

7 (D) Two or more local govern-
8 mental subdivisions situated within 
9 the boundaries of one parish may 
10 avail themselves of the provisions 
11 of this Section, provided that a 

7 (D) Adoption by Two or More 
8 Local Governmental Subdivisions. 
9 Two or more local governmental 
10 subdivisions within the boundaries 
11 of one parish may adopt a home
majority of the electors in each affected local governmental subdivision who vote in an election held for that purpose vote in favor thereof. The legislature shall provide for the method of appointment or election of a commission to prepare and propose such a charter consistent with Paragraph (A) of this Section. However, at least one member of the commission shall be elected or appointed from each affected local governmental subdivision. The legislature shall provide the method by which the electors of more than one local governmental subdivision shall petition for an election for such purpose consistent with Paragraph (B) of this Section.

Comment:


(2) Elements, V, 16--be clear.

(3) Standardization of language.
Section 8

(A) A home rule charter adopted pursuant to the provisions of this Section shall provide for the structure and organization, powers, and functions for the government of the local governmental subdivision, which may include the exercise of any power and performance of any function necessary, requisite, or proper for the management of its affairs, not denied by general law or inconsistent with any provision of this constitution. The legislature shall not pass any law the effect of which changes, modifies, or affects the structure and organization and/or the particular distribution and redistri-
19 bution of the powers and functions
20 of any local governmental subdivi-
21 sion which operates under a home
22 rule charter.

Comment:

(1) Manual, Rule 5--substitute word for phrase; Standardization of language.


(3) Elements, V, 16--be clear; i.e., substitution of preposition "of" for "for."

(4) Standardization of language.

Page 11

Section 8 (F) Additional powers and functions. Except as prohibited by its charter, a local governmental subdivision adopting a home rule charter under this Section shall also enjoy such additional powers and functions as are granted to local governmental subdivisions by other provisions of this constitution, unless the exercise of such powers and performance of such functions is prohibited by its charter.

Comment:

(1) Manual, Rule 18--place exceptions first when specific.

(2) Standardization of language.

Section 8 (G) reads:

1   (G) No home rule charter or
2   plan of local government shall
3   contain any provision inconsis-
4   tent with this constitution or
5   any law now or hereafter enacted
6   which affects the offices of
7   district attorney, sheriff,
8   assessor, clerk of a district
9   court, coroner, parish school
10  board, or city school board.

Comment:

1   (1) Elements, II, 16--keep related
2   words together.

Section 8 (H)

11  (H) Notwithstanding any provi-
12   sion of this Article to the con-
13   trary, the courts and their officers
14   may be established or affected
15   only as provided in Article V of
16   this constitution.
17
18

[Note: Sections 8 (H) and 9 (C) are identical and become Section 27]
Section 6. Home Rule Charter or Plan of Government; Action by Legislature Prohibited

The legislature shall not pass any law the effect of which changes, modifies, or affects the structure and organization and/or the particular distribution and redistribution of the powers and functions of any local governmental subdivision which operates under a home rule charter.

Comment:

(1) Elements, II, 11--positive form; Standardization of language.


(3) Elements, p. 35--do not use and/or.

---

Section 9. Powers of Other Local Governmental Subdivisions

Section 9. (A) Subject to and not inconsistent with any provision of this constitution.
the governing authority of any
other local governmental sub-
division may exercise any power
and perform any function
necessary, requisite, or proper
for the management of the affairs
of the local governmental sub-
division not denied by its
charter or by general law,
provided that a majority of
the electors in the affected local
governmental subdivision who vote
in an election held for that
purpose vote in favor of the
proposition that such governing
authority may exercise such
general powers. In the absence of
such a favorable vote, such local
governmental subdivision shall have
such powers as authorized by this
constitution or by law.

Comment:
(1) Standardization of language.
(2) Elements, V, 16—be clear.
(3) Manual, Rule 5—substitute word for phrase.
(4) Webster’s, Rule 4.4.2—comma inserted to avoid ambiguity.
(7) Manual, Rule 5--substitute word for phrase.


Sections 7 (b) Becomes Section 7 (c)

1 (B) Nothing contained in this Section shall be construed to affect the powers and functions of a parish or city school board and the offices of district attorney, sheriff, clerk of a district court, coroner, or assessor.

Comment:


(2) Ibid.

(3) Ibid.

(4) Elements, II, 15--parallelism; i.e., language arranged to conform with previous usage in Section 6 (g).

Section 9 (c)

(C) Notwithstanding any provision of this Article to the contrary, the courts and their officers may be established or affected only as provided in Article V of this constitution.

[Note: Sections 8 (h) and 9 (c) are identical and become Section 27]
Section 11. Home Rule Parish:

1. Incorporation of Cities, Towns, and Villages
2. Section 11. No parish plan of government or home rule charter shall prohibit the incorporation of cities, towns, or villages as provided by general law.

Comment:


Page 18

Section 12. (A) Local Governmental Subdivisions shall not:
1. (1) define and provide for the punishment of a felony; or (2) except as may be provided by law, enact private or civil ordinances governing civil relationships.

Comment:

(1) Elements, II, 11—positive verb.
Section 12 (B) becomes Section 9 (B)

19 (B) Notwithstanding any provision of this Article, the police power of the state shall never be abridged.

Comment:
No Change

Page 19
subdivision of general application which are appropriate for continuation as law. When the code shall have been prepared the governing authority of the political subdivision shall cause copies of the same to be prepared and made available for public distribution. All proposed ordinances of general application adopted after the approval of the code shall be amendments or additions to the code. All general ordinances adopted after the approval of the code shall be adopted as amendments or additions to the code.

Comment:

(1) Elements, II, 16--keep related words together.
(2) Manual, Rule 5--substitute word for phrase.
(5) Webster's, Rule 4.2.1--comma sets off introductory adverbial clause.
(8) Ibid.
Section 13. Local Officials

1. Section 13. The electors of each local governmental subdivision shall have the exclusive right to elect their governing authority. Nothing herein shall be construed to prohibit the election of the members of any governing authority on the basis of single member districts.

Comment:

(1) Manual, Rules 5, 13 and Elements, IT, 13—omit needless words.

(2) Manual, Rule 5—substitute word for phrase.

Page 21

Section 14. Local Officials; Compensation

1. Section 14. The compensation or method of fixing the compensation of a local elected official of any local governmental subdivision which operates under a home rule charter or plan of government as provided in Sections 7 and 8 of this Article.

Section 12. Local Officials; Compensation

1. Section 12. The compensation or method of fixing the compensation of an elected official of any governmental subdivision which operates under a home rule charter or plan of government, as provided in Sections 4 and 5 of this
The compensation or method of fixing the compensation of local elected officials of any other local governmental subdivision shall be provided for by law. Compensation of local officials shall not be reduced during the terms for which they are elected.

Comment:


(2) Webster's, Rule 4.1.2--pair of commas to set off modifying phrases.

(3) Section numbers changed to conform to suggested renumbering.

(4) Standardization of language; Manual, Rule 12--singularization.


8 election wholly within the boundaries of a local governmental subdivision or a parish or city school district, shall be filled by appointment by the governing authority of such local governmental subdivision or school district in which the vacancy occurs, until it is filled by election as provided by law.

Comment:

(1) Standardization of language.

(2) Assessor has now been provided for elsewhere in constitution.


(5) Elements, V, 16—be clear.


Page 23

Section 15 (a) reads:

(B) The provisions of this Section shall apply to all local governmental subdivisions unless otherwise provided by the home rule charter or the home rule plan of government of the affected local governmental subdivisions.

Comment:

(1) Standardization of language.
Section 16. Legislation Increasing Financial Burden of Political Subdivisions; Local Approval

Section 16. No law requiring an increase in expenditures for wages, hours, working conditions, pension and retirement benefits, vacation or sick leave benefits of political subdivision employees, except a law providing for civil service, minimum wages, working conditions, and retirement benefits for firemen and municipal policemen, shall have effect until approved by ordinance enacted by the governing authority of the political subdivision affected thereby or until the legislature appropriates funds to the affected political subdivision for that purpose and only to the extent and amount that such funds are provided. Nothing in this Section shall be construed as applying to parish and...
municipal school boards. 25 Section shall not apply to a 26 school board.  

Comment:
(1) Manual, Rule 5—substitute word for phrase.
(3) Formalization of language.
(4) Manual, Rule 5—substitute word for phrase.
(5) Elements, II, 16—keep related words together.

Section 17. Governing Authorities of Local Governmental Subdivisions; Control Over Agencies They Create

Section 17. The governing authority of a local governmental subdivision shall have general power over any agency heretofore or hereafter created by it, including, without limitation, the power to abolish any such agency and to require prior approval of any charge or tax levied, or bond issued by such agency.

Comment:
Section 13. Special Districts and Local Public Agencies; Consolidation, Merger, and Assumption of Debt

Section 18. (A) Any local governmental subdivision may consolidate and merge into itself any special district or local public agency, except a school district, situated and having jurisdiction entirely within the boundaries of such local governmental subdivision. Upon such merger and consolidation the local governmental subdivision shall succeed to and be vested with all of the rights, revenues, resources, jurisdiction, authority, and powers of the special district or local public agency. A consolidation and merger shall become effective only if approved by a majority of the electors voting thereon in the local governmental subdivision as a whole and also a majority of the electors voting thereon in the affected special district in favor of such proposition. No such action involving a local public agency shall take effect unless a
majority of the electors voting thereon in the local governmental subdivision in which the local public agency is located vote in favor thereof in an election held for that purpose.

Comment:
(3) Webster's Rule 4.2.1--comm to separate introductory prepositional phrase.
(5) Elements, II, 11--put statements in positive form.
(6) Standardization of language.
(7) Elements, II, 11--put statements in positive form.

Section 15 (b) loans Section (c)
unless provision is made for the assumption of such indebtedness by the governing authority of the local governmental subdivision involved.

Comment:

(2) Ibid.

Page 29
and structures. Existing constitutional authority for historic preservation districts is retained.

Existing constitutional authority for historic preservation districts is retained.

Comment:
(1) Formalization of language
(2) Manual, Rule 12—singularization
(3) Standardization of language.
(4) Elements, V, 16—be clear.
(5) Ibid.

Page 30
11 for access by public road to any
12 and all entrances to the premises
13 of each and every plant in such
14 area which entrances are provided
15 for use by employees of such
16 company, or for use by employees
17 of independent contractors
18 working on such premises, or for
19 delivery of materials or supplies,
20 other than by rail or water trans-
21 portation, to such premises. Where
22 individual plants provide police
23 protection this protection shall
24 be confined to the premises of
25 each individual plant located in
26 the area. Industrial areas shall
27 not be subdivisions of the state.

Comment:
area which entrances are provided
for use by employees of such
company, or for use by employees
of independent contractors
working on such premises, or for
delivery of materials or supplies,
other than by rail or water trans-
portation, to such premises. Where
individual plants provide police
protection this protection shall
be confined to the premises of
each individual plant located in
the area.

Comment to Alternative:

(1) Manual, Rules 5, 13 and Elements, II, 13—
omit needless words.
Manual, Rule 12—singularization;
Webster's, Rule 4.2.1—comma to set off intro-
ductive adverbial clause.

(2) Elements, V, 16—be clear.


(4) Elements, V, 16—be clear; Manual, Rules 5, 13
and Elements, II, 13—omit needless words.

Section 22. Creation of
Special Districts by
the Legislature; Author-
ity

Section 19. Subject to and

Section 19. Special
Districts; Creation

Section 19. Subject to and
not inconsistent with the provisions of this constitution, the legislature by general law or by local or special law may create or authorize the creation of special districts, boards, agencies, commissions, and authorities of every type, define their powers, and grant to the special districts, boards, agencies, commissions, and authorities so created such rights, powers, and authorities as it deems proper, including, but not limited to, the power of taxation, the power to incur debt and issue bonds.

Comment:

(1) Standardization of language.
11 thereof, except as the legislature shall provide otherwise by law.

12 without the state, or with the United States or its agencies.

Comment:

(1) Standardization of language. Manual, Rule 18—place exceptions first when specific.

(2) Standardization of language.


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<table>
<thead>
<tr>
<th>Section 24. Assistance to Local Industry by Political Subdivisions; Deep-Water Port Commission, or Deep-Water Port, Harbor, and Terminal Districts</th>
<th>Section 21. Assistance to Local Industry</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject to such restrictions as it may impose, the legislature may authorize any political subdivision, deep-water port commission, or deep-water port, harbor, and terminal district, in order (1) to induce and encourage the location of or addition to industrial enterprises therein which would have economic impact upon the area and thereby the state, (2) provide for the establishment and furnishing of such industrial plant, or (3) provide movable or immovable property, or both, for pollution control facilities, the legislature may authorize, subject to restrictions it may impose, any political subdivision, deep-water port commission, or deep-water port</td>
<td></td>
</tr>
</tbody>
</table>
the establishment and furnishing of such industrial plant, or (3) to provide movable or immovable property, or both, for pollution control facilities: (a) to issue bonds, subject to the approval of the State Bond Commission, or any successor thereto, and to use the funds derived from the sale thereof to acquire and improve industrial plant sites and other property necessary to the purposes thereof; (b) to acquire, through purchase, donation, exchange, and (subject to Article I, Section 4) expropriation, and to improve industrial plant buildings and industrial plant equipment, machinery, furnishings, and appurtenances; and (c) sell, lease, lease-purchase, or demolish all or any part of the foregoing.
No property expropriated under the authority of this Article shall ever, directly or indirectly, be sold or donated to any foreign power, any alien, or any corporation in which the majority of the stock is controlled by any foreign power, alien corporation, or alien. (C) Exception. This Section shall not apply to a school board. The provisions of this Section shall not apply to school boards.

Comment:

(1) Elements, II, 16--keep related words together.
(2) Elements, II, 16--keep related words together.
(3) Standardization of language.
(5) Elements, V, 16--be clear.
(6) Ibid.
(7) Standardization of language.
political subdivision pursuant
to the provisions of this consti-
tution which require submission

to the electors of any proposition
or question, the election shall
be called, conducted, and the
returns thereof canvassed, in
accordance with the procedures
established by law pertaining
to elections for incurring bonded
indebtedness and special taxes
relative to local finance, as
the same now exists or may here-
after be amended, or as may be
otherwise provided by the legis-
lature.

Comment:

(1) Standardization of language.

(2) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

(3) Manual, Rule 5--substitute word for phrase.

(4) Elements, V, 16--be clear.

omit needless words; Manual, Rule 11--
present tense.

(6) Standardization of language.
Section 27. Acquisition of Property

Subject to and not inconsistent with any provision of this constitution and subject to such restrictions as the legislature may provide by general law, political subdivisions may acquire property for any public purpose, including but not limited to acquisition by purchase, donation, expropriation, or exchange.

Comment:

(1) Standardization of language.

(2) Manual, Rule 6--avoid hackneyed reference words.

(3) Standardization of language.

(4) Manual, Rule 5--substitute word for phrase.

Page 38

Section 24. Servitudes of Way; Acquisition by Prescription

The public, represented by the various local governmental subdivisions, may acquire servitudes of way by prescription.
in the manner prescribed by law. 7 of way by prescription in the 8 manner prescribed by law.

Comment:

(1) Manual, Rules 5, 13 and Elements, II, 13—
Omit needless words.

Section 29 becomes Section 25

Section 29. Prescription Against State

Section 25. Prescription Against State

Section 29. Prescription shall not run against the state in any civil matter, unless otherwise provided in this constitution or expressly by law.

Section 25. Prescription shall not run against the state in any civil matter, unless otherwise provided in this constitution or expressly by law.

Comment:

No change.

Page 39

Section 26. Courts Not Affected

Section 26. Notwithstanding any provision of this Article, courts and their officers may be established or affected only as

1
2
3
4
5
6

(1)
only as provided in Article V of this constitution.

Comment:
of the electors who vote in an 18 election held for that purpose.

19 election held for that purpose.

20

Comment:

(1) See Webster's definitions—meaning in context identical; Manual, Rule 5—use short words.

(2) Manual, Rule 5—substitute word for phrase.


(4) Webster's, Rule 4.2.3—comma to separate clauses joined by coordinating conjunction.

(5) Standardization of language.

Page 41

Section 31(B) became Section 31(C)

1 (B) When the millage increase 1 (B) Millage Increase Not for
2 is for other than general purposes, 2 General Purposes. When the millage
3 the proposition shall state the increase is for other than general pur-
4 specific purpose or purposes for poses, the proposition shall state
5 which the tax is to be levied, the the specific purpose or purposes
6 length of time the tax is to remain for which the tax is to be levied
7 in effect, and all proceeds of the 6 and the length of time the tax is
8 tax shall be used solely for the 7 to remain in effect. (1) All proceeds
9 purpose or purposes set forth in 8 of the tax shall be used solely
10 the proposition.
11

11 forth in the proposition.

Comment:


Page 42
Section 31 (C) becomes Section 31 (D)

1 (C) The amount of the parish tax for general purposes which any parish, except the parish of Orleans, may levy, without a vote of the electors, on property located wholly within any municipality, which has a population in excess of one thousand inhabitants according to the last federal decennial census, or such other census as may be provided for by law, and which provides and maintains a system of street paving, shall not exceed one-half the tax levy for general purposes.

Comment:

(1) Manual, Rule 5—substitute word for phrase.

(2) Webster’s, Rule 4.4.1—omit needless commas.


(4) Manual, Rule 5—substitute word for phrase.

Page 43

Section 31 (D) becomes Section 31 (D)

1 (D) This Section shall not be construed to repeal or affect the withdrawal of property in a municipality from [656]
5 parochial taxing jurisdiction,
6 in whole or in part, by a
7 provision of the legislative
8 charter of the municipality
9 in effect on the date of
10 adoption of this constitution.

Comment:
(2) Standardization of language.
(3) Ibid.

Page 44
ten mills of the dollar of assessed valuation. Millage rates may be increased in any municipality when approved by a majority of the electors who vote in an election held for that purpose.

Comment:

(1) Standardization of language; Elements II, 15--parallelism.

(2) Manual, Rule 5--substitute word for phrase.

(3) Webster's, Rule 4.4.1--omit needless commas.


(5) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.

(6) Elements, II, 16--keep related words together.

(7) Elements, V, 16--be clear.

(8) Ibid.

(9) Standardization of language.

17 annual tax not to exceed ten mills on the dollar of assessed valuation. Millage rates may be increased in any municipality when approved by a majority of the electors voting thereon in an election held for that purpose.

Comment:

(1) Standardization of language; Elements II, 15--parallelism.

(2) Manual, Rule 5--substitute word for phrase.

(3) Webster's, Rule 4.4.1--omit needless commas.


(5) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.

(6) Elements, II, 16--keep related words together.

(7) Elements, V, 16--be clear.

(8) Ibid.

(9) Standardization of language.

1 (B) When the millage increase is for other than general purposes, the proposition shall state the specific purpose or purposes for which the tax is to be levied, the length of time the tax is to remain in effect, and all proceeds of the tax shall be used solely for that purpose.  

   [658]
for the purpose or purposes set forth in the proposition.

COMMENT:

Section 32 (C) becomes Section 29 (C)

(C) This Section shall not apply to the city of New Orleans.

Comment:
No change.

Page 46
An occupational license tax greater than that imposed by the state when authorized by law enacted by the favorable vote of two-thirds of the elected members of each house of the legislature.

Comment:

(1) Elements, V, 16—be clear.


(4) Elements, V, 16—be clear.

(5) Ibid.


(8) Ibid.

(9) Standardization of language.

(10) Ibid.
of Outstanding Bonds

(A) Except as otherwise authorized in a home rule charter as provided for in Section 7 of this Article, any local governmental subdivision or school board may levy and collect a tax upon the sale at retail, the use, the lease or rental, the consumption and the storage for use or consumption, of tangible personal property and on sales of services as defined by law, if approved by a majority of the electors voting thereon in an election held for that purpose. The rate thereof, when combined with the rate of all other sales and use taxes, exclusive of state sales and use taxes, levied and collected within any local governmental subdivision, shall not exceed three percent.

(B) Additional Sales Tax Authorized. However, the legislature, by general or by local or special law, may authorize the imposition of additional sales and use taxes by local governmental subdivisions or school boards, if approved by a majority of the electors voting thereon in an election held for that purpose. Nothing provided in this Article authorizes the governing authority of any local governmental subdivision or school board to impose sales and use taxes on the consumption and the storage for use or consumption of tangible personal property and on sales of services as defined by law, if approved by a majority of the electors voting thereon in an election held for that purpose.
1 Nothing contained in this Sub-
section shall be construed to
affect any sales or use tax
authorized or imposed on the
effective date of this consti-
tution or to affect or impair
the security of any bonds
payable from such tax.

Comment:
(1) Section number changed to conform to re-
numbering.

(2) Elements, V, 16--be clear.

(3) Manual, Rule 20 and Elements, I, 2--commas
in series.

(4) Webster's, Rule 4.4.2--comma inserted to
prevent ambiguity.

(5) Standardization of language.

omit needless words.

(7) Standardization of language.

(8) Ibid.

(9) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

(10) Standardization of language.

omit needless words.

(12) Elements, V, 16--be clear.
Section 35. Political Subdivisions; Taxing Power; Limitations

Section 35. Political subdivisions may exercise the power of taxation, subject to such limitations as may be elsewhere provided in the constitution, under authority granted to them by the legislature for parish, municipal, and local purposes, strictly public in their nature. The provisions of the constitution elsewhere provided shall not prevent the legislature from vesting in any of the several classes of taxing subdivisions the power to levy and collect, in the manner provided by law, such taxes as are necessary to defray the expenses of its necessary operations, and as shall be necessary for the support of the public schools and the public charities of the state; nor shall the legislature be restrained by the constitution from levying and collecting such taxes as are necessary for the support of the state, or for all or any of the purposes for which the ordinary revenue of the state may be equally necessary, nor to pay the interest of the state loans, and the principal of the state loans, nor to make all needful appropriations from the general fund for the public charity of the state, and for the support of the people's schoolhouses, and its necessary public services. The provisions of the constitution shall not prevent the legislature from vesting in any of the several classes of taxing subdivisions the power to levy and collect, in the manner provided by law, such taxes as are necessary for the support of the public schools and the public charities of the state; nor shall the legislature be restrained by the constitution from levying and collecting such taxes as are necessary for the support of the state, or for all or any of the purposes for which the ordinary revenue of the state may be equally necessary, nor to pay the interest of the state loans, and the principal of the state loans, nor to make all needful appropriations from the general fund for the public charity of the state, and for the support of the people's schoolhouses, and its necessary public services. The provisions of the constitution shall not prevent the legislature from vesting in any of the several classes of taxing subdivisions the power to levy and collect, in the manner provided by law, such taxes as are necessary for the support of the public schools and the public charities of the state; nor shall the legislature be restrained by the constitution from levying and collecting such taxes as are necessary for the support of the state, or for all or any of the purposes for which the ordinary revenue of the state may be equally necessary, nor to pay the interest of the state loans, and the principal of the state loans, nor to make all needful appropriations from the general fund for the public charity of the state, and for the support of the people's schoolhouses, and its necessary public services. The provisions of the constitution shall not prevent the legislature from vesting in any of the several classes of taxing subdivisions the power to levy and collect, in the manner provided by law, such taxes as are necessary for the support of the public schools and the public charities of the state; nor shall the legislature be restrained by the constitution from levying and collecting such taxes as are necessary for the support of the state, or for all or any of the purposes for which the ordinary revenue of the state may be equally necessary, nor to pay the interest of the state loans, and the principal of the state loans, nor to make all needful appropriations from the general fund for the public charity of the state, and for the support of the people's schoolhouses, and its necessary public services. The provisions of the constitution shall not prevent the legislature from vesting in any of the several classes of taxing subdivisions the power to levy and collect, in the manner provided by law, such taxes as are necessary for the support of the public schools and the public charities of the state; nor shall the legislature be restrained by the constitution from levying and collecting such taxes as are necessary for the support of the state, or for all or any of the purposes for which the ordinary revenue of the state may be equally necessary, nor to pay the interest of the state loans, and the principal of the state loans, nor to make all needful appropriations from the general fund for the public charity of the state, and for the support of the people's schoolhouses, and its necessary public services. The provisions of the constitution shall not prevent the legislature from vesting in any of the several classes of taxing subdivisions the power to levy and collect, in the manner provided by law, such taxes as are necessary for the support of the public schools and the public charities of the state; nor shall the legislature be restrained by the constitution from levying and collecting such taxes as are necessary for the support of the state, or for all or any of the purposes for which the ordinary revenue of the state may be equally necessary, nor to pay the interest of the state loans, and the principal of the state loans, nor to make all needful appropriations from the general fund for the public charity of the state, and for the support of the people's schoolhouses, and its necessary public services.

(1) Elements, V, I6---be clear.
of this Section shall not apply to, nor affect, similar grants to political subdivisions under other sections of this constitution which are self-operative.

Comment:


(2) Manual, Rule 6—avoid hackneyed reference words.


(4) Standardization of language.


(6) Elements, V, 16—be clear.


Page 51
adopted is hereby confirmed and ratified.

Comment:

(1) Standardization of language.


(3) Standardization of language.


Section 30 (B) becomes Section 33

(B) For the purpose of acquiring, constructing, improving, maintaining and operating any work of public improvement, any political subdivision may levy special taxes when authorized by a majority of the electors in the political subdivision who vote in an election held for that purpose.

Comment:

(1) Elements, V, 16—be clear.

(2) Standardization of language.

(3) Ibid.
Section 38. Bonds of Political Subdivisions; General Obligations

Section 38. The full faith and credit of every political subdivision is hereby pledged to the payment of general obligation bonds issued by it under this constitution or the terms of the statute or proceedings pursuant to which they are issued. The governing authority of the issuing political subdivision shall levy and collect or cause to be levied and collected on all taxable property in the political subdivision ad valorem taxes fully sufficient to pay principal and interest and redemption premiums, if any, on such bonds as they mature.

Page 53
approval of the State Bond Commission or any successor thereto,
general obligation bonds may be issued only after authorization by a vote of a majority of the electors who vote on the proposition at an election in the political subdivision issuing such bonds. Bonds to refund outstanding indebtedness at the same or at a lower effective rate of interest, even though payable solely from ad valorem taxes, need not be so authorized at an election if the indebtedness refunded is paid or cancelled at the time of the delivery of the refunding bonds, or if money, or securities made eligible for such purpose by law, are deposited in escrow in an adequate amount, with interest, to be utilized solely for the purpose of retiring the refunded indebtedness or bonds and paying interest thereon and redemption premiums, if any, to the time of retirement.

(1) zation. Subject to approval by the State Bond Commission or its successor, general obligation bonds may be issued only after authorization by a majority of the electors voting on the proposition at an election in the political subdivision issuing the bonds. Bonds to refund outstanding indebtedness at the same or at a lower effective rate of interest, even though payable solely from ad valorem taxes, need not be authorized at an election if the indebtedness refunded is paid or cancelled at the time of the delivery of the refunding bonds, or if money, or securities made eligible for such purpose by law, are deposited in escrow in an adequate amount, with interest, to be utilized solely to retire the refunded indebtedness or bonds and to pay interest thereon and redemption premiums, if any, to the time of retirement.

(2)

(3)

(4)

(5)

(6)

(7)
Comment:

(1) Standardization of language.
(2) Manual, Rule 5--substitute word for phrase.
(3) Standardization of language.
    omit needless words.
(6) Manual, Rule 5--substitute word for phrase.
(7) Elements, II, 15--parallelism.

Section 38 becomes Section 34(B)

1 Section 38. Bonds of Political
2 Subdivisions; General Obligations
3
4 Section 38. The full faith and
5 credit of every political subdivision is 
6 hereby pledged to the payment
7 of general obligation bonds
8 issued by it under this constitution or the terms of the statute 
9 or proceedings pursuant to which they are issued. The governing
10 authority of the issuing political subdivision shall levy and
11 collect or cause to be levied
12
13
14
15
16

1 (B) Full Faith and Credit.
2 The full faith and credit of
3 a political subdivision is 
4 hereby pledged to the payment
5 of general obligation bonds
6 issued by it under this constitu-
7 tion or the statute or pro-
8 ceedings pursuant to which they
9 are issued. The governing
10 authority of the issuing politi-
11 cal subdivision shall levy
12 and collect or cause to be
13 levied and collected on all
14 taxable property in the poli-
and collected on all taxable property in the political subdivision ad valorem taxes fully sufficient to pay principal and interest and redemption premiums, if any, on such bonds as they mature.

Section 38 becomes Section 34(b)

Comment:

(1) Standardization of language.


Section 40 becomes Section 35

Section 40. Limitations on Bonded Indebtedness of Political Subdivisions

Section 40. The legislature shall fix the limitation on bonded indebtedness payable solely from ad valorem taxes levied by political subdivisions.

Comment:

No Change.
Section 36. Contesting Political Subdivision Bonds

Section 36. (A) Contesting Election; Time Limit. For

sixty days after promulgation of the result of an election held for the purpose of incurring or assuming debt, issuing bonds, or levying a tax, any person in interest may contest the legality of the election, the bond issue provided for, or the tax authorized, for any cause. After that time no one shall have any cause or right of action to contest the regularity, formality, or legality of the election, tax provisions, or bond authorization, for any cause whatsoever. If the validity of any election, tax, debt assumption, or bond issue authorized or provided for is not raised within the sixty days, the authority to incur or assume debt, levy the tax, or issue the bonds, the legality thereof, and the taxes and other revenues necessary to pay the same shall be conclusively pre-
taxes and other revenues necessary to pay the same shall be conclusively presumed to be valid, and no court shall have authority to inquire into such matters.

Section 41(b) becomes Section 31(b)

Comment:


(2) Manual, Rule 3—make time periods clear.

(3) Standardization of language.

(4) Manual, Rule 5—substitute word for phrase.

(5) Standardization of language.


(7) Manual, Rule 10—short sentences; Rule 14—unrelated ideas in separate sentences.


subdivision, or if there is none, then in a newspaper having general circulation therein. For a period of thirty days from the date of the publication any person in interest may contest the legality of the ordinance or resolution and of any provision therein made for the security and payment of the bonds. After this time, no one shall have any cause of action to test the regularity, formality, legality, or effectiveness of the ordinance or resolution, and provisions thereof for any cause whatever; and after this time it shall be conclusively presumed that every legal requirement for the issuance of the bonds or other debt obligation, including all things pertaining to the election, if any, at which the bonds or other debt obligations were authorized, has been complied with, and no court shall have authority to inquire into any such matters after the lapse of this thirty days.

shall be published at least once in the official journal of the political subdivision or, if there is none, in a newspaper having general circulation therein. For thirty days after the date of publication, any person in interest may contest the legality of the ordinance or resolution and of any provision therein made for the security and payment of the bonds. After that time, no one shall have any cause of action to test the regularity, formality, legality, or effectiveness of the ordinance or resolution, and provisions thereof for any cause whatever. Thereafter, it shall be conclusively presumed that every legal requirement for the issuance of the bonds or other debt obligation, including all things pertaining to the election, if any, at which the bonds or other debt obligation were authorized, has been complied with. No court shall have authority to inquire into any of these matters after the thirty days.
Section 41 (B) became Section 36 (A)

Comment:

(1) Webster's, Rule 4.1 -- pair of commas to set off supplementary clause.


(3) Manual, Rule 3 -- make time periods clear.


(5) Webster's, Rule 4.2.1 -- comma to separate introductory prepositional phrase.

(6) Elements, V, 16 -- be clear.

(7) Manual, Rule 5 -- substitute word for phrase.

(8) Manual, Rule 10 -- short sentences; Rule 14 -- unrelated ideas in separate sentences.


Section 42. Local Improvement

Assessments

Section 42. (A) The legislature shall provide by general law or by local or special law the procedures by which political subdivisions may levy and collect local or special assessments on real property, for the purpose of acquiring, constructing, or improving works of public improvement.

Section 37. Local Improvement Assessments

Section 37. (A) Authorization. The legislature shall provide by general law or by local or special law the procedures by which a political subdivision may levy and collect local or special assessments on real property for the purpose of acquiring, constructing, or improving works of public improvement.
12 improving works of public im-
13 provement.

Comment:

(1) Elements, V, 16--be clear; Manual, Rule 12--
   singularization.

(2) Webster's, Rule 4.4.1--omit needless commas.

Page 61

SECTION 42 (B) becomes SECTION 37 (B)

1 (B) Certificates of indebted-
2 edness may be issued to cover
3 the cost of any such public im-
4 provement which shall be secured
5 by the pledge of the local or
6 special assessments levied there-
7 for, and may be further secured by
8 the pledge of the full faith and
9 credit of the political subdivi-
10 sion.
11
Comment:

(1) Manual, Rule 10--short sentences; Rule 14--unrelated
   ideas in separate sentences.

(2) Webster's, Rule 4.4.1--omit needless commas.

SECTION 42 (C) becomes SECTION 37 (C)

11 (C) The provisions of this
12 Section shall not apply to school
13 boards.
11 (C) Exception. This
12 Section shall not apply
13 to a school board.

Comment:

(1) Standardization of language.
Section 43 (A) becomes Section 38 (A)

Section 43. Revenue-Producing Property

The legislature may authorize political subdivisions to issue bonds or other debt obligations for the purpose of constructing, acquiring, extending, or improving any revenue-producing public utility or work of public improvement. The bonds or other debt obligations may be secured by mortgage on the lands, buildings, machinery, and equipment or by the pledge of the income and revenues of such public utility or work of public improvement and shall not be a charge upon the other income and revenues of the political subdivision.

Comment:

(1) Manual, Rule 5—substitute word for phrase.

(2) Manual, Rule 6—avoid hackneyed reference words.

(3) Manual, Rule 10—short sentences; Rule 14—unrelated ideas in separate sentences.
Section 43 (B) becomes Section 38 (B)

(B) The provisions of this Section shall not apply to school boards.

(B) Exception. This Section shall not apply to a school board. (1)

Comment:
(1) Standardization of language.

Section 44 (A) becomes Section 39 (A)

PART III. LEVEE DISTRICTS

1 Section 44. Levee Districts
2 Section 44. (A) Levee districts as now organized and constituted shall continue to exist, except that:
3 (1) The legislature may provide for the consolidation, division, or reorganization of existing levee districts or create new levee districts. However, the members of the boards of commissioners of districts heretofore or hereafter created shall be appointed or elected from residents of such district, as provided by law;
4 (2) Any levee district whose

[676]
18 flood control responsibilities
19 are limited to and which is
20 situated entirely within the
21 boundaries of one parish may
22 be merged and consolidated into
23 such parish under the terms and
24 conditions and in the manner
25 provided in Section 18 of this
26 Article. This provision shall
27 be self-operative.
28
29

Section 44(a) becomes Section 37(a)

Comment:

(1) Elements, V, 16--be clear.
(2) See Webster's, Rule 6.1 on uses of colon.
(3) Elements, II, 15--parallelism.
(5) Elements, V, 16--be clear.
(7) Standardization of language.
    omit needless words.
(9) Section numbers changed to conform with
    suggested renumbering.
(10) Manual, Rules 5, 13 and Elements, II, 13--
    omit needless words.
Section 44 (B) becomes Section 39 (B)

1 (B) No action taken here-
2 under shall impair the obli-
3 gation of any outstanding
4 bonded indebtedness or of any
5 other contract of such levee
6 district.

1 (B) Obligation of Contract
2 Affirmed. No action taken under this
3 Section shall impair the obligation
4 of outstanding bonded indebtedness
5 or of any other contract of a levee
6 district.

Comment:
(2) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

Page 65

Section 45 (A) becomes Section 40 (A)

1 Section 45. District Taxes;
2 Increase in Tax to Raise
3 Additional Funds
4 Section 45. (A) For the
5 purpose of constructing and
6 maintaining levees, levee
7 drainage, flood protection,
8 hurricane flood protection, and
9 for all other purposes incident-
10 al thereto, the governing au-
11 thority of each district, may
12 levy annually a tax not to
13 exceed five mills on the asses-
14 sed valuation, except the Board

1 Section 40. Levee District
2 Taxes
3 Section 40. (A) District Tax;
4 Millage Limit. For the purpose
5 of constructing and maintaining
6 levees, levee drainage, flood
7 protection, hurricane flood pro-
8 tection, and for all other purposes
9 incidental thereto, the governing
10 authority of a levee district
11 may levy annually a tax not to
12 exceed five mills, except the
13 Board of Levee Commissioners of
14 the Orleans Levee District which
of Levee Commissioners of the Orleans Levee District which may levy annually a tax not to exceed two and one-half mills, on the dollar of the assessed valuation of all taxable property situated within the alluvial portions of the district subject to overflow.

Comment:

(1) Webster's, Rule 4.4.1—omit needless commas.

(2) Elements, V, 16--be clear.

SECTION 45 (B) BECOMES SECTION 40 (B)

(B) Millage Increase. If the necessity to raise additional funds arises in any levee district for any purpose set forth in Paragraph (A), or for any other purpose related to its authorized powers and functions as specified by the legislature, the tax may be increased. However, the necessity and the rate of the increase shall be submitted to the electors of the district, and the tax increase shall take effect only if approved by a major-
15 the electors of such district
16 and no increase in taxes shall
17 occur unless a majority of the
18 electors in such district who
19 vote in the election herein-
20 above provided for vote in
21 favor thereof.

COMMENT:

(4) Manual, Rule 5--substitute word for phrase.
       omit needless words
(6) Standardization of language; Elements, II, 11--
       put statements in positive form; Manual, Rules
       5, 13, and Elements, II, 13--omit needless words.

Page 67

Section 46 (A) becomes

Section 41 (A)

1  Section 46. Bond Issues
2  Section 46. (A) Subject
3  to the approval of the State
4  Bond Commission or any suc-
5  cessor thereto, the govern-
6  ing body of any levee district
7  may fund the avails of said
8  taxes or other revenues into
[680]
9 bonds, or other evidences of indebtedness, the proceeds thereof to be used for the purposes mentioned in this Article or for the funding or payment of any outstanding indebtedness.

Comment:
(1) Standardization of language.
(2) Ibid.
(3) Ibid.
(4) Elements, V, 16—be clear.
(5) Ibid.
(6) Ibid.

Section 4.6 (B) becomes 4.1 (B)

1 (B) Bonds issued under the authority of the foregoing provision shall be sold in accordance with applicable provisions of the Louisiana Revised Statutes relating to the issuance of bonds by levee districts.

Comment:
(2) Standardization of language.
Section 48. Cooperation with Federal Government

Section 48. All governing authorities of levee districts which have been, or may be created, are authorized to cooperate with the federal government in the construction and maintenance of the levees in this state, on such terms and conditions as may be provided by the federal authorities and accepted by the governing authorities.

Comment:


(2) Standardization of language.

(3) Manual, Rule 5--substitute word for phrase.

(4) Elements, V, 16--be clear.

Section 49. Compensation for Property Used or Destroyed; Tax

Section 49. (A) Notwithstanding any other provision of this constitution, lands and improvements are taxable, and the state shall have the power to tax the same for the purpose of raising money for the improvement of levees, and the state shall have the power to enter upon such lands and improvements to construct levees.

Section 43. Compensation for Property Used or Destroyed; Tax

Section 43. (A) Notwithstanding any contrary provision of this constitution, lands and improvements are taxable, and the state shall have the power to tax the same for the purpose of raising money for the improvement of levees, and the state shall have the power to enter upon such lands and improvements to construct levees.

Page 70
7 improvements thereon hereafter actually
8 used or destroyed for levee... or
9 levee drainage purposes shall be
10 paid for as provided by law; and
11 provided further, nothing con-
12 tained in this Paragraph with
13 respect to compensation for lands
14 and improvements shall apply to
15 batture or to property the con-
16 trol of which is vested in the
17 state or any political subdivi-
18 sion thereof for the purpose of
19 commerce.

20

(4) Manual, Rule 5--substitute word for phrase.

21 it shall levy on all taxable
22 property within the district
23 a tax sufficient to pay for
24 property used or destroyed to
25 be used solely in the district
26 where collected.

27

Comment:

(1) Standardization of language.

(2) Elements, V, 16--be clear.

(3) Manual, Rules 5, 13 and Elements, II, 13--omit
needless words.

(4) Manual, Rule 5--substitute word for phrase.


(6) Webster's, Rule 4.4.1--omit needless commas.

(7) Manual, Rule 5, 13 and Elements, II, 13--
omit needless words.


**SECTION 48 (B)**

1 (B) If the district has no other funds or resources out of which such payment can be made, it shall levy, on all taxable property situated within the district, a tax sufficient to pay for said property so used or destroyed to be used solely in the district where collected.

**SECTION 48 (C)** becomes **SECTION 48 (B)**

10 (C) Nothing contained in this Section shall prevent the appropriation of said property before payment.

**Comment:**


(2) Standardization of language.
Section 50 became Section 44

PART IV. PORTS

Section 50. Ports

Section 50. All deep-water port commissions and all deep-water port, harbor, and terminal districts as they are now organized and constituted, including their powers and functions, structure and organization, and territorial jurisdiction, are ratified and confirmed and shall continue to exist, except that:

(A) The legislature may grant additional powers and functions to any such commission or district and may create new port commissions or port, harbor, and terminal districts;

(B) The legislature may consolidate or abolish any such commission or district or may diminish, reduce, or withdraw from any such commission or district any of its powers and functions and may affect the structure and organization, distribution, and redistribution of the powers

PART IV. PORT COMMISSIONS AND DISTRICTS

Section 44. Port Commissions and Districts

Section 44. All deep-water port commissions and all deep-water port, harbor, and terminal districts as organized and constituted on January 1, 1974, including their powers and functions, structure and organization, and territorial jurisdiction, are ratified and confirmed and shall continue to exist, except that:

(1) The legislature may grant additional powers and functions to any such commission or district and may create new port commissions or port, harbor, and terminal districts.

(2) Only by law enacted by the favorable vote of two-thirds of the elected members of each house, may the legislature consolidate or abolish any such commission or district or diminish, reduce, or withdraw from any such commission or district any of its
and functions of any such commission or district, including additions or reductions of its territorial jurisdiction, only by act passed by a favorable vote of at least two-thirds of the elected membership of each house;

Section 50 becomes Section 44

1 (C) The legislature shall make provisions with respect to the membership of the herein provided commissions. Once the membership is established it may be changed only upon a two-thirds vote of the elected members of each house of the legislature.

Comment:


(2) See Webster’s, Rule 6.1 on uses of colon.

(3) Standardization of language; Webster’s, Rule 4.2.1—commas after introductory prepositional phrases.

(4) Elements, II, 15—parallelism.

(5) Standardization of language.
Section 51 becomes Section 4

PART V. DEFINITIONS

1 Section 51. Terms Defined
1 Section 45. Terms Defined
2 Section 51. As used in this
2 Section 45. As used in
3 Article:
3 this Article:
4 (1) "Local governmental subdiv-
4 (1) "Local governmental
5ision" means any parish or
5 subdivision" means any parish
6 municipality;
6 or municipality.
7 (2) "Political subdivision"
7 (2) "Political subdivision"
8 means parishes and municipali-
8 means a parish, municipality, and
9 ties, and any other unit of
9 any other unit of local government,
10 local government, including
10 including a school board and a
11 school boards and special
11 (I) special district, authorized by
12 districts, authorized by law
12 law to perform governmental
13 to perform governmental func-
13 (3) "Municipality" means
14 tions;
14 (3) "Municipality" means
15 (3) "Municipality" means
16 all incorporated cities, towns,
16 incorporated city, town, or village.
17 and villages;
17 (4) "Governing authority"
18 (4) "Governing authority"
19 means the body which exercises
19 means the body which exercises
20 the legislative functions of
20 the legislative functions of

(7) Elements, V, 16--be clear.
(8) Webster's, Rule 4.2.1--comma to separate introductory clause.
(9) Standardization of language.

Page 74
21 the political subdivision;
22 (5) "General law" means a
23 law of statewide concern enacted
24 by the legislature which is uni-
25 formly applicable to all persons
26 or to all political subdivisions
27 in the entire state or which is
28 uniformly applicable to all
29 persons or to all political sub-
30 divisions within the same class.
31 (6) "General obligation bond"
32 means those bonds, the principal
33 and interest of which are secured
34 by and payable from ad valorem
35 taxes levied without limitation
36 as to rate or amount;

SECTION 51 becomes SECTION 4.5

1 (7) "Deep-water port commis-
2 sions and deep-water port, harbor,
3 and terminal districts" mean
4 those commissions or districts
5 within whose territorial juris-
6 diction exist facilities capable
7 of accommodating vessels of at
8 least twenty-five feet of draft
9 and of engaging in foreign
10 commerce.
COMMITTEE PROPOSAL NO. 17: FIRST ENROLLMENT

Changes recommended by Committee on Local and Parochial Government and Committee on Style and Drafting to clarify possible ambiguous language in enrolled proposal, but involving possible substantive change in the provision as adopted by the Convention.

COMPARATIVE PRESENTATION

<table>
<thead>
<tr>
<th>SECTIONS AS ADOPTED: INCORPORATING CHANGES RECOMMENDED BY COMMITTEE ON STYLE AND DRAFTING</th>
<th>FURTHER CHANGES RECOMMENDED BY BOTH COMMITTEES TO CLARIFY POSSIBLE AMBIGUITIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Section 32. Special Taxes; Ratification</td>
<td>1 Section 32. Taxes; Ratification</td>
</tr>
<tr>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>3 Section 32. Any special tax being levied by</td>
<td>3 Section 32. Any tax being levied by a political subdivision under prior legisla-</td>
</tr>
<tr>
<td>a political subdivision under prior legislative</td>
<td>tive or constitutional authority on the effective date of this constitution is ratified.</td>
</tr>
<tr>
<td>or constitutional authority on the effective date of this</td>
<td>4 levied by a political subdivision under prior legislative or constitutional authority on the effective date of this constitution is ratified.</td>
</tr>
<tr>
<td>8 constitution is ratified.</td>
<td></td>
</tr>
</tbody>
</table>

CAVEAT: The word "special" is proposed to be omitted, on the recommendation of the local government committee. The style and drafting committee is informed by that.
substantive committee that a "special tax" is a word of imprecise meaning, and that it was intended in this Section to include all specially authorized taxes additional to the general taxes authorized for political subdivisions without special authorization. However, reference in the following section (33) to "special taxes" for specified purposes might create an ambiguity by seeming to limit the continued local taxes to those mentioned in Section 33.

11/2/73

DOCUMENT VII

COMMITTEE PROPOSAL NO. 21: FIRST ENROLLMENT

Staff Styling Suggestions: Comparative Presentation

<table>
<thead>
<tr>
<th>PROPOSAL AS ENROLLED</th>
<th>SUGGESTED CHANGES</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ARTICLE V. JUDICIAL BRANCH</strong></td>
<td><strong>ARTICLE V. JUDICIAL BRANCH</strong></td>
</tr>
<tr>
<td>1 Section 1. Judicial Power</td>
<td>1 Section 1. Judicial Power</td>
</tr>
<tr>
<td>2 Section 1. The judicial power shall be vested in a supreme court, courts of appeal, district courts, and other courts authorized by this constitution.</td>
<td>2 Section 1. The judicial power shall be vested in a supreme court, courts of appeal, district courts, and other courts authorized by this Article.</td>
</tr>
</tbody>
</table>

Comment:

(1) Elements, V, 16--be clear.
Section 2. Habeas Corpus, Needful Writs, Orders and Process

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

Comment:


(2) Manual, Rule 20; Elements, I, 2--commas in series.

(3) Elements, II, 15--parallelism.
Section 3.

The supreme court shall be composed of a chief justice and six associate justices, four of whom must concur to render judgment. The term of a judge of the supreme court shall be ten years.

Comment:

(1) Manual, Rule 5—substitute word for phrase.

Section 4.

The state shall be divided into at least six supreme court districts, with at least one judge elected from each. The present districts and the number of judges assigned to each are retained, subject to change by a two-thirds vote of the elected members of each house of the legislature.
Comment:

(1) Elements, V, 16--be clear.

(2) Ibid.


Section 5. Supreme Court; Supervisory, Original, and Appellate Jurisdiction; Rule-Making Power; Assignment of Judges

Section 5. (A) The supreme court has general supervisory jurisdiction over all other courts. It may establish procedural and administrative rules not in conflict with law. It may assign a sitting or retired judge to any court.

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

(C) Except as otherwise provided in this constitution, the
supreme court's jurisdiction in civil cases extends to both the law and the facts. In criminal matters, its appellate jurisdiction extends only to questions of law.

(D) In addition to appeals provided for elsewhere in this constitution, the following cases shall be appealable to the supreme court:

(1) A case in which a law or ordinance has been declared unconstitutional;

(2) Cases in which the defendant has been convicted of a felony or in which a fine exceeding five hundred dollars or imprisonment exceeding six months has been actually imposed.

(E) Subject to the provisions of Paragraph (C), the supreme court has appellate jurisdiction over all issues involved in any civil action properly before it.

(F) In all criminal cases not appealable to the supreme court if (1) a law or ordinance has been declared unconstitutional; (2) the defendant has been convicted of a felony or a fine exceeding five hundred dollars or imprisonment exceeding six months actually has been imposed.
provided for in subsection (D) (2) of this Section an accused shall have a right of appeal or review, as provided by law.

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

(F) Appellate Jurisdiction; Civil Cases; Extent. Subject to the provisions in Paragraph (C), the supreme court has appellate jurisdiction over all issues involved in any civil action properly before it.

Comment:


(2) Standardization of language.

(3) Formalization of language.


(7) Ibid.

(8) Elements, II, 16--keep related words together.

(9) Standardization of language.


(11) Standardization of language.
Section 6.

Section 6. The judge oldest in point of service on the supreme court shall be chief justice. He is the chief administrative officer of the judicial system of the state subject to rules adopted by the court.

Comment:

(1) Sentence arranged to conform with suggested language of Section 12.

Section 7.

Section 7. The supreme court may select a judicial administrator, its clerks, and other staff.
7 personnel, and prescribe their 8 duties.

Comment:
(1) Standardization of language.
(2) See Elements, I, 4--omit comma when subject common to two verbs and connective is "and".

Section 8.

Section 8. Courts of Appeal; Panels; Number Necessary to Decision; Terms

Section 8. The state shall be divided into at least four circuits, with one court of appeal in each. Each court shall sit in panels of at least three judges selected according to rules adopted by the court. A majority of the judges sitting in a case must concur to render judgment. However, when the judgment of the district court is to be modified or reversed, and one judge dissents, the case shall be reargued, before a panel of at least five judges, prior to rendition of judgment, and a majority must concur to render judgment. The term of a court of appeal judge shall be ten years. A majority of the judges sitting in a case must concur to render judgment. However, when a judgment of a district court is to be modified or reversed and one judge dissents, the case shall be reargued before a panel of at least five judges prior to

[687]
court of appeal judge shall be ten years.

rendition of judgment, and a majority must concur to render judgment.

Comment:


(2) Sentence placement changed to unitize subject matter.

(3) Elements, V, 16-- be clear--indefinite article more suitable here than definite article.

(4) Webster's, Rule 4.1.2.1-- clause or phrase essential to main idea of sentence not set off by commas.

Section 9.
change by two-thirds vote of the elected members of each house of the legislature.
(B) Except as limited to questions of law by this constitution or as provided by law in the case of review of administrative agency determinations, its appellate jurisdiction extends to law and facts.

Comment:


(2) Elements, II, 15--parallelism.

(3) Standardization of language.

(4) Numbers added to follow form of Section 5 (D).


(6) Ibid.

(7) Ibid.

(8) Ibid.

SECTION 16

(A) + (B)

(9) Manual, Rule 5--substitute word for phrase.

(10) Webster's, Rule 4.2.1--comma sets off introductory adverbial clause.


(12) Elements, V, 16--be clear.
Section 11. A court of appeal may certify any question of law before it to the supreme court, whereupon the supreme court may give its binding instruction, or consider and decide the case upon the whole record.

Comment:

(1) Manual, Rule 5—use short words.

(2) Webster's, Rule 4.1.2.1—clause or phrase essential to main idea of sentence not set off by commas.


Section 12. There shall be a chief judge of each court of appeal who shall be the judge oldest in point of service on each court of appeal.
the court and who shall administer the court subject to rules adopted by the court.

Comment:
(1) Manual, Rule 8--rewrite "there is".

Section 13.

Section 13. Courts of Appeal; Clerks and Staff

Section 13. Each court of appeal has authority to select its clerk and other personnel and prescribe their duties.

Comment:
(1) Standardization of language.
Section 14. District Courts; Judicial Districts
Section 14. The state shall be divided into judicial districts, each composed of one or more parishes and served by one or more district judges.

Comment:

Section 15. Courts; Continued; Jurisdiction; Judicial Districts Changes; Terms
Section 15. (A) The district, parish, magistrate, city, family, and juvenile courts existing at the time of the adoption of this constitution are retained. The legislature may abolish or merge...
trial courts of limited or specialized jurisdiction subject to the limitations in Sections 16 and 21 of this Article. The legislature may establish trial courts of limited jurisdiction which shall have parishwide territorial jurisdiction and subject matter jurisdiction which shall be uniform throughout the state. The office of city marshal is continued until such time as the city court he serves is abolished by the legislature.

(B) The judicial districts existing at the time of the adoption of this constitution are retained. Subject to the limitations in Sections 16 and 21 of this Article, the legislature may abolish or merge trial courts of limited or specialized jurisdiction. The legislature may establish trial courts of limited jurisdiction with parishwide territorial jurisdiction and subject matter jurisdiction which shall be uniform throughout the state. The office of city marshal is continued until the city court he serves is abolished.

(B) Judicial Districts. The judicial districts existing on the effective date of this constitution are retained. Subject to the limitations in Section 21 of this Article, the legislature may establish, divide, or merge judicial districts, subject to the limitations of Section 21 of this Article.

(C) The term of a district and parish judges shall be six years.

(D) The legislature may
increase or decrease the number of judges in any judicial district by a two-thirds vote of the elected membership of each house.

(C) Term. The term of a district, parish, or city court judge shall be six years.

(D) Number of Judges. The legislature may change the number of judges in any judicial district by two-thirds vote of the elected members of each house.

Section 15.

(A) + (B)

Comment:

(1) Names of courts arranged in proper hierarchy.

(2) Standardization of language.


(4) Manual, Rule 5--Substitute word for phrase.


(6) Ibid.

(7) Standardization of language.


(10) Elements, II, 16--keep related words together.

(11) "city court" added to this section to allow elimination of Section 15.1 as enrolled.


(14) Standardization of language.
Section 15.1. City Court Judges; Terms

Section 15.1. A judge of a city court shall be elected for the same term as a district court judge.

Comment:
(1) Standardization of language.
(2) Elements, V, 16--be clear.
(3) Standardization of language.
(4) See Harbrace College Handbook, Rule 17d(4)--avoid needless colons.
(6) Standardization of language.
(8) Ibid.
(9) Elements, V, 16--be clear.
Section 16. District Courts; Original Jurisdiction

Section 16. (A) Unless otherwise authorized by this constitution, a district court shall have original jurisdiction in all civil and criminal matters. It shall have exclusive original jurisdiction: of felony cases and of cases involving: the title to immovable property; the right to office or other public position; civil or political rights; probate and succession matters; the state, a political corporation, or a succession, as a party defendant, regardless of the amount in dispute; and the appointment of receivers or liquidators to corporations or partnerships.

(B) A district court shall have appellate jurisdiction as provided by law.
Section 17.

Section 17. District Courts; Chief Judge

Section 17. Each district court shall elect from its members a chief judge who shall exercise, for the term designated by the court, the administrative functions as prescribed by rule of court.

Comments:

(1) Elements, V, 16—be clear—indefinite article preferred in context.


Section 18. Juvenile Courts; Jurisdiction

Section 18. Notwithstanding any provision of this Article to the contrary, the juvenile and family courts shall have such jurisdiction as the legislature shall provide by law.

Comments:


(2) Manual, Rule 6—avoid hackneyed reference words.

Section 19. Mayors' Courts; Justices of the Peace; Continued

Section 19. Mayors' courts and justice of the peace courts existing at the time of the adoption of this constitution are continued subject to change by the legislature.

Comment:
(2) Standardization of language.

Section 21. Judges; Term of Office or Compensation May Not Be Decreased

Section 21. No judge's term of office or compensation shall be decreased during the term for which he is elected.

Comment:
(1) Formalization of language.
(2) "retirement benefits" moved from Section 34 to Section 21 to group together similar provisions relating to the protections for judges.
Section 22. Judges; Election; Vacancy in Office

Section 22. (A) Except as otherwise provided in this Section all judges shall be elected. Election of judges shall be at the regular congressional election.

(B) A newly-created judgeship or a vacancy in the office of any judge shall be filled by a special election which shall be called by the governor, and held within six months of the day on which the vacancy occurs or the judgeship is established, except when the vacancy occurs in the last six months of an existing term. Until the vacancy is filled, the supreme court shall appoint a person meeting the qualifications, other than domicile, for the office, to serve at its pleasure, who shall be ineligible as a candidate for election to the judgeship at the election to fill the vacancy or the newly created judicial office. For service as an

Section 22. Judges; Election; Vacancy in Office

Section 22. (A) Election.

Except as otherwise provided in this Section, all judges shall be elected. Election shall be at the regular congressional election.

(B) Vacancy. A newly-created judgeship or a vacancy in the office of a judge shall be filled by special election called by the governor and held within six months after the day on which the vacancy occurs or the judgeship is established, except when the vacancy occurs in the last six months of an existing term. Until the vacancy is filled, the supreme court shall appoint a person meeting the qualifications for the office, other than domicile, to serve at its pleasure. The appointee shall be ineligible as a candidate at the election to fill the vacancy or the newly-created
appointed judge, the person appointed to fill the vacancy, other than a retired judge, shall not be eligible for retirement benefits provided for the elected judiciary.

(C) A judge serving on the date of adoption of this constitution shall continue in office for the term to which elected and shall serve through December thirty-first of the last year of his term or, if the last year of his term is not in the even-numbered year of a regular congressional election, then through December thirty-first of the following year. The election for the next term in the office will be held in the year in which the term expires as provided above.

Comment:

(1) Webster's, Rule 4.2.1.--comma sets off introductory adverbial clause.

(3) See Webster’s definitions—meanings in this context identical; Manual, Rule 5—use short words.


(5) Ibid.

(6) Manual, Rule 3—make clear the first and last days of a time period.

(7) Elements, II, 16—keep related words together.

(8) Manual, Rule 10—short sentences; Rule 14—unrelated ideas in separate sentences.


(10) Ibid.

(11) Elements, II, 11—put statements in positive form.

(12) Standardization of language.


(14) Ibid.

(15) Ibid.; Standardization of language.

(16) Webster’s, Rule 4.4.2—comma to aid clarity.

Section 23. Retirement of Judges

Within two years after the effective date of this constitution, the legislature shall provide for a retirement system for judges which shall apply to a judge taking office.
after the effective date of the statute enacting the system and to which a judge in office at the time of its adoption may elect to join with credit for all prior years of judicial service without contribution therefor; provided, however, a judge in office or retired at the time of adoption of this constitution, shall not have diminished any retirement benefits or judicial service rights, nor shall the benefits to which his surviving spouse is entitled, be reduced.

(B) A judge shall not remain in office beyond his seventieth birthday, except as otherwise provided in this Section.

Section 23

Comment:

(1) Standardization of language.


(3) Formalization of language; Elements, II, 12--specific language.
Section 24.

Section 24. Judges; Qualifications; Practice of Law Prohibited

Section 24. A judge of the supreme court, court of appeal, district court, family court, parish court, or court having solely juvenile jurisdiction shall have been admitted to the practice of law in this state for at least five years prior to his election, shall have been domiciled in the respective district, circuit, or parish for at least two years immediately preceding election, and shall not practice law.

Comment:

(1) Elements, II, 12--use specific language.
Section 25. Judiciary Commission; Composition; Terms; Vacancy; Grounds for Removal; Powers

Section 25. (A) The Judiciary Commission shall consist of one court of appeal judge and two district court judges selected by the supreme court; two attorneys admitted to the practice of law for at least ten years and one attorney admitted to the practice of law for at least three years but not more than ten years who are not judges, active or retired, nor public officials other than notaries public, selected by the Louisiana Conference of Court of Appeal Judges' Association or its successor; and three citizens, not lawyers, judges active or retired, nor public officials,

Section 25. (B) (1) one court of appeal judge and two district court judges selected by the supreme court;

(2) two attorneys admitted to the practice of law for at least ten years and one attorney admitted to the practice of law for at least three years but not more than ten years, selected by the Louisiana Conference of Court of Appeal Judges' Association or its successor. They shall...
appointed by the Louisiana District Judges' Association or its successor.

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

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

(D) When a vacancy occurs, a successor shall be appointed for a four-year term by the authority which appointed his predecessor.

(E) On recommendation of the Judiciary Commission, the supreme court may censure, suspend with or without salary, remove from office, or retire involuntarily a judge for willful misconduct relating to his official duty, willful and persistent failure to perform his duty, persistent and public conduct prejudicial to the administration of justice, or any event which would have made him ineligible for appointment.

Section 25.0

1 succeed himself. His term shall end upon the occurrence of any event which would have made him ineligible for appointment. When a vacancy occurs, a successor shall be appointed for a four-year term by the authority which appointed his predecessor.

(C) Powers. On recommendation of the judiciary commission, the supreme court may censure, suspend with or without salary, remove from
that brings the judicial office into disrepute, conduct while in office which would constitute a felony, or conviction of a felony. On recommendation of the Judiciary Commission, the supreme court may disqualify a judge from exercising any judicial function, without loss of salary, during the pendency of the proceedings in the supreme court. On recommendation of the Judiciary Commission, the supreme court may retire involuntarily a judge for disability that seriously interferes with the performance of his duties and that is, or is likely to become, of a permanent character. The supreme court shall make rules implementing this section and

Section 25. (D)

providing for confidentiality and privilege of commission proceedings.

(F) Action against a judge under this Section shall not preclude disciplinary action against

involuntarily a judge for disability that seriously interferes with the performance of his duties and that is or is likely to become permanent. The supreme court
him with respect to his license to practice law.

shall make rules implementing this Section and providing for confidentiality and privilege of commission proceedings.

(D) Other Disciplinary Action. Action against a judge under this Section shall not preclude disciplinary action against him concerning his license to practice law.

Comment:

(1) See Manual, Rules 22-26--lower case title when not official.

(2) Enumeration suggested for readability.

(3) Elements, II, 15--parallelism.


(5) Elements, II, 15--consistent usage.

(6) Elements, II, 11--positive form.


(8) Ibid.

(9) Ibid.

(10) Webster's, Rule 4.1.2.1--clause or phrase essential to main idea of sentence not set off by commas.


Section 26. Department of Justice; Composition; Attorney General; Election and Assistants

Section 26. There shall be a department of justice consisting of an attorney general, a first assistant attorney general, and other necessary assistants and staff. The attorney general shall be elected for a term of four years at the state general election, and the assistants shall be appointed by the attorney general to serve at his pleasure.

Comment:

(1) Provisions relative to Department of Justice and Attorney General which duplicate provisions in Executive Branch Article deleted.
the state, the attorney general may

(1) institute and prosecute or intervene in any civil action or proceeding;

(2) advise and assist, upon request of a district attorney, in the prosecution of a criminal case; and

(3) for cause, when authorized by the court of original jurisdiction in which any proceeding or affidavit is pending and subject to judicial review, supersede any attorney representing the state in any civil or criminal action.

He shall have other powers and perform other duties as may be authorized by this constitution or provided by law.

Comment:

(1) Provision relative to attorney general which duplicates provision in Executive Branch Article deleted.


(3) Standardization of language.
Section 27


(5) Webster’s Rule 4.2.1--commas set off introductory expressions.

(6) Elements, V, 16--be clear.

(7) Preferred spelling of "supersede."


(10) Standardization of language.

Section 28.

Section 28. District Attorney; Election; Qualifications; Assistants

Section 28. In each judicial district a district attorney shall be elected by the qualified electors of the district for a term of six years. He shall have been admitted to the practice of law in the state for at least five years prior to his election and shall have resided in the district for the two years immediately preceding election. A district attorney may select such as-

Section 28. (A) Election; Qualifications; Assistants. Powers

Section 28. (A) Election; Qualifications; Assistants.

In each judicial district a district attorney shall be elected for a term of six years. He shall have been admitted to the practice of law in the state for at least five years prior to his election and shall have resided in the district for the two years immediately preceding election. A district attorney may select such as-
sistants as may be authorized by law and other personnel.

(3) attorney may select assistants as authorized by law, and

other personnel.

(B) Powers. Except as otherwise provided by this constitution, a district attorney, or his designated assistant, shall have charge of every criminal prosecution by the state in his district, be the representative of the state before the grand jury in his district, and be the legal advisor to the grand jury. He shall perform other duties provided by law.

Comment:


(5) Webster's, Rule 4.4.2—comma added for clarity.

(6) Standardization of language.
(7) Elements, II, 15--parallelism.
(8) Elements, II, 16--keep related words together.
(9) Elements, II, 15--parallelism; Elements, V, 16--be clear

Section 29.

Section 29. Defense of Criminal Prosecution; Removal
Section 29. No district attorney or assistant district attorney shall appear, plead or in any way defend, or assist in defending any criminal prosecution or charge. A violation shall be cause for removal.

Comment:
(2) Webster's, Rule 4.4.1--no comma between closely related grammatical sequences.
Section 30.

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

This section shall not apply to the Parish of Orleans.

Comment:

(1) Webster's, Rule 4.4.1—no comma between closely related grammatical sequences.

(2) Manual, Rule 6—avoid hackneyed reference words.

(3) Elements, V, 16—be clear.

Section 31.

(A) + (B)

Section 31. Clerk; Election; Powers and Duties; Deputies; Office Hours
Section 31. (A) In each parish, a clerk of the district court shall be elected by the qualified electors of the parish for a term of four years. He shall be ex officio notary public and parish recorder of conveyances, mortgages, and other acts and shall have such other duties and powers as may be prescribed by law. The clerk may appoint deputies with such duties and powers as may be prescribed by law and he may appoint, with the approval of the district judges, minute clerks with such duties and powers as may be prescribed by law.

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

Office Hours

Section 31. (A) Powers and Duties; Deputies. In each parish a clerk of the district court shall be elected for a term of four years. He shall be ex officio notary public and parish recorder of conveyances, mortgages, and other acts and shall have other duties and powers provided by law. The clerk may appoint deputies with duties and powers provided by law and, with the approval of the district judges, he may appoint minute clerks with the duties and powers provided by law.

(B) Office Hours. The legislature shall establish uniform statewide office hours for clerks of district courts.

Comment:

(1) Webster's, Rule 4.4.1--no comma between closely related grammatical sequences.


(4) Standardization of language.

(5) Webster's, Rule 4.1.1--commas to set off parenthetical expression.
Section 32.

Section 32. In each parish, a coroner shall be elected for a term of four years. He shall be a licensed physician and possess such other qualifications and perform such duties as are provided by law; however, the requirement that he be a licensed physician shall not apply to any parish in which there is no licensed physician who will accept the office.

Comment:

(1) Webster's, Rule 4.4.1—no comma between closely related grammatical sequences.

(2) Manual, Rule 6—avoid hackneyed reference words.


(4) Manual, Rule 10—short sentences; Rule 14—unrelated ideas in separate sentences.
(5) Elements, II, 11—put statements in positive form.


Section 33. Vacancies

When a vacancy occurs in the following offices, the duties of the office, until it is filled by election as provided by law, shall be assumed by: in the case of sheriff, the chief criminal deputy; district attorney, the first assistant; clerk of a district court, the chief deputy; coroner, the chief deputy. If there is no such person to assume the duties at the time of the vacancy, the governing authority or authorities of the parish or parishes concerned shall appoint a qualified person to assume the duties of the office until filled by election.

[727]
Section 34

Section 34. Reduction of Salaries and Benefits Prohibited

Section 34. No attorney general, judge, district attorney, sheriff, coroner, or clerk of the district court shall have his salary or retirement benefits diminished during his term of office.

Comment:

(1) Sentence rearranged to conform with construction and to parallel content of Section 21; protection of judges moved to Section 21.
Section 35. Orleans Parish Courts, Officials; Continued

Section 35. Except for provisions relating to terms of office as provided elsewhere in this Article and notwithstanding any other provision of this constitution to the contrary, the following courts and officers in Orleans Parish are continued, subject to change by a vote of a majority of the elected members of each house of the legislature: the civil and criminal district courts, the city, municipal, traffic and juvenile courts, the clerks of the civil and criminal district courts, the civil and criminal sheriffs, the constables and the clerks of the first and second city courts, the register of conveyances, and the recorder of mortgages.

Comment:

(1) Webster's, Rule 4.2.1--comma sets off introductory adverbial clause.

(2) Manual, Rule 5--substitute word for phrase.

(3) Ibid.
Section 36. Jurors;
Qualifications; Exemptions
Section 36. (A) A citizen of
the state, who is domiciled with-
in the parish in which he is to
serve as a juror and who has
reached the age of majority, is
eligible to serve as a juror.
The legislature may provide
additional qualifications.
(B) The supreme court by rule
shall provide for exemption of
jurors.

Comment:
(1) Manual, Rules 5, 13 and Elements, II, 13—omit
needless words.
(2) Elements, II, 16—keep related words together.
shall be provided by law. The secrecy of the proceedings, including the identity of the witnesses appearing, shall be provided for by law.

(B) Except as otherwise provided in this constitution, a district attorney, or his designated assistant, shall have charge of every criminal prosecution by the state in his district, shall be the representative of the state in his district before the grand jury, and its legal advisor. He shall perform such other duties as may be provided by law.

(C) At all stages of grand jury proceedings, anyone testifying in such proceedings shall have the right to the advice of counsel while testifying.

Comment:

(1) Webster's, Rule 4.1.2—commas to set off appositional phrase.


(4) Ibid.

(5) Ibid.
CAVEAT: The amendment that was adopted was phrased in terms of at least five judges hearing the reargument. Presumably, the number five was chosen since no court of appeal presently has fewer than five judges. But, does this have the effect of requiring a court of appeal to have a maximum of five judges? If a new court of appeal is established, could it have less than five judges? If a special court for criminal appeals were to be created, would the five judge figure apply?

Would substitution of "en banc" for "before a panel of at least five judges" be better?

Section 22(B)

CAVEAT: The construction used may create uncertainty; in the situation that arises when a vacancy occurs in the last six months of a term, when the governor prevented from calling a special election, or in the calling of such an election permissible on his part? If the former was intended, the paragraph could be rephrased as follows:

"...and held within six months after the day on which the vacancy occurs or the judgeship is established, when a vacancy occurs in the last six months of an existing term, no election shall be held."

Section 22(C)

NOTE: This may be suitable for eventual placement in the Schedule Provisions.

Section 24

CAVEAT: To be consistent with the Legislative and Executive Article, the qualification might read "two years preceding qualification as a candidate" instead of "two years preceding election."

Section 26

NOTE: Deleted are those statements which are repeated in Section 8 of the Executive Article concerning the attorney general.

NOTE: Ultimately, all the provisions regarding the attorney general should be grouped together in the same article, either legislative or juridical.

CAVEAT: Section 13 of the Executive Article provides that district, state-wide elective officials are not to be compensated by the donors. The language used in Section 26 may be construed to mean that the first assistant attorney general need not be one of those existing constitutional provisions that do not require such reimbursement. A conflict between the two articles may exist and might be resolved.

Section 28

CAVEAT: See all CAVEAT to Section 24, regarding "qualification to be a candidate, rather than prior to his election."

Section 34

NOTE: The reference to judges has been transferred to Section 21.

Section 37(B), as suggested; Section 37(C), (as enrolled)

NOTE: This provision may be suitable for eventual transfer to the Bill of Rights.

Committee on Style and Drafting

CAVEAT to the Judicial Article (Adopted on meeting of November 27, 1973)

Section 8

CAVEAT: The floor amendment that was adopted was phrased in terms of at least five judges hearing the reargument. Presumably, that number was chosen since no court of appeal presently has fewer than five judges. But, does this have the effect of requiring a court of appeal to have a minimum of five judges? If a new court of appeal is established, could it have less than five judges? To avoid the 5-judge requirement, the relevant part of Section 8 could be reworded to state:

"However, when a judgment of a district court is to be modified or reversed and one judge dissects, the case shall be resubmitted en banc or before a panel of at least five judges prior to rendition of judgment, and a majority must concur to render judgment."

Section 9

CAVEAT: As adopted by the convention, Section 9 includes the sentence, "After January 1, 1975, no judge shall be elected at large from within the circuit." Subsequently, the convention adopted Delegate Proposal 32 which restates the section without that sentence. In accord with Rule 49, the Committee on Style and Drafting must report the inconsistency to the convention floor.

If the latest expression of the convention is to be adopted, Delegate Proposal 32 as styled would be adopted as Section 9, as follows:

Each circuit shall be divided into at least three districts, and at least one judge shall be elected from each. The circuits and districts and the number of judges as elected in each circuit on the effective date of this constitution are retained, subject to change by the favorable vote of two-thirds of the elected members of each house of the legislature.

Section 10

CAVEAT TO JUDICIARY COMMITTEE: Jurisdiction is over "matters" appealed from the family and juvenile courts and over "civil cases" decided within the circuit. It may be that the term "cases" is more limited than the term "matters."

Article VIII, Section 29 of the 1921 Constitution speaks of "matters appealed from the family and juvenile courts", "all civil and probate matters", and "all civil matters involving more than one hundred dollars."

It may be advisable to amend Section 10 to phrase the jurisdiction in terms of "civil matters decided within its circuit."
As supreme power a "political subdivision" as a defendant. In the local and parish government article, technically defined terms are used, "local governmental subdivision" referring to any parish or municipality, and "political subdivision" referring to a parish, municipality, and any other unit of local government, including a school board and a special district, authorized by law to perform governmental functions.

Perhaps clarity would be fostered by using one of the defined terms.

CAVEAT: The exception is "as otherwise authorized by this constitution." Since it appears that references to courts and the power to create courts is restricted to Article V, it may be advisable to change the phrase to read, "Except as otherwise authorized by this Article".

CAVEAT: The styled section continues the use of the phrase "subject to change by the legislature." An alternative is use of the phrase "subject to change by law."

CAVEAT TO JUDICIARY COMMITTEE: As adopted, the section provides that persons "shall not practice law." A styled, the section reads, "He shall not practice law while in office."

If it is clear that the references in the enrolled version to "judges" is to a man while he is sitting on the bench (i.e. while he has a court status) and not afterward, it may not be necessary to add the phrase "while in office."

CAVEAT: As it reads, the section states the residency and practice requirements in terms of time periods "prior to his election" and "two years preceding election." In the legislative and executive articles, the references are usually to time periods preceding qualification as a candidate. For consistency, it may be advisable to revise this section to refer to the time of qualification, instead of election.

CAVEAT: As adopted, the section protects the salary and retirement benefits of the named officials during their term of office. It does not specify that their terms of office cannot be reduced.

CAVEAT: Since a law requires approval by a "majority of the elected members of each house of the legislature," that phrase in the section could be replaced by "change by law."

Adopted 11/29/73

DOCUMENT XIV
COMMITTEE PROPOSAL NO. 21: FIRST ENROLLMENT
JUDICIAL BRANCH

Staff Styling Suggestions: Comparative Presentation

PROPOSAL AS ENROLLED

1 ARTICLE V. JUDICIAL BRANCH
2 Section 1. Judicial Power
3 Section 1. The judicial power shall be vested in a supreme court, courts of appeal,

SUGGESTED CHANGES

1 ARTICLE V. JUDICIAL BRANCH
2 Section 1. Judicial Power
3 Section 1. The judicial power is vested in a supreme
district courts, and other courts authorized by this constitution.

Comment:
(2) Elements, V, 16 -- be clear.

Section 2. Habeas Corpus, Needful Writs, Orders and Process

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

Comment:
(1) Manual, Rule 20; Elements, I, 2 -- commas in series.
(2) Elements, II, 15 -- parallelism.
Section 3. Supreme Court; Composition; Judgments; Terms

Section 3. The supreme court shall be composed of a chief justice and six associate justices, four of whom must concur to render judgment. The term of a judge of the supreme court shall be ten years.

Comment:

(1) Manual, Rule 5—substitute word for phrase.
Section 5.

(A) Supreme Court; Supervisory, Original, and Appellate Jurisdiction; Rule-Making Power; Assignment of Judges

Section 5. (A) The supreme court has general supervisory jurisdiction over all other courts. It may establish procedural and administrative rules not in conflict with law. It may assign a sitting or retired judge to any court.

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

(C) Except as otherwise provided in this constitution, the supreme court's jurisdiction in...
civil cases extends to both the law and the facts. In criminal matters, its appellate jurisdiction extends only to questions of law.

(D) In addition to appeals provided for elsewhere in this constitution, the following cases shall be appealable to the supreme court:

(1) A case in which a law or ordinance has been declared unconstitutional;

(2) Cases in which the defendant has been convicted of a felony or in which a fine exceeding five hundred dollars or imprisonment exceeding six months has been actually imposed.

(E) Subject to the provisions of Paragraph (C), the supreme court has appellate jurisdiction over all issues involved in any civil action properly before it.

(F) In all criminal cases not otherwise provided for in this constitution, a defendant has a right of appeal or review, as

Section 5.

(D) (E) (F) (G)
(D) (E) (F)

provided for in subsection (D) (2) of this Section an accused shall have a right of appeal or review, as provided by law.

(F) Appellate Jurisdiction; Civil Cases; Extent. Subject to the provisions in Paragraph (C), the supreme court has appellate jurisdiction over all issues involved in a civil action properly before it.

Comment:


(2) Manual, Rule 11 -- singularization

(3) Standardization of language.

(4) Formalization of language.


(6) Manual, Rule 5 -- substitute word for phrase; standardization of language.


(9) Ibid.

(10) Elements, II, 16 -- keep related words together.
(11) Standardization of language.


(13) Standardization of language.

Section 6.

1 Section 6. Supreme Court;
2 the Chief Justice
3 Section 6. (A) When a vacancy
4 in the office of chief justice
5 occurs, the judge oldest in point of
6 service on the court, shall succeed
7 to the office.
8 (B) The chief justice is the
9 chief administrative officer of
10 the judicial system of the state,
11 subject to rules adopted by the
12 court.

Comment:

(1) Sentence arranged to conform with suggested
language of Section 12.
Section 7.

Section 7. Supreme Court; Judicial Administrator, Clerks and Staff

Section 7. The supreme court has authority to select a judicial administrator, its clerks, and other personnel, and prescribe their duties.

Comment:

(1) Standardization of language.

(2) See Elements, I, 4—omit comma when subject common to two verbs and connective is "and".

Section 8.

(A), (B) & (C)

Section 8. Courts of Appeal; Panels; Number Necessary to Decision; Terms

Section 8. The state shall be divided into at least four circuits, with one court of appeal in each circuit. Each court shall sit in panels of at least three judges selected according to rules.
rules adopted by the court. A majority of the judges sitting in a case must concur to render judgment. However, when the judgment of the district court is to be modified or reversed, and one judge dissents, the case shall be reargued, before a panel of at least five judges, prior to rendition of judgment, and a majority must concur to render judgment. The term of a court of appeal judge shall be ten years.

(B) Judgments. A majority of the judges sitting in a case must concur to render judgment. However, when a judgment of a district court is to be modified or reversed and one judge dissents, the case shall be reargued before a panel of at least five judges prior to rendition of judgment, and a majority must concur to render judgment.

(C) Terms. The term of a court of appeal judge shall be ten years.

Comment:


(2) Elements, V, 16—be clear—indefinite article more suitable here than definite article.

(3) Webster's, Rule 4.1.2.1—clause or phrase essential to main idea of sentence not set off by commas.

Section 9.
one judge elected from each. After January 1, 1975, no judge shall be elected at large from within the circuit. The present circuits and districts and the number of judges as elected in each circuit are retained, subject to change by two-thirds vote of the elected members in each house of the legislature.

Comment:

(1) Elements, V, 16--be clear.
(2) Standardization of language.
(3) Ibid.

Section 10. Courts of Appeal; Appellate and Supervisory Jurisdiction

Section 10. (A) Except in those cases appealable to the supreme court and as otherwise provided in this constitution, a court of appeal has appellate jurisdiction of all civil cases appealable to the supreme court and except as otherwise provided by this constitution.
jurisdiction of all civil cases decided within its circuit. It has appellate jurisdiction of all matters appealed from the family and juvenile courts, except criminal prosecutions of persons other than juveniles. It has supervisory jurisdiction over all cases in which an appeal would lie to that court.

(B) Except as limited to questions of law by this constitution, or as provided by law in the case of review of administrative agency determinations, its appellate jurisdiction extends to law and facts.

Comment:


(2) Elements, II, 15--parallelism.

(3) Standardization of language.

(4) Numbers added to follow form of Section 5 (D).


(6) Ibid.

(7) Ibid.
Section 10

(A) + (B)

(8) Manual, Rule 5—substitute word for phrase.

(9) Webster's, Rule 4.2.1—comma sets off introductory adverbial clause.


(11) Elements, V, 16—be clear.

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Section 11.

1 Section 11. Courts of Appeal; Certification to Supreme Court;
2 Determination
3 Section 11. A court of appeal may certify any question of law before it to the supreme court, whereupon the supreme court may give its binding instruction, or consider and decide the case upon the whole record.

Comment:

(1) Manual, Rule 5—use short words.

(2) Elements, V, 16—be clear.

(3) Webster's, Rule 4.1.2.1—clause or phrase essential to main idea of sentence not set off by commas.

Section 12.

Courts of Appeal; Chief Judge; Duties

Section 12. There shall be a chief judge of each court of appeal who shall be the judge oldest in point of service on the court and who shall administer the court subject to rules adopted by the court.

Comment:
(1) Manual, Rule 8--rewrite "there is".

Section 13.

Courts of Appeal; Clerks and Staff

Section 13. Each court of appeal has authority to select its clerk and other personnel and prescribe their duties.

Comment:
(1) Standardization of language.
Section 14.

The state shall be divided into judicial districts, each composed of one or more parishes and served by one or more district judges.

Comment:


Section 15.

(A) The district, parish, magistrate, city, family, and juvenile courts existing at the time of the adoption of this constitution are retained. The legislature may abolish or merge trial courts of limited or specialized jurisdiction subject to the limitations in Sections 16 and 21 of this Article. The

[1740]
legislature may establish trial courts of limited jurisdiction which shall have parishwide territorial jurisdiction and subject matter jurisdiction which shall be uniform throughout the state. The office of city marshal is continued until such time as the city court he serves is abolished by the legislature.

(B) The judicial districts existing at the time of the adoption of this constitution are retained. The legislature, by a majority vote of the elected members of each house, with approval in a referendum in each district and parish affected, may establish, divide, or merge judicial districts, subject to the limitations of Section 21 of this Article.

(C) The term of a district and parish judges shall be six years.

(D) The legislature may increase or decrease the number of judges in any judicial district.
by a two-thirds vote of the elected membership of each house.

5 judge shall be six years.
6 (D) Number of Judges. The
7 legislature may change the num-
8 ber of judges in any judicial
9 district by the favorable vote of
10 two-thirds of the elected members
11 of each house.

SECTION 15.
(A) + (B)
(C) + (D)

Comment:
(1) Names of courts arranged in proper hierarchy.
(2) Standardization of language.
(3) Section number changed to conform to renumbering.
(5) Manual, Rule 5—Substitute word for phrase.
(7) Ibid.
(8) Standardization of language.
(11) Elements, II, 16—keep related words together.
(12) "city court" added to this section to allow elimination of Section 15.1 as enrolled.
(13) Manual, Rule 5—substitute word for phrase.
(14) Standardization of language.
Section 15.1. City Court Judges; Terms
Section 15.1. A judge of a city court shall be elected for the same term as a district court judge.

Section 16. District Courts; Original Jurisdiction
Section 16. (A) Unless otherwise authorized by this constitution, a district court shall have original jurisdiction in all civil and criminal matters. It shall have exclusive original jurisdiction of felony cases and of cases involving: the title to immovable property; the right to office or other public position; civil or political rights; probate and succession matters; the state, a political corporation, or a succession, as a party or a defendant; and the appointment of receivers or
defendant, regardless of the amount in dispute; and the appointment of receivers or liquidators to corporations or partnerships.

(B) A district court shall have appellate jurisdiction as provided by law.

Comment:

(1) Standardization of language.

(2) Standardization of language.

(3) See Harbrace College Handbook, Rule 17d(4)--avoid needless colons.


(6) Ibid.

(7) Elements, V, 16--be clear.
Section 17. District Courts; Chief Judge

Section 17. Each district court shall elect from its members a chief judge who shall exercise, for the term designated by the court, the administrative functions as prescribed by rule of court.

Comments:

(1) Elements, V, 16—be clear—indefinite article preferred in context.


Section 18. Juvenile Courts; Jurisdiction

Section 18. Notwithstanding any provision of this Article to the contrary, the juvenile and family courts shall have such jurisdiction as the legislature shall provide by law.

Comments:

(1) Standardization of language.

Manual, Rule 6—avoid hackneyed reference words.


(3) Section 19. Mayors' Courts; Justices of the Peace; Continued

1. Section 19. Mayors' Courts;
2. Justice of the Peace
3. Courts

Section 19. Mayors' courts and justice of the peace courts existing at the time of the adoption of this constitution are continued subject to change by the legislature.

Comment:
(1) Standardization of language.

Section 21. Judges; Term of Office or Compensation May Not Be Decreased

1. Section 21. Judges; Term of
2. Office or Compensation May
3. Not Be Decreased

Section 21. No judge's term of office or compensation shall be decreased during the term for which he is elected.

Comment.
(1) Formalization of language.

(2) "retirement benefits" moved from Section 34 to Section 21 to group together similar provisions relating to the protections for judges.
Section 21. Judges; Election; Vacancy in Office
(A) Election. Except as otherwise provided in this Section, all judges shall be elected. Election of judges shall be at the regular congressional election.
(B) Vacancy. A newly-created judgeship or a vacancy in the office of any judge shall be filled by special election which shall be called by the governor, and held within six months of the day on which the vacancy occurs or the judgeship is established, except when the vacancy occurs in the last six months of an existing term. Until the vacancy is filled, the supreme court shall appoint a person meeting the qualifications, other than domicile, for the office, to serve at its pleasure. The appointee shall be ineligible as a candidate at the election to fill the judgeship at the date of the special election which filled the judgeship at the date of the special election which filled the judgeship at the date of the special election which filled the judgeship at the date of the special election which filled the judgeship at the date of the special election which filled the judgeship at the date of the special election which filled the judgeship at the date of the special election which filled the judgeship at the date of the special election which filled the judgeship at the date of the special election which filled the judgeship at the date of the special election which filled the judgeship at the date of the special election which filled the judgeship at the date of the special election which filled the judgeship at the date of the special election which filled the judgeship at the date of the special election which filled the judgeship at the date of the special 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or the newly created judicial office. For service as an appointed judge, the person appointed to fill the vacancy, other than a retired judge, shall not be eligible for retirement benefits provided for the elected judiciary.

SECTION 22 (C) becomes

(C) A judge serving on the date of adoption of this constitution shall continue in office for the term to which elected and shall serve through December thirty-first of the last year of his term or, if the last year of his term is not in the even-numbered year of a regular congressional election, then through December thirty-first of the following year. The election for the next term in the office will be held in the year in which the term expires as provided above.

Comment:

(1) Webster's, Rule 4.2.1.--comma sets off introductory adverbial clause.

See Webster's definitions—meanings in this context identical; Manual, Rule 5--use short words.


Ibid.

Manual, Rule 3--make clear the first and last days of a time period.

Elements, II, 16--keep related words together.

Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.


Ibid.

Elements, II, 11--put statements in positive form.

Standardization of language.


Ibid.

Ibid.; Standardization of language.

Webster's, Rule 4.4.2--comma to aid clarity.

Section 23

(A) + (13)

Section 22

(A) + (B)

Section 23. Retirement of Judges

Section 22. Judges;

(A) Retirement

Section 22. (A) Retirement System. Within two years after the effective date of this constitution, the legislature shall provide for a retirement system for judges which shall apply to a judge taking office and after the effective date of the
10 statute enacting the system
11 and to which a judge in office
12 at the time of its adoption may
13 elect to join with credit for
14 all prior years of judicial
15 service without contribution
16 therefor; provided, however, a
17 judge in office or retired at
18 the time of adoption of this
19 constitution, shall not have
20 diminished any retirement bene-
21 fits or judicial service rights,
22 nor shall the benefits to which
23 his surviving spouse is entitled,
24 be reduced.
25 (B) A judge shall not remain
26 in office beyond his seventieth
27 birthday, except as otherwise
28 provided in this Section.
29 30
30 taking office after the effec-
31 tive date of the law enacting
32 the system and in which a
33 judge in office at that time
34 may elect to become a member,
35 with credit for all prior years
36 of judicial service and
37 without contribution therefor.
38 The retirement benefits and
39 judicial service rights of a
40 judge in office or retired on
41 the effective date of this
42 constitution shall not be
43 diminished, nor shall the bene-
44 fits to which a surviving
45 spouse is entitled be reduced.
46 (B) Mandatory Retirement.
47 Except as otherwise provided
48 in this Section, a judge shall
49 not remain in office beyond
50 his seventieth birthday.

Section 22
(A) + (B)

Comment:

(1) Standardization of language.

(2) Manual, Rules 5, 13 and Elements, II, 13--omit
needless words.

(3) Formalization of language; Elements, II, 12--
specific language.

(4) Elements, V, 16--be clear.
Section 24. Judges; Qualifications; Practice of Law

Section 24. A judge of the supreme court, court of appeal, district court, family court, parish court, or court having solely juvenile jurisdiction shall have been admitted to the practice of law in this state for at least five years prior to his election, shall have been domiciled in the respective district, circuit, or parish for at least two years immediately preceding election, and shall not practice law.

Comment:

(1) Elements, II, 12—use specific language.
Section 25 becomes Section 24

Section 25. Judiciary Commission; Composition; Terms; Vacancy; Grounds for Removal; Powers

Section 25. (A) The Judiciary Commission shall consist of one court of appeal judge and two district court judges selected by the supreme court; two attorneys admitted to the practice of law for at least ten years and one attorney admitted to the practice of law for at least three years but not more than ten years who are not judges, active or retired, nor public officials other than notaries public, selected by the Louisiana Conference of Court of Appeal Judges' Association or its successor; and three citizens, not lawyers, judges active or retired, nor public officials, appointed by the Louisiana Conference of Court of Appeal Judges' Association or its successor.

Section 24. Judiciary Commission

Section 24. (A) Composition. The judiciary commission shall consist of

(1) one court of appeal judge and two district court judges selected by the supreme court;

(2) two attorneys admitted to the practice of law for at least ten years and one attorney admitted to the practice of law for at least three years but not more than ten years, selected by the Conference of Court of Appeal Judges or its successor. They shall not be judges, active or retired, or public officials, other than notaries public; and

(3) three citizens, not lawyers, judges active or re-
District Judges' Association or
its successor.

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

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

(D) When a vacancy occurs, a

successor shall be appointed for
a four-year term by the authority
which appointed his predecessor.

(E) On recommendation of the
Judiciary Commission, the supreme
court may censure, suspend with
or without salary, remove from
office, or retire involuntarily a
judge for willful misconduct
relating to his official duty,
willful and persistent failure
to perform his duty, persistent
and public conduct prejudicial to
the administration of justice
that brings the judicial office
into disrepute, conduct while

succeed himself. His term
shall end upon the occurrence
of any event which would have
made him ineligible for appoint-
ment. When a vacancy occurs,
a successor shall be appointed
for a four-year term by the
authority which appointed his
predecessor.

(C) Powers. On recom-
mendation of the judiciary
commission, the supreme court
may censure, suspend with or
without salary, remove from
office, or retire involuntarily
a judge for willful misconduct

[759]
in office which would constitute a felony, or conviction of a felony. On recommendation of the Judiciary Commission, the supreme court may disqualify a judge from exercising any judicial function, without loss of salary, during the pendency of the proceedings in the supreme court. On recommendation of the Judiciary Commission, the supreme court may retire involuntarily a judge for disability that seriously interferes with the performance of his duties and that is, or is likely to become, of a permanent character. The supreme court shall make rules implementing this section and

providing for confidentiality and privilege of commission proceedings.

(F) Action against a judge under this Section shall not preclude disciplinary action against

relating to his official duty, willful and persistent failure to perform his duty, persistent and public conduct prejudicial to the administration of justice that brings the judicial office into disrepute, conduct while in office which would constitute a felony, or conviction of a felony. On recommendation of the judiciary commission, the supreme court may disqualify a judge from exercising any judicial function, without loss of salary, during pendency of proceedings in the supreme court. On recommendation of the judiciary commission, the supreme court may retire involuntarily a judge for disability that seriously interferes with the performance of his duties and that is or is likely to become permanent. The supreme court
him with respect to his license to practice law. shall make rules implementing this Section and providing for confidentiality and privilege of commission proceedings.

(D) Other Disciplinary Action. Action against a judge under this Section shall not preclude disciplinary action against him concerning his license to practice law.

Comment:
(1) See Manual, Rules 22-26--lower case title when not official.

(2) Enumeration suggested for readability.

(3) Elements, II, 15--parallelism.


(5) Elements, II, 15--consistent usage.

(6) Elements, II, 11--positive form.


(8) Ibid.

(9) Ibid.

(10) Webster's, Rule 4.1.2.1--clause or phrase essential to main idea of sentence not set off by commas.


Section 26. Department of Justice; Composition; Attorney General; Election and Assistants

Section 26. There shall be a department of justice consisting of an attorney general, a first assistant attorney general, and other necessary assistants and staff. The attorney general shall be elected for a term of four years at the state general election, and the assistants shall be appointed by the attorney general to serve at his pleasure.

Comment:

(1) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.

(2) Manual, Rule 11--active voice.

Section 27. Attorney General; Powers and Duties; Vacancy

Section 27. (A) The attorney general shall be the state's
chief legal officer. As may be necessary for the assertion or protection of the rights and interests of the state, the attorney general shall have authority to:

(1) institute and prosecute or intervene in any civil actions or proceedings;
(2) advise and assist, upon request of a district attorney, in the prosecution of a criminal case; and
(3) for cause when authorized by the court of original jurisdiction in which any proceeding or affidavit is pending, subject to judicial review, supersede any attorney representing the state in any civil or criminal action.

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

Comment:

(2) Standardization of language.
Section 27 becomes Section 26.


(4) Webster's Rule 4.2.1—commas set off introductory expressions.

(5) Elements, V, 16—be clear.

(6) Preferred spelling of "supersede."


(9) Standardization of language.

Section 28 become Section 29

Section 27 (B) become (A), (B), (C)

1 Section 28. District Attorney; Election;
2 Qualifications; Assistants
3 Section 28. In each judicial district a district attorney
4 shall be elected by the qualified electors of the district
5 for a term of six years. He
6 shall have been admitted to the practice of law in the state for
7 at least five years prior to
8 his election and shall have
9 resided in the district for
10 the two years immediately preceding election. A district
11 attorney may select such as-

1 Section 27. District Attorney;
2 (A) Election;
3 Qualifications; Assistants. In each judicial district a district attorney shall be elected for a term of six years. He shall have been admitted to the practice of law in the state for at least five years prior to his election and shall have resided in the district for the two years immediately preceding election. A district attorney may select such as-
4 (B) Powers. Except as otherwise provided by this constitution,
sistants as may be authorized
by law and other personnel.

**Section 37(B)**

17 a district attorney, or his desig-
nated assistant, shall have charge
18 of every criminal prosecution by
19 the state in his district, be the
20 representative of the state before
21 the grand jury in his district, and
22 be the legal advisor to the grand
23 jury. He shall perform other
24 duties provided by law.
25
26 (C) Prohibition. No district at-
torney or assistant district attorney shall
27 appear, plead, or in any way defend
28 or assist in defending any criminal
29 prosecution or charge. A violation
30 of this Paragraph shall be cause
31 for removal.
32
33 **Comment:**


(2) Ibid.


(5) Webster's, Rule 4.4.2--comma added for clarity.

(6) Standardization of language.

(7) Elements, II, 15--parallelism.

(8) Elements, II, 16--keep related words together.

Section 27

(A), (B)+(C)
(9) Elements, II, 15—parallelism; Elements, V, 16—be clear.


(13) Webster's, Rule 4.4.1—no comma between closely related grammatical sequences.

(14) Elements, V, 16—be clear.

SECTION 29 becomes

1 Section 29. Defense of
2 Criminal Prosecution; Removal
3 Section 29. No district
4 attorney or assistant district
5 attorney shall appear, plead or
6 in any way defend, or assist in
7 defending any criminal prosecu-
8 tion or charge. A violation shall
9 be cause for removal.
10
11
12

40
Section 30. Sheriff; Duties; Tax Collector

Section 30. In each parish, a sheriff shall be elected for a term of four years. He shall be the chief law enforcement officer in the parish, except as otherwise provided by this constitution, and shall execute court orders and process. He shall be the collector of state and parish ad valorem taxes and such other taxes and licenses as provided by law.

This section shall not apply to the Parish of Orleans.

Comment:

(1) Webster's, Rule 4.4.1--no comma between closely related grammatical sequences.

(2) Elements, V, 16--be clear.

(3) Standardization of language.
Section 31
(A) + (B)

1. Section 31. Clerks; Elections;
   Powers and Duties; Deputies;
   Office Hours

Section 31. (A) In each parish,
a clerk of the district court
shall be elected by the qualified electors of the parish for
a term of four years. He shall
be ex officio notary public and
parish recorder of conveyances,
mortgages, and other acts and
shall have such other duties
and powers as may be prescribed
by law. The clerk may appoint
deputies with such duties and
powers as may be prescribed by
law and he may appoint, with
the approval of the district judges, minute clerks with such
duties and powers as may be
prescribed by law.

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

Comment:

(1) Webster's, Rule 4.4.1—no comma between closely
related grammatical sequences.
Section 32 becomes

1 Section 32. Coroners; Election; Term; Qualifications; Duties

2 Section 32. In each parish, a coroner shall be elected for a term of four years. He shall be a licensed physician and possess such other qualifications and perform such duties as are provided by law; however, the requirement that he be a licensed physician shall not apply to any parish in which there is no licensed physician who will accept the office.

Comment:

(1) Webster's, Rule 4.4.1--no comma between closely related grammatical sequences.
Section 33

Section 33. Vacancies

When a vacancy occurs in the following offices, the duties of the office, until it is filled by election as provided by law, shall be assumed by:

1. In the case of sheriff, the chief criminal deputy;
2. District attorney, the first assistant;
3. Clerk of a district court, the chief deputy;
4. Coroner, the chief deputy. If there is no such person to assume the duties at the time of the vacancy, the governing authority or authorities of the parish or parishes concerned shall appoint a qualified person to assume the duties as provided by law.

Section 31

Section 31. Vacancies

When a vacancy occurs in the following offices, the duties of the office, until it is filled by election as provided by law, shall be assumed by the persons herein designated:

1. Sheriff, by the chief criminal deputy;
2. District attorney, by the first assistant;
3. Clerk of a district court, by the chief deputy;
4. Coroner, by the chief deputy. If there is no such person to assume the duties when the vacancy occurs, the governing authority or autho-
duties of the office until filled by election.

Comment:

(1) *Elements*, V, 16--be clear.


(3) Enumeration suggested for readability.

(4) *Elements*, II, 15--parallelism.


**SECTION 34 becomes**

1 Section 34. Reduction of Salaries and Benefits Prohibited
2 Section 34. No attorney general, judge, district attorney, sheriff, coroner, or clerk of the district court shall have his salary or retirement benefits diminished during his term of office.

Comment:

(1) Sentence rearranged to conform with construction and to parallel content of Section 21; protection of judges moved to Section 21.
Section 35. Orleans Parish Courts, Officials; Continued

Section 35. Except for provisions relating to terms of office as provided elsewhere in this Article and notwithstanding any other provision of this constitution to the contrary, the following courts and officers in Orleans Parish are continued, subject to change by a vote of a majority of the elected members of each house of the legislature: the civil and criminal district courts, the city, municipal, traffic and juvenile courts, the clerks of the civil and criminal district courts, the civil and criminal sheriffs, the constables and the clerks of the first and second city courts, the register of conveyances, and the recorder of mortgages.

Comment:

(1) Webster's, Rule 4.2.1--comma sets off introductory adverbial clause.
Section 36
(A) + (B)

1 Section 36. Jurors;
2 Qualifications; Exemptions
3 Section 36. (A) A citizen of
4 the state, who is domiciled within
5 the parish in which he is to
6 serve as a juror and who has
7 reached the age of majority, is
8 eligible to serve as a juror.
9 The legislature may provide
10 additional qualifications.
11 (B) The supreme court by rule
12 shall provide for exemption of
13 jurors.

Comment:

(1) Manual, Rules 5, 13 and Elements, II, 13--omit
needless words.

(2) Elements, II, 16--keep related words together.

Section 34
(A) + (B)

1 Section 34. Jurors
2 Section 34. (A) Qualifications. A citizen of
3 the state who has reached the age
4 of majority is eligible to
5 serve as a juror within the
6 parish in which he is domiciled.
7 The legislature may provide
8 additional qualifications.
9 (B) Exemptions. The
10 supreme court shall provide
11 by rule for exemption of
12 jurors.
Section 37. Grand Jury

Section 37. (A) There shall be a grand jury or grand juries in each parish whose qualifications, duties and responsibilities shall be provided by law. The secrecy of the proceedings, including the identity of the witnesses appearing, shall be provided for by law.

(B) Except as otherwise provided in this constitution, a district attorney, or his designated assistant, shall have charge of every criminal prosecution by the state in his district, shall be the representative of the state in his district before the grand jury, and its legal advisor. He shall perform such other duties as may be provided by law.

(C) At all stages of grand jury proceedings, anyone testifying in such proceedings shall have the right to the advice of counsel while testifying.

Section 35. Grand Jury

Section 35. (A) Grand Jury. There shall be a grand jury or grand juries in each parish, whose qualifications, duties, and responsibilities shall be provided by law. The secrecy of the proceedings, including the identity of witnesses, shall be provided by law.

(B) Right to Counsel. A person testifying at any stage in grand jury proceedings shall have the right to the advice of counsel while testifying.

Note: Section 37 (B) as enrolled becomes Section 27 (B) - See page 38 -
Comment:

(1) Webster's, Rule 4.1.2--commas to set off appositional phrase.


(4) Ibid.

(5) Ibid.

December 17, 1973

TO: Committee on Style and Drafting
FROM: Committee on Judicary
RE: Stylistic Changes Suggested by Judicary Committee:

1. In Section 4, the committee recommends substituting the words "law enacted by" for the words "the favorable vote of" so that the section would read as follows:

   "Section 4. Supreme Court: Districts
   Section 4. The state shall be divided into at least six supreme court districts, and at least one judge shall be elected from each. The districts and the number of judges assigned to each on the effective date of this constitution are retained, subject to change by law enacted by two-thirds of the elected members of each house of the legislature."

2. In Section 9, the committee recommends substituting the words "law enacted by" for the words "the favorable vote of" so that the section would read as follows:

   "Section 9. Courts of Appeal: Circuits and Districts
   Section 9. Each circuit shall be divided into at least three districts, and at least one judge shall be elected from each. After January 1, 1975, no judge shall be elected at large from within the circuit. The courts and districts and the number of judges as elected in each circuit on the effective date of this constitution are retained, subject to change by law enacted by two-thirds of the elected members of each house of the legislature."

3. In Section 10(A), the committee recommends substituting civil "matters" for civil "cases" so that the paragraph would read as follows:

   "(A) Jurisdiction. Except in cases appealable to the supreme court and except as otherwise provided by this constitution, a court of appeals has appellate jurisdiction of all (1) civil matters decided within its circuit and (2) matters appealable from family and juvenile courts, except criminal prosecutions of persons other than juveniles. It has supervisory jurisdiction over cases in which an appeal would lie to it."

4. In Section 15(D), the committee recommends substituting the words "law enacted by" for the words "the favorable vote of" so that the paragraph would read as follows:

   "(D) Number of Judges. The legislature may change the number of judges in any judicial district by law enacted by two-thirds of the elected members of each house."

5. In Section 16(A), the committee recommends using term "political subdivision" in lieu of the words "political corporation" so that the paragraph would read as follows:

   "(A) Original Jurisdiction. Except as otherwise authorized by this constitution, a district court shall have original jurisdiction of all civil and criminal matters. It shall have exclusive original jurisdiction on the following cases and of cases involving title to immovable property; the right to office or public position; civil or political rights; probate and succession matters; the state, a political subdivision, or a succession, as a defendant; and the appointment of receivers or liquidators for corporations or partnerships."

6. In Section 18, the committee recommends inserting the words "Section 16 of" immediately before the words "this Article" so that the section would read as follows:

   "Section 18. Juvenile Courts: Jurisdiction
   Section 18. Notwithstanding any contrary provision of Section 16 of this Article, juvenile and family courts shall have jurisdiction as provided by law.
   Section 18."

7. In Section 19, the committee recommends substituting the word "law" for the words "the legislature" so that the section would read as follows:

   "Section 19. Mayors' Courts: Justice of the Peace Courts
   Section 19. Mayors' courts and justice of the peace courts existing on the effective date of this constitution are continued subject to change by law."

8. In Section 23, the committee recommends deleting the words "while in office" so that the section would read as follows:

   "Section 23. Judges: Qualifications
   Section 23. A judge of the supreme court, a court of appeal, district court, family court, parish court, or court having solely juvenile jurisdiction shall have been admitted to the practice of law in this state for at least five years prior to his election, and shall have been domiciled in the respective district, circuit, or parish for the two years preceding election. He shall not practice law."

9. In Section 33, the committee recommends substituting the word "law" for the words "vote of a majority of the elected members of each house of the legislature" so that the section would read as follows:

   "Section 33. Orleans Parish Courts, Officials
   Section 33. Except for provisions relating to terms of office as provided elsewhere in this Article, and notwithstanding any other contrary provision of this constitution, the following courts and officers in Orleans Parish are continued, subject to change by law: the civil and criminal district courts; the city, municipal, traffic, and juvenile courts; the clerks of the civil and criminal district courts; the civil and criminal sheriffs; the constables and the clerks of the first and second city courts; the register of conveyances; and the recorder of mortgages."

8. Further Changes Suggested by the Judicary Committee, but which Require Floor Discussion (Yellow Caveat Amendments):

1. In Section 8(B), the committee recommends inserting the words "en banc" or "immediately after the word "reeveered" and before the word "before" so that the paragraph would read as follows:

   "(B) Reevaluation. A majority of the judges sitting in a court must concur to render judgment. However, when a judgment of a district court is to be modified or reversed and one judge dissents, the case shall be reevaluated en banc or before a panel of at least five judges prior to rendition of judgment, and a majority must concur to render judgment."

2. In Section 9, the committee recommends adopting the latest expression of convention will so that Delegate Proposal No. 32, as styled, becomes Section 9. It, therefore, recommends deleting the sentence, "After January 1, 1975, no judge shall be elected at large from within the circuit." Section 9 would then read as follows:

   "Section 9. Courts of Appeal: Circuits and Districts
   Section 9. Each circuit shall be divided into at least three districts, and at least one judge shall be elected from each. The circuits and districts and the number of judges as elected in each circuit on the effective date of this constitution are retained, subject to change by law enacted by two-thirds of the elected members of each house of the legislature."

[775]
ARTICLE V.
Judicial Branch

Section 1. The judicial power shall be vested in a supreme court, courts of appeal, district courts, and other courts authorized by this constitution.

COMMENT:

2. Elements, V, 16 -- be clear.
Section 10. Courts of
Appeal; Appellate and
Supervisory Jurisdiction

Section 10. (A) Except in
those cases appealable to the
supreme court and as otherwise
provided in this constitution, a
court of appeal has appellate
jurisdiction of all civil cases
decided within its circuit. It
has appellate jurisdiction of
all matters appealed from the
family and juvenile courts,
except criminal prosecutions
of persons other than juveniles.
It has supervisory jurisdiction
over all cases in which an
appeal would lie to that court.

(B) Except as limited to
questions of law by this consti-
tution or as provided by law in
the case of review of adminis-
trative agency determinations,
it appellate jurisdiction
extends to law and facts.

Comment:
(1) Manual, Rules 5, 13 and Elements, 11, 13 omit
needless words.
Section 10

(a) 1(b)


(7) Ibid.

(8) Ibid.

(9) Manual, Rule 5--substitute word for phrase.

(10) Webster's, Rule 4.2.1--comma sets off introductory adverbial clause.


(12) Elements, V, 16--be clear.

Section 18

1 Section 18. Juvenile Courts;
2 Jurisdiction
3 Section 18. Notwithstanding any provision of this Article to the contrary, the juvenile and family courts shall have such jurisdiction as the legislature shall provide by law.

COMMENTS:

(1) Standardization of language.
Section 24. Judges; Qualifications; Practice of Law

A judge of the supreme court, court of appeal, district court, family court, parish court, or court having solely juvenile jurisdiction shall have been admitted to the practice of law in this state for at least five years prior to his election, shall have been domiciled in the respective district, circuit, or parish for at least two years immediately preceding election, and shall not practice law.

Comment:
(1) Elements, II, 12--use specific language.
Section 35. Orleans Parish Courts, Officials; Continued

Section 35. Except for provisions relating to terms of office as provided elsewhere in this Article and notwithstanding any other provision of this constitution to the contrary, the following courts and officers in Orleans Parish are continued, subject to change by a vote of a majority of the elected members of each house of the legislature: the civil and criminal district courts, the city, municipal, traffic and juvenile courts, the clerks of the civil and criminal district courts, the civil and criminal sheriffs, the constables and the clerks of the first and second city courts.

Section 33. Orleans Parish Courts, Officials

Section 33. Except for provisions relating to terms of office as provided elsewhere in this Article, and notwithstanding any other contrary provision of this constitution, the following courts and officers in Orleans Parish are continued, subject to change by law: the civil and criminal district courts; the city, municipal, traffic, and juvenile courts; the clerks of the civil and criminal district courts; the civil and criminal sheriffs; the constables and the clerks of the first and second city courts; the register of conveyances; and the recorder of mortgages.
courts, the register of conveyances, and the recorder of mortgages.

Comment:
(1) Webster's, Rule 4.2.1--comma sets off introductory adverbial clause.
(2) Manual, Rule 5--substitute word for phrase.
(3) Standardization of language.
(4) Webster's, Rule 5.1.3--semicolon as strong comma.

COMMITTEE PROPOSAL NO. 21: FIRST ENROLLMENT

Changes recommended by Committee on Judiciary and Committee on Style and Drafting to clarify possible ambiguous language in enrolled proposal, but involving possible substantive change in the provision as adopted by the Convention.

COMPARATIVE PRESENTATION

SECTION AS ADOPTED: ENCOMPASSING CHANGES RECOMMENDED BY COMMITTEE ON STYLE AND DRAFTING

1 Section 9. Courts of Appeal; Circuits and Districts
2 Section 9. Each circuit shall be divided into at least three districts, and at least one judge shall be elected from each. After January 1, 1975, no judge shall be elected at large from within

FURTHER CHANGES RECOMMENDED BY BOTH COMMITTEES TO CLARIFY POSSIBLE AMBIGUITIES

1 Section 9. Courts of Appeal; Circuits and Districts
2 Section 9. Each circuit shall be divided into at least three districts, and at least one judge shall be elected from each. The circuits and districts and the number of judges as elected in each circuit
the circuit. The circuits and districts and the number of judges as elected in each circuit on the effective date of this constitution are retained, subject to change by law enacted by two-thirds of the elected members of each house of the legislature.

CAVEAT: In Section 9 as enrolled, the second sentence reads, "After January 1, 1975, no judge shall be elected at large from within the circuit." Subsequently, the convention adopted Delegate Proposal No. 32 which restated Section 9 without that second sentence. The convention has thus adopted possible conflicting provisions. If the latest expression of the convention is to be preferred, Section 9 would delete that second sentence.

Section 16 (A)

(A) Original Jurisdiction. Except as otherwise authorized by this constitution, a district court shall have original jurisdiction of all civil and criminal matters. It shall have exclusive original jurisdiction of felony cases and of cases involving title to immovable property; the right to office or other public position; civil or political rights; probate and succession matters; the state,
succession matters; the state, a political corporation, or a succession, as a defendant; and the appointment of receivers or liquidators for corporations or partnerships.

CAVEAT: In referring to the exclusive original jurisdiction of the district court, the section as enrolled makes reference to cases in which "a political corporation" is a defendant. That expression restates the corresponding provision of the 1921 Constitution. However, in light of the subsequent use and definition, in the article on local and parochial government, of the term "political subdivision," it may be clearer to use the expression "political corporation or political subdivision." Such usage would continue in effect the judicial construction of the term political corporation as well as include the meaning of political subdivision as used in the new constitution.
practice of law in this state for at least five years prior to his election, and shall have been domiciled in the respective district, circuit, or parish for the two years preceding election. He shall not practice law.

CAVEAT: As adopted by the convention, the residence and practice requirements for judges are stated in terms of time periods preceding election. To be consistent with the time requirements used in the legislative and executive articles, the reference should be to the time preceding "qualification as a candidate."

Section 27 (a)

(A) Election; Qualifications; Assistants. In each judicial district a district attorney shall be elected for a term of six years. He shall have been admitted to the practice of law in the state for at least five years prior to his election and shall have resided in the district for the two years preceding election.
A district attorney may select assistants as authorized by law, and other personnel.

Caveat: As adopted by the convention, the residence and practice requirements for district attorneys are stated in terms of time periods preceding election. To be consistent with the time requirements used in the legislative and executive articles, the reference should be to the time preceding "qualification as a candidate."

Adopted 1/2/74

DOCUMENT NO. XXVII

COMMITTEE PROPOSAL NO. 22: FIRST ENROLLMENT

CODE OF ETHICS

Staff Styling Suggestions: Comparative Presentation

<table>
<thead>
<tr>
<th>PROPOSAL AS ENROLLED</th>
<th>SUGGESTED CHANGES</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 ARTICLE ___.</td>
<td>1 ARTICLE ___.</td>
</tr>
<tr>
<td>2 Section ___. Code of Ethics; Board of Ethics</td>
<td>2 Section 1. Code of Ethics</td>
</tr>
<tr>
<td>4 Section ___. (A) The legislature shall enact a code of ethics for all officials and employees of the state and its political subdivisions.</td>
<td>4 Section 1. The legislature shall enact a code of ethics for all officials and employees of the state and its political subdivisions.</td>
</tr>
<tr>
<td>6 ethics for all officials and employees of the state and its political subdivisions.</td>
<td>6 The code shall be administered by one or more boards created by the legislature with qualifications, terms of office, duties, and powers</td>
</tr>
<tr>
<td>9 (B) The code of ethics shall be administered by a board or</td>
<td></td>
</tr>
</tbody>
</table>

[785]
Boards of ethics created by the legislature with such qualifications, terms of office, duties, and powers as provided by law. (C) The decisions of the board shall be appealable and the legislature shall provide the method of appeal.

NOTES
C.P. No. 22 Floor Presentation, dated 1/8/74, duplicates, Document No. XXVIII, above.

11/13/73

DOCUMENT X

COMMITTEE PROPOSAL NO. 23: FIRST ENROLLMENT

Staff Styling Suggestions: Comparative Presentation

PROPOSAL AS ENROLLED

1 ARTICLE
2 Section . Dual Employment and Dual Officeholding
3 Section . (A) The legislature shall enact laws defining and regulating dual employment and defining, regulating and pro-

SUGGESTED CHANGES

1 ARTICLE
2 Section . Dual Employment and Dual Officeholding
3 Section . (n) The legislature shall enact laws defining and regulating dual employment and defining, regulating, and pro-
8 hibiting dual officeholding in 9 state and local government.

COMMENT:

(1) Letter (A) deleted because Section is only one paragraph.


NOTES


11/13/73

DOCUMENT VIII

COMMITTEE PROPOSAL NO. 25: FIRST ENROLLMENT

Staff Styling Suggestions: Comparative Presentation

PROPOSAL AS ENROLLED

1 A PREAMBLE

2 We, the people of Louisiana,

3 grateful to Almighty God for the

4 civil, political, economic, and

5 religious liberties we enjoy, and

SUGGESTED CHANGES

1 A PREAMBLE

2 We, the people of

3 Louisiana, grateful to

4 Almighty God for the civil,

5 political, economic, and
desiring to protect individual rights to life, liberty, and property; afford opportunity for the fullest development of the individual; assure equality of rights; promote the health, safety, education, and welfare of the people; maintain a representative and orderly government; ensure domestic tranquility; provide for the common defense; and secure the blessings of freedom and justice to ourselves and our posterity, do ordain and establish this constitution.

ARTICLE I. DECLARATION OF RIGHTS
Section 1. Origin and Purpose of Government
Section 1. All government, of right, originates with the people, and is founded on their will alone, and...
is instituted to protect the rights of the individual and for the good of the whole. Its only legitimate ends are to secure justice for all, preserve peace, protect the rights, and promote the happiness, and general welfare of the people. The rights enumerated in this Article are inalienable by the state and shall be preserved inviolate by the state.

COMMENT:

(1) Do not separate two objects of same infinitive.

---

Section 2. Due Process of Law

Section 2. No person shall be deprived of life, liberty or property, except by due process of law.

COMMENT:

Section 3. Right to Individual Dignity

Section 3. No person shall be denied the equal protection of the law. No law shall discriminate against a person on account of race or religious ideas, religious beliefs, or religious affiliations. No law shall arbitrarily, capriciously, or unreasonably discriminate against any person by reason of birth, age, sex, culture, physical condition, political ideas or political affiliation. Slavery and involuntary servitude are prohibited except in the latter case as a punishment for crime.

COMMENT:

(1) Manual, Rule 5--substitute word for phrase.


(3) Standardization of language.

(4) Manual, Rule 5--substitute word for phrase.


(6) Ibid.
Section 4. Right to Property

Every person has the right to acquire, control, own, use, enjoy, protect, and dispose of private property. This right is subject to reasonable statutory restrictions and the reasonable exercise of the police power. Property shall not be taken or damaged by the state or its political subdivisions except for public purposes and with just compensation paid to the owner or into court for his benefit. Property shall not be taken or damaged by any private entity authorized by law to expropriate property, except for a public and necessary purpose and with just compensation paid to the owner and, in such proceedings, the issue of whether the purpose is public and necessary shall be a judicial question. In all expropriations, any party shall have the right to trial by jury to determine compensation and the owner shall be compensated to the full extent of his loss. No business
29 enterprise or any of its assets shall be taken for the purpose of operating that enterprise or for the purpose of halting competition with government enterprises, except that municipalities may expropriate utilities within their jurisdiction. (4) has the right to trial by jury to determine compensation, and the owner shall be compensated to the full extent of his loss. No business enterprise or any of its assets shall be taken for

-5-

Section 4

1 Personal effects, other than contraband, shall never be taken. The provisions of this Section shall not apply to appropriation of property necessary for levee and levee-drainage purposes.

1 the purpose of operating (6) that enterprise or halting competition with a government enterprise. However, (7) (8) a municipality may expropriate a utility within (9) its jurisdiction. Personal effects, other than contraband, shall never be taken. (10) This Section shall not apply to appropriation of property necessary for levee and levee drainage purposes.

COMMENT:


Section 5. Right to Privacy

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

(3) Section 6.

COMMENT:

(1) Elements, V, 16 -- be clear.


(3) Manual, Rule 5 -- substitute word for phrase.


(5) Ibid.

Section 6. Freedom from Intrusion

Section 6. No person shall be quartered in any house without the consent of the owner or lawful occupant.

COMMENT:

NO CHANGE
Section 9. Liberty of Speech and Freedom of the Press

Section 9. No law shall ever be passed to curtail or restrain the liberty of speech or freedom of the press; any person may speak, write and publish his sentiments on all subjects, being responsible for the abuse of that liberty or freedom.

Section 10. Freedom of Religion

Section 10. Freedom of Religion

COMMENT:


(2) Ibid.

(3) Manual, Rule 10 -- short sentences; Rule 14 -- unrelated ideas in separate sentences.


(7) Ibid.

Section 10 becomes Section 8

Section 8. Freedom of Religion

Section 8. Freedom of Religion
Section 10. No law shall be enacted respecting an establishment of religion or prohibiting the free exercise thereof.

Comment:

No change

Section 11. Freedom of Assembly and Movement

Section 11. No law shall impair the right of every person to assemble peaceably or to petition government for a redress of grievances.

Comment:


(2) Conjunction changed from "or" to "and"

Section 12. Rights of the Accused

Section 12. When any person has been arrested or detained in connection with the investigation or commission of any offense, he shall be advised fully of the reason for his arrest or detention, his right to remain silent, his right against self incrimination, his right to the assistance of counsel and, to court appointed counsel, if indigent. In all criminal prosecutions, the accused shall be informed of the nature and cause of the accusation against him. At all stages of the proceedings, every person shall be entitled to assistance of counsel of his choice, or appointed by the court in indigent cases if charged with an offense punishable by imprisonment. The legislature shall provide for a uniform system for securing counsel for indigents, including qualifications and compensation.
Section 10

COMMENT:


(2) Comma deleted with deletion of introductory adverbial clause.

(3) Elements, V, 16 -- be clear.


(5) Elements, II, 15 -- parallelism.


(8) Element, V, 16 -- be clear.

Section 27 becomes Section 11

Section 27. Right to Preliminary Examination

Section 27. In all felony cases, except those indicted by a grand jury, the right to a preliminary examination shall not be denied.

Section 11. Right to Preliminary Examination

Section 11. In felony cases, except those indicted by a grand jury, the right to a preliminary examination shall not be denied.

COMMENT:


-13-
Section 13. Initiation of Prosecution

Section 13. Prosecution of felonies shall be initiated by indictment or information, provided that no person shall be held to answer for any capital crime or any crime punishable by life imprisonment, except on indictment by a grand jury. No person shall be twice placed in jeopardy for the same offense, except on his application for a new trial or when a mistrial is declared or a motion in arrest of judgment is sustained.

COMMENT:


(2) Manual, Rule 5--substitute word for phrase.

(3) Standardization of language.

(4) Elements, V, 16--be clear.


(7) Ibid.
Section 15. Fair Trial

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

COMMENT:


(2) See Elements, I, 4—omit comma when subject common to two verbs and connective is "and."


<table>
<thead>
<tr>
<th>Section 16.</th>
<th>Criminal Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>16.</td>
<td>Trial by Jury</td>
</tr>
</tbody>
</table>

**Section 16. Criminal Cases**

1. **Section 16.** Criminal cases in which the punishment may be capital shall be tried before a jury of twelve persons, all of whom must concur to render a verdict.

2. Cases in which the punishment is necessarily confinement at hard labor or confinement without hard labor for more than six months shall be tried before a jury of twelve persons, ten of whom must concur to render a verdict.

3. Cases in which the punishment may be confinement at hard labor or confinement without hard labor for more than six months shall be tried before a jury of six persons, five of whom must concur to render a verdict.

4. Cases in which the punishment is necessarily confinement at hard labor or confinement without hard labor for more than six months shall be tried before a jury of six persons, five of whom must concur to render a verdict.

5. Cases in which the punishment may be confinement at hard labor or confinement without hard labor for more than six months shall be tried before a jury of six persons, five of whom must concur to render a verdict.

6. The accused shall have the right to full voir dire examination of prospective jurors and to challenge jurors peremptorily. The number of challenges shall be fixed by law.

7. Cases in which the punishment may be necessarily confinement at hard labor or confinement without hard labor for more than six months shall be tried before a jury of six persons, five of whom must concur to render a verdict.

8. Cases in which the punishment is necessarily confinement at hard labor or confinement without hard labor for more than six months shall be tried before a jury of six persons, five of whom must concur to render a verdict.

9. Cases in which the punishment may be necessarily confinement at hard labor or confinement without hard labor for more than six months shall be tried before a jury of six persons, five of whom must concur to render a verdict.

10. The accused shall have the right to full voir dire examination of prospective jurors and to challenge jurors peremptorily. The number of challenges shall be fixed by law.

11. Cases in which the punishment is necessarily confinement at hard labor or confinement without hard labor for more than six months shall be tried before a jury of six persons, five of whom must concur to render a verdict.

12. Cases in which the punishment may be necessarily confinement at hard labor or confinement without hard labor for more than six months shall be tried before a jury of six persons, five of whom must concur to render a verdict.

13. Cases in which the punishment is necessarily confinement at hard labor or confinement without hard labor for more than six months shall be tried before a jury of six persons, five of whom must concur to render a verdict.

14. The accused shall have the right to full voir dire examination of prospective jurors and to challenge jurors peremptorily. The number of challenges shall be fixed by law.

15. Cases in which the punishment is necessarily confinement at hard labor or confinement without hard labor for more than six months shall be tried before a jury of six persons, five of whom must concur to render a verdict.

16. Cases in which the punishment may be necessarily confinement at hard labor or confinement without hard labor for more than six months shall be tried before a jury of six persons, five of whom must concur to render a verdict.

17. The accused shall have the right to full voir dire examination of prospective jurors and to challenge jurors peremptorily. The number of challenges shall be fixed by law.

18. Cases in which the punishment is necessarily confinement at hard labor or confinement without hard labor for more than six months shall be tried before a jury of six persons, five of whom must concur to render a verdict.

19. Cases in which the punishment may be necessarily confinement at hard labor or confinement without hard labor for more than six months shall be tried before a jury of six persons, five of whom must concur to render a verdict.

20. The accused shall have the right to full voir dire examination of prospective jurors and to challenge jurors peremptorily. The number of challenges shall be fixed by law.

21. Cases in which the punishment is necessarily confinement at hard labor or confinement without hard labor for more than six months shall be tried before a jury of six persons, five of whom must concur to render a verdict.

22. Cases in which the punishment may be necessarily confinement at hard labor or confinement without hard labor for more than six months shall be tried before a jury of six persons, five of whom must concur to render a verdict.

23. The accused shall have the right to full voir dire examination of prospective jurors and to challenge jurors peremptorily. The number of challenges shall be fixed by law.

24. Cases in which the punishment is necessarily confinement at hard labor or confinement without hard labor for more than six months shall be tried before a jury of six persons, five of whom must concur to render a verdict.

25. Cases in which the punishment may be necessarily confinement at hard labor or confinement without hard labor for more than six months shall be tried before a jury of six persons, five of whom must concur to render a verdict.

26. The accused shall have the right to full voir dire examination of prospective jurors and to challenge jurors peremptorily. The number of challenges shall be fixed by law.

27. Cases in which the punishment is necessarily confinement at hard labor or confinement without hard labor for more than six months shall be tried before a jury of six persons, five of whom must concur to render a verdict.

28. Cases in which the punishment may be necessarily confinement at hard labor or confinement without hard labor for more than six months shall be tried before a jury of six persons, five of whom must concur to render a verdict.

29. The accused shall have the right to full voir dire examination of prospective jurors and to challenge jurors peremptorily. The number of challenges shall be fixed by law.
Section 14

COMMENT:


(2) Manual, Rule 10—short sentences; Rule 12—singularization.


(4) Change preposition from "of" to "for" to aid readability.

(5) Elements, II, 5—parallelism.


(7) Elements, II, 9—paragraph unit of composition; sentence placement selected to end unit.

Section 17 becomes Section 15

1 Section 17. Right to Bail 1 Section 15. Right to Bail
2 Section 17. Excessive bail shall2 Section 15. Excessive
3 not be required. Before and during 3 bail shall not be required.
4 a trial, a person shall be bailable 4 Before and during a trial,
5 by sufficient sureties, unless 5 a person shall be bailable (1)
6 charged with a capital offense and 6 by sufficient sureties unless
7 the proof is evident and the pre- 7 charged with a capital

[802]
Sumption of guilt is great. After conviction and before sentencing, a person shall be bailable if the maximum sentence which may be imposed is imprisonment of five years or less. The judge may grant bail if the maximum sentence which may be imposed is imprisonment in excess of five years. After sentencing and until final judgment, persons shall be bailable if the sentence actually imposed is five years or less and the judge in his discretion may grant bail if the sentence actually imposed is in excess of five years imprisonment.

COMMENT:

(1) Webster's, Rule 4.1. 2.1 -- phrase essential to main idea of sentence not set off by commas.

(2) Elements, II, 15 -- parallelism; i.e., preposition changed to conform with Section 14.

(3) Ibid. -- i.e., sentences combined to describe two actions possible during second of three possible time periods.
Last paragraph 16 becomes Section 16

1 No person shall be subjected to imprisonment or forfeiture of his rights or property without the right of judicial review based upon a complete record of all evidence upon which such judgment is based. The cost of the transcription of such record shall be paid as provided by law. This right may be intelligently waived.

1 Section 16. Right to Judicial Review

1 Section 16. No person shall be subjected to imprisonment or forfeiture of rights or property without the right of judicial review based upon a complete record of all evidence upon which the judgment is based. This right may be intelligently waived. The cost of transcribing the record shall be paid as provided by law.

COMMENT:


(2) Manual, Rule 6 -- avoid hackneyed reference words.

(3) See Elements II, 16 -- keep related sentences together.

(4) Manual, Rule 5 -- substitute word for phrase.
**Section 18 becomes**

1. Section 18. Right to Humane Treatment
2. Section 18. No law shall subject any person to euthanasia, torture, cruel, excessive, or unusual punishments. Full rights of citizenship shall be restored upon termination of state and federal supervision following conviction for any offense.

**Section 17**

1. Section 17. Right to Humane Treatment
2. Section 17. No law shall subject any person to euthanasia, to torture, or to cruel, excessive, or unusual punishment. Full rights of citizenship shall be restored upon termination of state and federal supervision following conviction for any offense.

**COMMENT:**

(1) *Eldredge*, 18. 15 -- parallelism.


**Section 21 becomes**

1. Section 21. Writ of Habeas Corpus
2. Section 21. The writ of habeas corpus shall not be suspended.

**Section 18**

1. Section 18. Writ of Habeas Corpus
2. Section 18. The writ of habeas corpus shall not be suspended.

**COMMENT:**

NO CHANGE
Section 22 becomes Section 19

1. Section 22. Access to Courts
2. Section 22. All courts shall be open, and every person shall have an adequate remedy by due process of law and justice, administered without denial, partiality, or unreasonable delay for injury to him in his person, property, reputation, or other rights.

Section 22 becomes Section 19

1. Section 19. Access to Courts
2. Section 19. All courts shall be open, and every person shall have an adequate remedy by due process of law and justice, administered without denial, partiality, or unreasonable delay for injury to him in his person, property, reputation, or other rights.

COMMENT:


Section 19 becomes Section 20

1. Section 19. Right to Vote
2. Section 19. Every citizen of the state, upon reaching eighteen years of age shall have the right to register and vote, except that this right may be suspended while a person is interdicted and judicially declared mentally incompetent, or under an order of imprisonment for conviction of a felony.

Section 20. Right to Vote
(1) Section 20. A citizen of the state, upon reaching eighteen years of age has the right to register and vote.
(2) However, this right may be suspended while a person is declared mentally incompetent, (3) or while he is under an
order of imprisonment for conviction of a felony.

COMMENT:
(1) Standardization of language.
(2) Manual, Rule 11 -- present tense.
(4) Elements, V, 16 -- be clear.

Section 20 becomes Section 21

Section 20. Right to Keep and Bear Arms
Section 20. The right of each citizen to keep and bear arms shall not be abridged, but this provision shall not prevent the passage of laws to prohibit the carrying of weapons concealed on the person.

Section 21. Right to Keep and Bear Arms
Section 21. The right of each citizen to keep and bear arms shall not be abridged, but this provision shall not prevent the passage of laws to prohibit the carrying of weapons concealed on the person.

COMMENT:
NO CHANGE

Section 26 becomes Section 22

Section 26. Freedom from Discrimination
Section 26. In access to public areas, accommodations, and facilities every person shall have the

Section 22. Freedom from Discrimination
Section 22. In access to public areas, accommodations, and facilities every person
right to be free from discrimination based on race, religion, or national ancestry and from arbitrary, capricious, or unreasonable discrimination based on age, sex, or physical condition.

COMMENT:


-24-

Section 23

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

COMMENT:

NO CHANGE

Section 25 becomes Section 24

Section 25. Unenumerated Rights

Section 24. Unenumerated Rights

Section 25. The enumeration

Section 24. The enumeration
21 In this constitution of certain
22 rights shall not be construed to
deny or disparage other rights
24 retained by the individual citi-
25 zens of the state.

COMMENT:
(1) Manual, Rules 5, 13 and Elements, II, 13 --
omit needless words.

AUGMENTED 11/21/73

DOCUMENT XI

COMMITTEE PROPOSAL NO. 25: FIRST ENROLLMENT

BILL OF RIGHTS

Staff Styling Suggestions: Comparative Presentation

PROPOSAL AS ENROLLED

1 A PREAMBLE
2 We, the people of Louisiana,
3 grateful to Almighty God for the
4 civil, political, economic, and
5 religious liberties we enjoy, and
6 desiring to protect individual
7 rights to life, liberty, and pro-
8 perty; afford opportunity for the

SUGGESTED CHANGES

1 PREAMBLE
2 We, the people of
3 Louisiana, grateful to
4 Almighty God for the civil,
5 political, economic, and
6 religious liberties we
7 enjoy, and desiring to
8 protect individual rights
fullest development of the individual; assure equality of rights; promote the health, safety, education, and welfare of the people; maintain a representative and orderly government; ensure domestic tranquility; provide for the common defense; and secure the blessings of freedom and justice to ourselves and our posterity, do ordain and establish this constitution.

COMMENT:

NO CHARGE

ARTICLE I. DECLARATION OF RIGHTS

Section 1. Origin and Purpose of Government

Section 1. All government, of right, originates with the people, is founded on their will alone, and is instituted to protect the rights of the individual and for the good of the whole. Its only legitimate
ends are to secure justice for all, preserve peace, protect the rights, and promote the happiness and general welfare of the people. The rights enumerated in this Article are inalienable by the state and shall be preserved inviolate by the state.

COMMENT:

(1) Do not separate two objects of same infinitive.

Section 2. Due Process of Law

Section 2. No person shall be deprived of life, liberty or property, except by due process of law.

COMMENT:

Section 3. Right to Individual Dignity

Section 3. No person shall be denied the equal protection of the law. No law shall discriminate against a person on account of race or religious ideas, religious beliefs, or religious affiliations. No law shall arbitrarily, capriciously, or unreasonably discriminate against any person by reason of birth, age, sex, culture, physical condition, political ideas or political affiliation. Slavery and involuntary servitude are prohibited, except in the latter case as a punishment for crime.

COMMENT:

(1) Manual, Rule 5--substitute word for phrase.
(3) Standardization of language.
(4) Manual, Rule 5--substitute word for phrase.
(6) Ibid.
Section 9. Liberty of Speech and Freedom of the Press

Section 9. No law shall ever be passed to curtail or restrain the liberty of speech or freedom of the press; any person may speak, write and publish his sentiments on all subjects, being responsible for the abuse of that liberty or freedom.

COMMENT:

(2) Ibid.
(3) Manual, Rule 10 -- short sentences; Rule 14 -- unrelated ideas in separate sentences.
(4) Manual, Rule 20 and Elements, 1, 2 -- commas in series.
(7) Ibid.

Section 10. Freedom of Religion

Section 10. Freedom of Religion

Section 5. Freedom of Religion
Section 10. No law shall be enacted respecting an establishment of religion or prohibiting the free exercise thereof.

Section 5. No law shall be enacted respecting an establishment of religion or prohibiting the free exercise thereof.

COMMENT:

NO CHANGE

SECTION 11 BECOMES SECTION 6

Section 11. Freedom of Assembly and Movement
Section 11. No law shall impair the right of every person to assemble peaceably or to petition government for a redress of grievances.

Section 6. Freedom of Assembly and Petition.
Section 6. No law shall impair the right of every person to assemble peaceably or to petition government for a redress of grievances.

COMMENT:

NO CHANGE

SECTION 19 BECOMES SECTION 7

Section 19. Right to Vote
Section 19. Every citizen of the state, upon reaching eighteen years of age shall have the right to register and vote, except that

Section 7. Right to Vote
Section 7. Every citizen of the state, upon reaching (1) eighteen years of age, shall
this right may be suspended while
a person is interdicted and judi-
cially declared mentally incompe-
tent, or under an order of im-
prisonment for conviction of a
felony.

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COMMENTS:

(1) Webster's, Rule 4.1.1 -- commas to set
parenthetical expression.

(2) Manual, Rule 10 -- short sentences,
Rule 14 -- unrelated ideas in separate sentences.

(3) Elements, II, 15 -- parallelism.

Section 18 becomes Section 8

Section 18. Right to Humane Treatment
Section 18. No law shall sub-
ject any person to euthanasia, tor-
ture, cruel, excessive, or unusual
punishments. Full rights of citi-
zension shall be restored upon
termination of state and federal
supervision following conviction

Section 8. Right to Humane Treatment
Section 8. No law shall
subject any person to euthanasia, to torture, or to
cruel, excessive, or unusual
punishment. Full rights of
citizenship shall be restored
upon termination of state and

[815]
and federal supervision following conviction for any offense.

COMMENT:

(1) Elements, II, 15 -- parallelism.


Section 4. Right to Property

Section 4. Every person has the right to acquire, control, own, use, enjoy, protect, and dispose of private property. This right is subject to reasonable statutory restrictions and the reasonable exercise of the police power. Property shall not be taken or damaged by the state or its political subdivisions except for public purposes and with just compensation paid to the owner or into court for his benefit. Property shall not be taken or damaged by any private entity authorized by law to expropriate property, except for a public and necessary purpose and with just compensation paid to the owner and, in such proceedings,
the issue of whether the purpose is public and necessary shall be a judicial question. In all expropriations, any party shall have the right to trial by jury to determine compensation and the owner shall be compensated to the full extent of his loss. No business enterprise or any of its assets shall be taken for the purpose of operating that enterprise or for the purpose of halting competition with government enterprises, except that municipalities may expropriate utilities within their jurisdiction.

Section 4 became Section 9

1 Personal effects, other than contraband, shall never be taken. The provisions of this Section shall not apply to appropriation of property necessary for levee and levee drainage purposes.

Section 9

1 full extent of his loss.
2 (D) Business Enterprises.
3 No business enterprise or any of its assets shall be taken for the purpose of operating that enterprise or halting completion with a government enterprise. However, a municipality may expropriate a utility within its jurisdiction.
4 (E) Personal Effects. 

[817]
Personal effects, other than contraband, shall never be taken. 

(F) Levees; Appropriations. This Section shall not apply to appropriation of property necessary for levee and levee drainage purposes.

COMMENT:


(2) Ibid.


(4) Webster's, Rule 4.2.3 and Elements, I, 4—comma before conjunction introducing independent clause.


(7) Manual, Rule 10—short sentences; Rule 14—unrelated ideas in separate sentences.


Section 20 becomes Section 10

Section 20. Right to Keep and Bear Arms
Section 20. The right of each citizen to keep and bear arms shall not be abridged, but this provision shall not prevent the passage of laws to prohibit the carrying of weapons concealed on the person.

Section 10. Right to Keep and Bear Arms
Section 10. The right of each citizen to keep and bear arms shall not be abridged, but this provision shall not prevent the passage of laws to prohibit the carrying of weapons concealed on the person.

COMMENT:

NO CHANGE

-11-

Section 5 becomes Section 11

Section 5. Right to Privacy
Section 5. Every person shall be secure in his person, property, communications, houses, papers, and effects against unreasonable searches, seizures, or invasions of privacy. No warrant shall issue without probable cause supported by oath or affirmation particularly describing the place to be searched, the persons or things to be seized, and the lawful purpose or reason

Section 11. Right to Privacy
Section 11. Every person shall be secure in his person, property, communications, houses, papers, and effects against unreasonable searches, seizures, or invasions of privacy. No warrant shall issue without probable cause supported by oath or affirmation, and particularly describ-
for the search. Any person adversely affected by a search or seizure conducted in violation of this Section shall have standing to raise the illegality of that search or seizure in the appropriate court of law.

COMMENT:

(1) *Elements*, V, 16 -- be clear.

(2) Manual, Rule 5 -- substitute word for phrase.


Section 6 becomes Section 12.
Section 26. Freedom from Discrimination

Section 26. In access to public areas, accommodations, and facilities every person shall have the right to be free from discrimination based on race, religion, or national ancestry and from arbitrary, capricious, or unreasonable discrimination based on age, sex, or physical condition.

COMMENT:

Section 23 becomes Section 14

1 Section 23. Prohibited Laws
2 Section 23. No bill of attainder, ex post facto law, or law impairing the obligation of contracts shall be enacted.

Section 14. Prohibited Laws
3 Section 14. No bill of attainder, ex post facto law, or law impairing the obligation of contracts shall be enacted.

COMMENT:

NO CHANGE

Section 22 becomes Section 15

1 Section 22. Access to Courts
2 Section 22. All courts shall be open, and every person shall have an adequate remedy by due process of law and justice, administered without denial, partiality, or unreasonable delay for injury to him in his person, property, reputation, or other rights.

Section 15. Access to Courts
3 Section 15. All courts shall be open, and every person shall have an adequate remedy by due process of law and justice, administered without denial, partiality, or unreasonable delay (1) delay, for injury to him in his person, property, reputation, or other rights.

COMMENT:

Section 21 becomes

Section 16

Section 21. Writ of Habeas Corpus
Section 21. The writ of habeas corpus shall not be suspended.

Section 16. Writ of Habeas Corpus
Section 16. The writ of habeas corpus shall not be suspended.

COMMENT:

NO CHANGE

-15-

Section 12 becomes

Section 17

Section 12. Rights of the Accused
Section 12. When any person has been arrested or detained in connection with the investigation or commission of any offense, he shall be advised fully of the reason for his arrest or detention, his right to remain silent, his right against self incrimination, his right to the assistance of counsel and, to court appointed counsel, if indigent. In all criminal prosecutions, the accused shall be informed of the nature and cause of the accusation against him. At all stages of the proceed-
ings, every person shall be enti-
tled to assistance of counsel of
his choice, or appointed by the
court in indigent cases if charged
with an offense punishable by im-
prisonment. The legislature shall
provide for a uniform system for
securing counsel for indigents,
including qualifications and com-
pensation.

accusation against him. At
each stage of the proceedings,
every person is entitled to
assistance of counsel of his
choice, or appointed by the
court if he is indigent and
charged with an offense punish-
able by imprisonment. The
legislature shall provide for
a uniform system for securing
counsel for indigents, includ-
ing qualifications and com-
pensation.

COMMENT:


(2) Comma deleted with deletion of intro-
ductory adverbial clause.

(3) Elements, V, 16 -- be clear.


(5) Elements, II, 15 -- parallelism.


(8) Element, V, 16. -- be clear.
Section 27 becomes Section 18

1 Section 27. Right to Preliminary Examination
2 Section 27. In all felony cases, except those indicted by a grand jury, the right to a preliminary examination shall not be denied.

Section 18. Right to Preliminary Examination
1 Section 18. The right to a preliminary examination shall not be denied in felony cases except when the accused is indicted by a grand jury.

COMMENT:

(1) Elements, V, 16--be clear.

Section 13 becomes Section 19

1 Section 13. Initiation of Prosecution
2 Section 13. Prosecution of felonies shall be initiated by indictment or information, provided that no person shall be held to answer for any capital crime or any crime punishable by life imprisonment, except on indictment by a grand jury. No person shall be twice placed in jeopardy for the same offense, except on his own application for a new trial.

1 Section 19. Initiation of Prosecution
2 Section 19. Prosecution of a felony shall be initiated by indictment or information, but no person shall be held to answer for a capital crime or a crime punishable by life imprisonment except on indictment by a grand jury. No person shall be twice placed in jeopardy for the same offense, except on his own application for a new trial.
or when a mistrial is declared
or a motion in arrest of judgment is sustained.

COMMENT:

(2) Manual, Rule 5—substitute word for phrase.
(3) Standardization of language.
(4) Elements, V, 16—be clear.
(7) Ibid.

Section 15. Fair Trial

Section 15. Every person charged with a crime shall be presumed innocent until proven guilty, and shall be entitled to a speedy, public, and impartial trial in the parish where the offense or an element of the offense occurred, unless venue be changed in accordance with law. No person shall be compelled to give evidence against himself. An accused shall be entitled to confront and cross-

Section 20. Fair Trial

Section 20. Every person charged with a crime is presumed innocent until proved guilty and is entitled to a speedy, public, and impartial trial in the parish where the offense or an element of the offense occurred, unless venue is changed in accordance with law. No person shall be compelled to give evidence against himself. An accused
examine the witnesses against him, to compel the attendance of witnesses, to present a defense, and to testify in his own behalf. (6)
is entitled to confront and cross-examine the witnesses against him, to compel the attendance of witnesses, to present a defense, and to testify in his own behalf.

COMMENT:

(1) Manual, Rule 11 -- present tense
(2) See Webster's Dictionary -- Preferred usage.
(3) See Elements, I, 4 -- omit comma when subject common to two verbs and connective is "and."

-20-

Section 16 becomes Section 21

1 Section 16. Trial by Jury in Criminal Cases
2  Section 16. Criminal cases in which the punishment may be capital shall be tried before a jury of twelve persons, all of whom must concur to render a verdict; cases in which the punishment is necessarily confinement at hard labor shall be tried before a jury of twelve persons, ten of whom must concur to render a verdict. (2) Cases in which the punishment may

1 Section 21. Jury Trial in Criminal Cases
2  Section 21. A criminal case in which the punishment may be capital shall be tried before a jury of twelve persons, all of whom must concur to render a verdict. (2) A case in which the punishment is necessarily confinement at hard labor shall be tried before a jury of twelve persons, ten of whom must
be confinement at hard labor or
confinement without hard labor
of more than six months, shall be
tried before a jury of six persons,
five of whom must concur to render
a verdict. Except in capital cases,
a defendant may knowingly and in-
telligently waive his right to a
trial by jury. In all criminal
prosecutions tried by a jury the
accused shall have the right to
full voir dire examination of
prospective jurors and to chal-
lenge jurors peremptorily. The
number of challenges shall be
fixed by law.

concur to render a verdict.
A case in which the punishment
may be confinement at hard
labor or confinement without
hard labor for more than six
months shall be tried before
a jury of six persons, five
of whom must concur to render
a verdict. The accused shall
have the right to full voir
dire examination of prospec-
tive jurors and to challenge
jurors peremptorily. The
number of challenges shall be
fixed by law. Except in
capital cases, a defendant
may knowingly and intelligently
waive his right to a trial by
jury.

COMMENT:


(2) Manual, Rule 10--short sentences; Rule 12--
singularization.

(4) Change preposition from "of" to "for" to aid readability.

(5) Elements, II, 5--parallelism.


(7) Elements, II, 9--paragraph unit of composition; sentence placement selected to end unit.

Section 17 becomes Section 22

---

Section 17. Right to Bail  | Section 22. Right to Bail
---|---
1 | 1
2 | 2
3 | 3
4 | 4
5 | 5
6 | 6
7 | 7
8 | 8
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10 | 10
11 | 11
12 | 12
13 | 13
14 | 14
15 | 15
16 | 16
17 | 17
18 | 18
19 | 19
20 | 20

---

1. Section 17. Right to Bail

2. Section 17. Excessive bail shall not be required. Before and during a trial, a person shall be bailable by sufficient sureties, unless charged with a capital offense and the proof is evident and the presumption of guilt is great. After conviction and before sentencing, a person shall be bailable if the maximum sentence which may be imposed is imprisonment of five years or less. The judge may grant bail if the maximum sentence which may be imposed is imprisonment in excess of five years. After sentencing and until final judgment, persons shall be bailable if the sentence actually imposed is five years or less and the judge in his

---

2. Section 22. Excessive bail shall not be required. Before and during a trial, a person shall be bailable by sufficient surety, except when he is charged with a capital offense and the proof is evident and the presumption of guilt is great. After conviction and before sentencing, a person shall be bailable if the maximum sentence which may be imposed is imprisonment for five years or less; the judge may grant bail if the maximum sentence which may be imposed is imprisonment exceeding five years. After sentencing
discretion may grant bail if the sentence actually imposed is in excess of five years imprisonment.

and until final judgment, a person shall be bailable if the sentence actually imposed is five years or less; the judge may grant bail if the sentence actually imposed exceeds imprisonment for five years.

COMMENT:

(1) Manual, Rule 11 -- singularization; Elements, V, 16 -- be clear.

(2) Elements, II, 15 -- parallelism; i.e., preposition changed to conform with Section 14.

(3) Ibid. -- i.e., sentences combined to describe two actions possible during second of three possible time periods.

(4) Manual, Rule 5 -- substitute word for phrase.


(6) Elements, II, 15 -- parallelism; i.e., same construction followed as that described in footnote (3).


(8) Manual, Rule 5 -- substitute word for phrase.

(9) Formalization of language.
No person shall be subjected to imprisonment or forfeiture of his rights or property without the right of judicial review based upon a complete record of all evidence upon which such judgment is based. The cost of the transcription of such record shall be paid as provided by law. This right may be intelligently waived.

**COMMENT:**


3. See Elements II, 16 -- keep related sentences together.

Section 25. The enumeration in this constitution of certain rights shall not be construed to deny or disparage other rights retained by the individual citizens of the state.

Section 24. The enumeration in this constitution of certain rights shall not deny or disparage other rights retained by the individual citizens of the state.

COMMENT:


COMMITTEE PROPOSAL NO. 25: FIRST ENROLLMENT

DECLARATION OF RIGHTS

Styling Suggestions from Committee on Style and Drafting:

COMPARATIVE PRESENTATION

<table>
<thead>
<tr>
<th>SECTIONS ADOPTED BY CONVENTION</th>
<th>CHANGES RECOMMENDED BY COMMITTEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 A PREAMBLE</td>
<td>1 PREAMBLE</td>
</tr>
<tr>
<td>2 We, the people of Louisiana,</td>
<td>2 We, the people of Louisiana,</td>
</tr>
<tr>
<td>3 grateful to Almighty God for</td>
<td>3 grateful to Almighty God for</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
civic, political, economic, and religious liberties we enjoy, and desiring to protect individual rights to life, liberty, and property; afford opportunity for the fullest development of the individual; assure equality of rights; promote the health, safety, education, and welfare of the people; maintain a representative and orderly government; ensure domestic tranquility; provide for the common defense; and secure the blessings of freedom and justice to ourselves and our posterity, do ordain and establish this constitution.

COMMENT:

NO CHANGE

ARTICLE I. DECLARATION OF RIGHTS
Section 1. Origin and Purpose of Government
Section 1. All government, of right, originates with the people,
is founded on their will alone, and is instituted to protect the rights of the individual and for the good of the whole. Its only legitimate ends are to secure justice for all, preserve peace, protect the rights, and promote the happiness, and general welfare of the people. The rights enumerated in this Article are inalienable by the state and shall be preserved inviolate by the state.

COMMENT:

(1) Do not separate two objects of same infinitive.
property, except by due process of law. 4 be deprived of life, liberty, or property, except by due process of law.

COMMENT:


SECTION 3

Section 3. Right to Individual Dignity

Section 3. No person shall be denied the equal protection of the laws. No law shall discriminate against a person on account of race or religious ideas, religious beliefs, or religious affiliations. No law shall arbitrarily, capriciously, or unreasonably discriminate against any person by reason of birth, age, sex, culture, physical condition, political ideas or political affiliation. Slavery and involuntary servitude are prohibited, except in the latter case as a punishment for crime.

COMMENT:

(1) Manual, Rule 5--substitute word for phrase.
Section 4

Section 4. Right to Property

Every person has the right to acquire, control, own, use, enjoy, protect, and dispose of private property. This right is subject to reasonable statutory restrictions and the reasonable exercise of the police power. Property shall not be taken or damaged by the state or its political subdivisions except for public purposes and with just compensation paid to the owner or into court for his benefit. Property shall not be taken or damaged by any private entity authorized by law to expropriate property, except for a public and necessary purpose and with just compensation paid to the owner or into court for his benefit. Property shall not be taken or damaged by the state or its political subdivisions except for public purposes and with just compensation paid to the owner or into court for his benefit. Property shall not be taken or damaged by any private entity authorized by law to expropriate property, except for a public and necessary purpose and with just compensation paid to the owner or into court for his benefit.
owner and, in such proceedings, the issue of whether the purpose is public and necessary shall be a judicial question. In all expropriations, any party shall have the right to trial by jury to determine compensation and the owner shall be compensated to the full extent of his loss. No business enterprise or any of its assets shall be taken for the purpose of operating that enterprise or for the purpose of halting competition with government enterprises, except that municipalities may expropriate utilities within their jurisdiction.

20 damaged by any private entity authorized by law to expropriate, except for a public and necessary purpose and with just compensation paid to the owner; in such proceedings, whether the purpose is public and necessary shall be a judicial question. In every expropriation, a party has the right to trial by jury to determine compensation, and the owner shall be compensated to the full extent of his loss. No business enterprise

1 Personal effects, other than contraband, shall never be taken. The provisions of this Section shall apply to appropriation of property necessary for levee and levee drainage purposes.

2 Section 4

1 or any of its assets shall be taken for the purpose of operating that enterprise or halting competition with a government enterprise. However, a municipality may expropriate a utility within its jurisdiction. Personal effects, other than contraband, shall never be taken.

11 This Section shall not
Section 5

Section 5. Right to Privacy

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

COMMENT:

(1) Elements, V, 16—be clear.


(3) Ibid.
be quartered in any house without the consent of the owner or lawful occupant.

COMMENT:

NO CHANGE

SECTION 9 becomes SECTION 7

1 Section 9. Liberty of Speech and Freedom of the Press

2 Section 9. No law shall ever be passed to curtail or restrain the liberty of speech or freedom of the press; any person may speak, write and publish his sentiments or all subjects, being responsible for the abuse of that liberty or freedom.

Section 7.

1 Section 7. Freedom of Expression

2 Section 7. No law shall ever be passed to curtail or restrain the freedom of speech or of the press. Every person may speak, write and publish his sentiments on any subject, but is responsible for abuse of that freedom.

COMMENT:


(2) Ibid.

(3) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.

(4) Manual, Rule 20 and Elements, 1, 2--commas in series.


(7) Ibid.
Section 10 becomes Section 8

Section 10. Freedom of Religion

Section 10. No law shall be enacted respecting an establishment of religion or prohibiting the free exercise thereof.

COMMENT:

NO CHANGE

Section 11 becomes Section 9

Section 11. Freedom of Assembly and Movement

Section 11. No law shall impair the right of every person to assemble peaceably or to petition government for a redress of grievances.

COMMENT:

(1) Elements, V, 16--be clear.
Section 19. Right to Vote

Section 19. Every citizen of the state, upon reaching eighteen years of age shall have the right to register and vote, except that this right may be suspended while a person is interdicted and judicially declared mentally incompetent, or under an order of imprisonment for conviction of a felony.

Section 10. Right to Vote

Section 10. Every citizen of the state, upon reaching eighteen years of age, shall have the right to register and vote, except that this right may be suspended while a person is interdicted and judicially declared mentally incompetent or is under an order of imprisonment for conviction of a felony.

Comments:

(1) Webster’s, Rule 4.1.1—commas to set off parenthetical expression.

(2) Elements, II, 15—parallelism.

Section 20. Right to Keep and Bear Arms

Section 20. The right of each citizen to keep and bear arms shall not be abridged, but this provision shall not prevent the passage...
of laws to prohibit the carrying of weapons concealed on the person. 

7 of laws to prohibit the carrying of weapons concealed on the person. 

COMMENT:

NO CHANGE

Section 26. Freedom from Discrimination

Section 26. In access to public areas, accommodations, and facilities every person shall have the right to be free from discrimination based on race, religion, or national ancestry and from arbitrary, capricious, or unreasonable discrimination based on age, sex, or physical condition.

COMMENT:

(1) Webster's Rule 4.4.2—comma inserted for clarity.

Section 12. Rights of the Accused

Section 12. When any person has been arrested or detained in connection with the investigation or commission of any offense, he shall be advised fully of the reason for his arrest or detention, his right to remain silent, his right against self-incrimination, his right to the assistance of counsel and, if indigent, his right to court-appointed counsel. In all criminal prosecutions, the accused shall be informed of the nature and cause of the accusation against him. At each stage of the proceedings, every person is entitled to assistance of counsel of his choice, or appointed by the court in indigent cases if charged with an offense punishable by imprisonment. The legislature shall provide for a uniform system for securing counsel for indigents, including qualifications and compensation.

Section 13. Rights of the Accused

Section 13. When any person has been arrested or detained in connection with the investigation or commission of any offense, he shall be advised fully of the reason for his arrest or detention, his right to remain silent, his right against self-incrimination, his right to the assistance of counsel and, if indigent, his right to court-appointed counsel. In a criminal prosecution, an accused shall be informed of the nature and cause of the accusation against him. At each stage of the proceedings, every person is entitled to assistance of counsel of his choice, or appointed by the court if he is indigent and charged with an offense punishable by imprisonment. The legislature shall provide for a uniform system for securing and
Section 13

COMMENT:
(1) Elements, V, 16--be clear.
(2) Elements, II, 15--parallelism.
(4) Elements, II, 15--parallelism.
(7) Elements, V, 16--be clear.

Section 27 Becomes Section 14

Section 27. Right to Preliminary Examination

Section 27. In all felony cases, except those indicted by a grand jury, the right to a preliminary examination shall not be denied.

Section 14. Right to Preliminary Examination

Section 14. The right to a preliminary examination shall not be denied in felony cases except when the accused is indicted by a grand jury.

COMMENT:

(1) Elements, V, 16--be clear.
Section 13. Initiation of Prosecution

Section 13. Prosecution of felonies shall be initiated by indictment or information, provided that no person shall be held to answer for any capital crime or any crime punishable by life imprisonment, except on indictment by a grand jury. No person shall be twice placed in jeopardy for the same offense, except on his own application for a new trial or when a mistrial is declared or a motion in arrest of judgment is sustained.

Section 15. Initiation of Prosecution

(1) of a felony shall be initiated by indictment or information, but no person shall be held to answer for a capital crime or a crime punishable by life imprisonment except on indictment by a grand jury. No person shall be twice placed in jeopardy for the same offense, except on his application for a new trial, when a mistrial is declared, or when a motion in arrest of judgment is sustained.

COMMENT:

(2) Manual, Rule 5--substitute word for phrase.
(3) Standardization of language.
(4) Elements, V, 16--be clear.
(7) Ibid.
Section 15. Fair Trial

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

Section 16. Right to a Fair Trial

Section 16. Every person charged with a crime is presumed innocent until proven guilty and is entitled to a speedy, public, and impartial trial in the parish where the offense or an element of the offense occurred, unless venue is changed in accordance with law. No person shall be compelled to give evidence against himself. An accused is entitled to confront and cross-examine the witnesses against him, to compel the attendance of witnesses, to present a defense, and to testify in his own behalf.

COMMENT:


(2) See Elements, I, 4—omit comma when subject common to two verbs and connective is "and."


### Section 16. Trial by Jury in Criminal Cases

**Section 16.** Criminal cases in which the punishment may be capital shall be tried before a jury of twelve persons, all of whom must concur to render a verdict; cases in which the punishment is necessarily confinement at hard labor shall be tried before a jury of twelve persons, ten of whom must concur to render a verdict.

Cases in which the punishment may be confinement at hard labor or confinement without hard labor of more than six months, shall be tried before a jury of six persons, five of whom must concur to render a verdict. Except in capital cases, a defendant may knowingly and intelligently waive his right to a trial by jury. In all criminal prosecutions tried by a jury the accused shall have the right to full voir dire examination of prospective jurors and to challenge jurors peremptorily. The number of challenges shall be fixed by law. Except in

### Section 17. Jury Trial in Criminal Cases

**Section 17.** A criminal case in which the punishment may be capital shall be tried before a jury of twelve persons, all of whom must concur to render a verdict.

A case in which the punishment is necessarily confinement at hard labor shall be tried before a jury of twelve persons, ten of whom must concur to render a verdict.

A case in which the punishment may be confinement at hard labor or confinement without hard labor for more than six months shall be tried before a jury of six persons, five of whom must concur to render a verdict. The accused shall have the right to full voir dire examination of prospective jurors and to challenge jurors peremptorily. The number of challenges shall be fixed by law. Except in
Section 17


(2) Manual, Rule 10--short sentences; Rule 12--singularization.


(4) Change preposition from "of" to "for" to aid readability.

(5) Elements, II, 5--parallelism.


(7) Elements, II, 9--paragraph unit of composition; sentence placement selected to end unit.

Section 18

1 Section 17. Right to Bail
2 Section 17. Excessive bail shall not be required. Before and during a trial, a person shall be bailable by sufficient sureties, unless
3
4
5
charged with a capital offense and the proof is evident and the presumption of guilt is great. After conviction and before sentencing, a person shall be bailable if the maximum sentence which may be imposed is imprisonment of five years or less. The judge may grant bail if the maximum sentence which may be imposed is imprisonment in excess of five years. After sentencing and until final judgment, persons shall be bailable if the sentence actually imposed is five years or less and the judge in his discretion may grant bail if the sentence actually imposed is in excess of five years imprisonment.

6 by sufficient surety, except when he is charged with a capital offense and the proof is evident and the presumption of guilt is great. After conviction and before sentencing, a person shall be bailable if the maximum sentence which may be imposed is imprisonment for five years or less; and the judge may grant bail if the maximum sentence which may be imposed is imprisonment exceeding five years. After sentencing and until final judgment, a person shall be bailable if the sentence actually imposed is five years or less; and the judge may grant bail if the sentence actually imposed exceeds imprisonment for five years.

COMMENT:

(1) Manual, Rule 11 -- singularization; Elements, V, 16 -- be clear.

(2) Elements, II, 15 -- parallelism; i.e., proposition changed to conform with Section 14.
(3) Ibid. -- i.e., sentences combined to describe two actions possible during second of three possible time periods.

(4) Manual, Rule 5 -- substitute word for phrase.


(6) Elements, II, 15 -- parallelism; i.e., same construction followed as that described in footnote (3).


(8) Manual, Rule 5 -- substitute word for phrase.

(9) Formalization of language.

---

No person shall be subjected to imprisonment or forfeiture of his rights or property without the right of judicial review based upon a complete record of all evidence upon which such judgment is based. The cost of the transcription of such record shall be paid as provided by law. This right may be intelligently waived.

COMMENT:


(2) Manual, Rule 6 -- avoid hackneyed reference words.
(3) See Elements II, 16 -- keep related sentences together.

(4) Manual, Rule 5 -- substitute word for phrase.

Section 18 becomes Section 20

1 Section 18. Right to Humane Treatment
2 Section 18. No law shall subject any person to euthanasia, torture, cruel, excessive, or unusual punishments. Full rights of citizenship shall be restored upon termination of state and federal supervision following conviction for any offense.

1 Section 20. Right to Humane Treatment
2 Section 20. No law shall subject any person to euthanasia, to torture, or to cruel, excessive, or unusual punishment. Full rights of citizenship shall be restored upon termination of state and federal supervision following conviction for any offense.

COMMENT:

(1) Elements, II, 15 -- parallelism.
Section 22. Access to Courts

All courts shall be open, and every person shall have an adequate remedy by due process of law and justice, administered without denial, partiality, or unreasonable delay for injury to him in his person, property, reputation, or other rights.

COMMENT:


Section 23. Prohibited Laws

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

COMMENT:

NO CHANGE
Section 25 becomes Section 34!

Section 25. Unenumerated Rights

Section 25. The enumeration in this constitution of certain rights shall not be construed to deny or disparage other rights retained by the individual citizens of the state.

COMMENT:


January 16, 1974

[854]

TO: Chairman Tate, Committee on Style and Drafting
FROM: Chairman Jackson, Committee on Bill of Rights and Elections
RE: Ordering of Article I. Declaration of Rights

In our previous letter to you on style and drafting changes in the "Declaration of Rights", we recommended that the last sentence of Section 13 Rights of the Accused and the last sentence of Section 19 Right to Judicial Review of what is now the Final Enrollment of the Declaration of Rights be shifted to a more appropriate article.

May we suggest that the last sentence of Section 13 Rights of the Accused be shifted to fit between the last two sentences of Section 15(A) of Article V Judicial Branch (Re-Reenrolled Final Enrollment). The last sentence of Section 13 is as follows:

The legislature shall provide a uniform system for securing and compensating qualified counsel for indigents.
We also recommend that the last sentence of Section 19 Right to Judicial Review be shifted to fit at the end of Section 5E of Article V Judicial Branch (Re-Reenrolled Final Enrollment) to read as follows: The cost of transcribing the record in any criminal case shall be paid as provided by law.

NOTES

Letter referred to above in above report reproduced in Volume X.

17/12/73

DOCUMENT NO. XVI

COMMITTEE PROPOSAL NO. 26: FIRST ENROLLMENT

REVENUE AND FINANCE

Staff Styling Suggestions: Comparative Presentation

PROPOSAL AS ENROLLED

1 ARTICLE XI. REVENUE AND FINANCE

2 Section 1. Assessment of Property; Classification;

3 Assessors; Right of Taxpayer; Exemptions from Ad Valorem Property Taxation

4 Section 1. (A) All property subject to ad valorem taxation shall be listed on the assessment rolls at its assessed valuation which shall be a percentage of its fair market value;

5 such percentage of fair market value shall be uniform throughout the state upon the same class of property.

COMMENT:


SUGGESTED CHANGES

1 ARTICLE XI. REVENUE AND FINANCE

2 Section 1. Ad Valorem Taxes

3 Section 1. (A) Assessments.

4 Property subject to ad valorem taxation shall be listed on the assessment rolls at its assessed valuation, which shall be a percentage of its fair market value.

5 The percentage of fair market value shall be uniform throughout the state upon the same class of property.
1. All land ........ 10%
2. Improvements for Residential Purposes ....... 10%
3. All other property .......... 15%

**COMMENT:**


1. **Section 1 (E) becomes Section 1 (C)**

   (E) Bona fide agricultural, horticultural, marsh lands, and timber lands, as defined by general law, will be assessed for the purpose of taxation at ten percent of use value rather than fair market value. The legislature may make similar provisions for buildings of historic architectural importance.

   **COMMENT:**
   
   (1) Elements, II, 15---parallelism.
   
   (2) Standardization of language.
   
   (3) Manual, Rule 5---substitute word for phrase.
   
   (4) Ibid.

2. **Section 1 (C) becomes Section 1 (D)**

   (C) Assessors shall determine the fair market value of all property subject to taxation within their respective parishes and districts except public service properties which shall be valued at fair market value by the Louisiana Tax Commission. Fair market value and use value of property shall be determined in

   (D) **Fair Market Value.** Each assessor shall determine the fair market value or use value of all property subject to taxation within his parish or district. However, the Louisiana Tax Commission shall determine the fair market or use value of public service properties. Fair market value and use value of property
accordance with criteria which shall be established by the legislature and which shall be uniformly applicable throughout the state.

COMMENT:
(2) Elements, V, 16---be clear.
(4) Manual, Rule 10---short sentences; Rule 14---unrelated ideas in separate sentences.
(5) Elements, II, 15---parallelism.

\textbf{SECTION 1 (D) becomes SECTION 1 (E)}

(D) The correctness of assessments by the assessor shall be subject to review by the governing authority of the parish, then by the Louisiana Tax Commission, and finally by the courts in accordance with procedures established by law.

(E) Review. (1) Assessments by the assessor shall be subject to review first by the parish governing authority, then by the Louisiana Tax Commission, and finally by the courts, all in accordance with procedures established by law.

COMMENT:
(2) Elements, II, 15---parallelism.
(3) Manual, Rule 5---substitute word for phrase.
(4) Elements, V, 16---be clear.
Section 1 (G) becomes Section 1 (F)

(G) All property subject to taxation shall be reappraised and valued in accordance with the provisions of this Section at intervals of not more than four years.

(F) Reappraisal; Revaluation.

All property subject to taxation shall be reappraised and revalued in accordance with this Section at intervals of not more than four years.

COMMENT:

(1) Elements, II, 15--parallelism.

(2) Standardization of language.

(3) Webster's, Rule 4.1.2--comma to set off nonrestrictive phrases.

Section 1 (H) becomes Section 1 (G)

(H) The provisions of this Section shall become effective commencing January 1 of the year following the end of three years after the effective date of this constitution, and until that date the provisions of the 1921 Constitution governing matters covered by this Section shall continue and be fully applicable, notwithstanding any contrary expiration date stated in any provision thereof with

(G) Effective Date.

This Section shall become effective January 1 of the year following the end of three years after the effective date of this constitution. Until that date, the provisions of the 1921 Constitution governing matters covered by this Section shall continue to apply, notwithstanding any contrary expiration date stated in any provision thereof concerning the veterans' homestead exemption.
Section 2

Section 2. Rate of State Property Taxation; Limitation

The rate of state taxation on property for all purposes shall not exceed, in any one year, five and three-quarter mills on the dollar of its assessed value.

COMMENT:


3. Standardization of language.
Section 1 (F) becomes Section 3 (A) of (B)

(F) Homesteads shall be exempt from ad valorem property taxation as follows:

From state, parish, and special taxes, the bona fide homestead, consisting of a tract of land, or two or more tracts of land with a residence on one tract and a field, pasture, or garden on the other tract or tracts, not exceeding one hundred sixty acres, buildings and appurtenances, whether rural or urban, owned and occupied by any person, in the full amount of three thousand dollars of the assessed valuation; however, by the favorable vote of two-thirds of the elected members of each house, the legislature may increase this exemption to an amount which shall not exceed the full amount of five thousand dollars of the assessed valuation.

Veterans of the armed forces of the United States who have been honorably discharged or separated from such services or persons who served in said armed forces, as

Section 3. Homestead Exemption

Section 3 (A) Homeowners.

Homesteads shall be exempt from ad valorem property taxation as follows:

(1) From state, parish, and special taxes, the bona fide homestead, consisting of a tract of land or two or more tracts of land with a residence on one tract and a field, pasture, or garden on the other tract or tracts, not exceeding one hundred sixty acres, buildings and appurtenances, whether rural or urban, owned and occupied by any person, in the amount of three thousand dollars of the assessed valuation. However, by the favorable vote of two-thirds of the elected members of each house, the legislature may increase this exemption to an amount which shall not exceed five thousand dollars of the assessed valuation. Veterans of the armed forces of the United States, honorably discharged or separated from such services or
persons who served in said armed forces, as defined by general law, and persons sixty-five years of age or older shall be provided with a homestead exemption of five thousand dollars of the assessed valuation.

Section 1 (F) becomes

(7)
1 following: (1) in Orleans Parish this exemption shall apply to the state, the general city, the school, the levee, and levee board taxes; and (2) to any municipal or city taxes levied for school purposes. The exemption of homesteads shall extend to the surviving spouse or minor child or children of a deceased owner and to the bona fide homestead when occupied as such and title thereto is in either husband or wife, but this exemption shall not be extended to more than one homestead owned by the husband or wife. Notwithstanding anything in this Constitution to the contrary, in order to pro-
vide equitable tax relief similar to that granted to homeowners through homestead property tax exemptions, the legislature may provide for tax relief to residential lessees in the form of credits or rebates.

20 (B) Residential Lessees.
21 Notwithstanding any contrary provision in this constitution, the legislature may provide for tax relief to residential lessees in the form of credits or rebates in order to provide equitable tax relief similar to that granted to homeowners through homestead property tax exemptions.

COMMENT:

(1) Webster's, Rule 4.4.1--omit needless commas.
(3) Manual, Rule 10--short sentences; Rule 14, unrelated ideas in separate sentences.

SECTION 1 (F) becomes SECTION 3 (12) (2)

(5) Ibid.
(6) Elements, V, 16--be clear.
(7) Ibid.
(9) Manual, Rule 5--substitute word for phrase.
(12) Standardization of language.

(13) Elements, II, 16—keep related words together.

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**SECTION 3 (A) becomes SECTION 4 (A)**

10 Section 3. Other Property Exemptions
11 Section 4. Other Property Exemptions
12 Section 3. In addition to the Section 4. In addition to
13 homestead exemption provided for the homestead exemption provided
14 in Section 1 of this Article, the (1)
15 following property shall be exempt for in Section 3 of this Article,
16 from ad valorem taxation:
17 (A) All public lands; all other other shall be exempt from ad
18 public property used for public valorem taxation:
19 purposes. (2) (3)
18 (A) Public lands; other
19 public property used for public purposes.
20

**COMMENT:**

(1) Section number changed to conform to suggested renumbering.

(2) "and no other" added here to allow deletion of Section 3 (H) as enrolled.


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[864]
Section 3 (C) becomes Section 4 (B)

1. (C) That owned by nonprofit corporations or associations organized and operated exclusively for religious, dedicated places of burial, charitable, health, welfare, fraternal, or educational purposes, no part of the net earnings of which inure to the benefit of any private shareholder or member thereof and which is declared to be exempt from federal or state income tax;

2. (B) (1) Property owned by a nonprofit corporation or association organized and operated exclusively for religious, dedicated places of burial, charitable, health, welfare, fraternal, or educational purposes, no part of the net earnings of which inure to the benefit of any private shareholder or member thereof and which is declared to be exempt from federal or state income tax;

3. (2) Property of a bona fide labor organization representing their members or affiliates in collective bargaining efforts;

4. (3) Property of an organization such as a lodge or club organized and operated for charitable and fraternal purposes;

5. (4) and property of a nonprofit corporation devoted to promoting trade, travel, and commerce, and also property of a trade, business, industry or professional society or association, if that property is owned by a nonprofit corporation or association organized under the laws of the United States.
state of Louisiana for such purposes; except property owned, operated, leased, or used for commercial purposes, unrelated to the exempt purposes of said corporation or association.

None of the property listed in Paragraph (B) shall be owned, operated, leased, or used for commercial purposes unrelated to the exempt purposes of the corporation or association.

Section 3 (c) becomes Section 4 (d)

Comment:

4. Elements, V, 16—be clear.
7. Elements, V, 16—be clear.

Section 3 (d) becomes Section 4 (c)

1. (D) Cash on hand or deposit,
2. stocks and bonds, except bank stocks, the tax on which shall be paid by the banking insti-
3. [866]
shall be paid by the banking institution;

(3) obligations secured by a mortgage on property located in Louisiana and the notes or other evidence thereof;

(4) loans by life insurance companies to policyholders, if secured solely by their policies;

(5) the legal reserve of domestic life insurance companies;

(6) loans by a homestead or building and loan association to its members, if secured solely by stock of the associations;

(7) debts due for merchandise or for services rendered;

(8) obligations of the state or its political subdivisions;

(9) personal property used in the home or on loan in a public place;

(10) agricultural products while owned by the producer, agricultural machinery and other implements used exclusively for agricultural purposes, and all animals on the farm, and property belonging to agricultural fair associations; all property used for cultural, Mardi Gras carnival or civic activities and not operated for profit to the owners; all ships and oceangoing tugs, towboats, and barges engaged in public place;
SECTION 3(D) becomes SECTION 4(C)

1 in Louisiana ports, but this
2 exemption shall not apply to
3 harbor, wharf, shed, and other
4 port dues, and no vessel operated
5 in the coastal trade of the
6 continental United States shall
7 be within the exemption herein
8 granted; boats using gasoline as
9 motor fuel; commercial vessels used
10 for gathering seafood for human
11 consumption; and rights-of-way
12 granted to the State Department
13 of Highways.


[868]
Manual, Rule 6—avoid hackneyed reference words.


Manual, Rule 10—short sentences; Rule 14—unrelated ideas in separate sentences.

Manual, Rule 5—substitute word for phrase.

Section 3 (G) becomes Section 4 (D)

1 (G) (1) All raw materials, goods, commodities, and articles imported into this state from outside of the continental United States:

2 (a) So long as such imports remain upon the public property of the port authority or docks of any common carrier where such imports first entered this state; or

3 (b) So long as any such imports (other than minerals and ores of the same kind as any mined or produced in this state and manufactured articles) are held in this state in the original form in bales, sacks, barrels, boxes, cartons, containers, or other original packages, and raw materials held in bulk as all or a part of the inventory of manufacturers or
new material inventory of manufacturers or processors, solely for manufacturing or processing; or

(c) So long as any such imports are held by an importer in any public or private storage in the original form in bales, sacks, barrels, boxes, cartons, containers, or other original packages and agricultural products in bulk. This exemption shall not apply to a retail merchant holding these imports as part of his stock-in-trade for sale at retail.

SECTION 3 (G) becomes SECTION 4 (1)

1 (2) All raw materials, goods, commodities, and other articles being held on the public property of a port authority or docks of any common carrier or in a warehouse, grain elevator, dock, wharf, or public storage facility in this state for export to a point outside the continental United States.

(3) (a) Goods, commodities, and personal property in public or private storage while in

12 (870)
private storage while in transit through this state which is (a) moving in interstate commerce through or over the territory of the State of Louisiana; or (b) which is in public or private storage within the State of Louisiana having been shipped from outside of the State of Louisiana for storage in transit to a final destination outside of the State of Louisiana, whether such destination was specified when transportation begins or afterward.

All such property described in this Paragraph (G) whether entitled to exemption or not shall be reported to the proper taxing authority on the forms required by law.

Section 3 (G) becomes Section 4 (b)

COMMENT:


(2) Do not use double proposition.


(4) Elements, V, 16—be clear.
(5) Manual, Rule 6—avoid hackneyed reference words; Rule 5—substitute word for phrase.

(6) Elements, V, 16—be clear.


(9) Webster's, Rule 4.1.2—comma to set off non-restrictive participial phrase.


(11) Paragraph number changed to conform with suggested renumbering.

(12) Elements, II, 16—keep related words together.

**SECTION 3 (E) becomes: SECTION 4(T) (E)**

1 (E) From state, parish, and special taxes, all motor vehicles used on the public highways of this state, provided that this exemption shall not extend to any general or special tax levied by the governing authority of any municipality, or district created by any such municipality, unless the governing authority thereof shall provide for such exemption by ordinance or resolution.

1 (II) All motor vehicles used on the public highways of this state shall be exempt from state, parish, and special ad valorem property taxes. This exemption shall not extend to any general or special tax levied by a municipal governing authority, or by a district created by it, unless the municipal governing authority provides for the exemption by ordinance or resolution.

COMMENT:

(1) Phrases made into sentence.

(2) Elements, V, 16—be clear.
Section 3 (F) becomes Section 4 (F)

14 (F) Notwithstanding any provision of this Section to the contrary, the legislature may authorize the State Board of Commerce and Industry, under such conditions and terms and with such approval as the legislature may specify, to provide for the exemption from property taxation of any new manufacturing establishment or an addition or additions to any manufacturing establishment already existing in the state.

Section 3 (F) becomes Section 4 (F)

1 No exemption granted under the authority of such laws as may be enacted pursuant to this Section shall extend for a longer initial period than five calendar years, or be renewable for a period exceeding five additional calendar years.

[873]
eight

COMMENT:

(1) Standardization of language.

(2) Elements, V, 16—be clear.


(5) Manual, Rule 5—substitute word for phrase; Rule 11—present tense.

(6) Standardization of language.


(10) Manual, Rule 5—substitute word for phrase.


-19-

SECTION 3 (14)

1 (II) No additional property

2 may be exempted from taxation.

DELETED here—
Incorporated into

SECTION 4

[See page 10 (right) lines 15-16]
Section 4. No Impairment of Existing Taxes or Obligations

The provisions of this Article in no way shall be construed or applied in such a manner as to:

(a) invalidate taxes authorized and imposed prior to the adoption of this constitution;

(b) impair the obligations, validity, or security of any bonds or other debt obligations authorized prior to the adoption of this constitution.

Section 5. No Impairment of Existing Taxes or Obligations

This Article shall not be applied in a manner which will (a) invalidate taxes authorized and imposed prior to the effective date of this constitution; or (b) impair the obligations, validity, or security of any bonds or other debt obligations authorized prior to the effective date of this constitution.

COMMENT:

(1) Standardization of language.


(4) Standardization of language.

Section 5. Adjustment of Ad Valorem Tax Millages

Prior to the end of the third year after the
effective date of the constitution, the assessors and the
Louisiana Tax Commission shall have determined the fair market
value or use value of all property subject to taxation within the
respective parishes to be used for the purpose of implementing the
provisions of this Article.
Except as hereinafter provided in this Paragraph the total amount
of ad valorem taxes collected by any taxing authority in the year
in which the provisions of this Article are implemented shall not
be increased or decreased because of the provisions of this Article
above or below ad valorem taxes collected by such taxing authority
in the year immediately preceding the year in which the provisions
of this Article are implemented.
To accomplish this result, it shall be the mandatory duty of each affected taxing authority, in the year in which the provisions of this Article are implemented, to adjust millages upwards or downwards, without regard to millage limitations contained in this constitution;
Section 5 becomes Section 6

Section 5 becomes Section 6

1 millage actually levied by a
2 taxing authority is less than or
3 equal to the maximum authorized
4 to be levied, the maximum millage
5 so authorized shall be increased
6 or decreased, without further
7 voter approval, in proportion to
8 the amount of the adjustment
9 upward or downward. Such millages
10 shall thereafter remain in effect
11 subject to such changes as may be
12 permitted by this constitution.
13 Nothing provided herein shall be
14 construed to prohibit any taxing
15 authority from collecting, in
16 the year in which the provisions
17 of this Article are implemented
18 or in any subsequent year, a
19 larger dollar amount of ad valorem
20 taxes by means of the following:
21 (a) by levying additional or in-
22 creased millages as provided by
23 law; (b) by placing additional
24 property on the tax rolls; or
25 (c) by reason of increases in the
26 maximum authorized to be levied,
27 the maximum authorized millage
28
-21-

Section 5 becomes Section 6

1 millage actually levied by a
2 taxing authority is less than or
3 equal to the maximum authorized
4 to be levied, the maximum millage
5 so authorized shall be increased
6 or decreased, without further
7 voter approval, in proportion to
8 the amount of the adjustment
9 upward or downward. Such millages
10 shall thereafter remain in effect
11 subject to such changes as may be
12 permitted by this constitution.
13 Nothing provided herein shall be
14 construed to prohibit any taxing
15 authority from collecting, in
16 the year in which this Article is imple-
17 mented or in any subsequent
18 year, a larger dollar amount of
19 ad valorem taxes by (a) levying
20 additional or increased millages
21 as provided by law; (b) placing
22 additional property on the tax
23 rolls; or (c) increases in the
24 fair market or use value of
25 property after the first deter-
26 mination of that value to imple-
27 ment this Article. This Section
28 shall not apply to millages
29 required to be levied for the
30 payment of general obligation
26 fair market value or use value of property after the first determination of such value 'on the basis of which the provisions of this Article are to be implemented. The provisions of this Section shall not apply to millages required to be levied for the payment of general obligation bonds.

Section 5 becomes Section 6

COMMENT:

(1) Standardization of language.
(2) Elements, V, 16—be clear.
(3) Elements, II, 15—parallelism.
(7) Manual, Rule 5—substitute word for phrase.
(9) Manual, Rule 5—substitute word for phrase.
(10) Ibid.
(11) Webster's, Rule 4.4.1—omit needless commas.
(13) Elements, V, 16—be clear.
(14) Webster's, Rule 4.2.1—comma to separate introductory adverbial clause.
(15) Manual, Rule 5—substitute word for phrase.
(20) Ibid.
(21) Standardization of language.

SECTION 6 (A) BECOMES SECTION 7 (A)

1 Section 6. Revenue Sharing Fund; Distribution; Pledge of Proceeds
2 Section 6. (A) A special fund
3 is created in the state treasury
4 to be known as the Revenue Sharing Fund.

COMMENT:

SECTION 6 (B) BECOMES SECTION 7 (B)

8 (B) There is hereby allocated
9 annually from the State General Fund to the Revenue Sharing Fund
10 the sum of ninety million dollars. The legislature may
11

8 (B) Annual Allocation. The sum of ninety million dollars
9 is allocated annually from
10 the State General Fund to the
11 Revenue Sharing Fund. The
appropriate additional sums to 13 the Revenue Sharing Fund. 14 legislature may appropriate (2) additional sums to the fund.

COMMENT:

(2) Ibid.

SECTION 6 (C) becomes SECTION 7 (C)

1 (C) The Revenue Sharing Fund
2 shall be distributed annually
3 as provided by the legislature
4 solely on the basis of population
5 and number of homesteads in each
6 parish in proportion to population
7 and the number of homesteads
8 throughout the state. Unless the
9 legislature provides otherwise,
10 population statistics of the last
11 federal decennial census shall be
12 utilized for this purpose.
13
14
15
16
17
18

[880]
19 distributed by first priority
20 to the tax recipient bodies
21 within the parish, as defined
22 by law, to offset current losses
23 because of homestead exemptions
24 granted in this Article. Any
25 (8) (c)
26 balance remaining in a parish
27 distribution shall be allocated
28 to the municipalities and tax
29 recipient bodies within each
30 parish as provided by law.

COMMENT:

(1) Standardization of language.
(2) Elements, V, 16--be clear.
(3) Standardization of language.
(4) Use "us.," not "utilize"--see Elements, p. 55.

SECTION 6 (C) becomes SECTION 7 (C)

(5) Webster's, Rule 4.4.1--omit needless commas.
(6) Elements, II, 16--keep related words together.
(7) Ibid.
(9) Standardization of language.
(10) Ibid.
(D) The funds distributed to each parish as provided in Paragraph (C) shall be distributed in Orleans Parish by the city treasurer of the city of New Orleans and in all other parishes by the parish tax collector. The funds allocated to the Monroe City School Board, or its successor, shall be distributed to and by the city treasurer of the city of Monroe. After deductions, in each parish, for retirement systems and commissions as authorized by law, the remaining funds, to the extent available, by first priority shall be distributed to the tax recipient bodies, as defined by law, within the parish to offset current losses because of homestead exemptions granted in this Article. Any balance thereafter remaining in any parish distribution shall be allocated to the municipalities and tax recipient bodies within each parish in accordance with law.

Section 6 (E) becomes Section 7 (C)

1 (E) Any political subdivision, as defined by Article VI of this constitution, may incur debt by the issuance of negotiable bonds, and may pledge for the payment of all or part of the principal and interest of such bonds the proceeds derived or to be derived from that portion of the funds received by it from the Revenue Sharing Fund, as provided in Paragraph (D) of this Section, to offset current losses caused by homestead exemptions granted by this Article. Unless otherwise provided by the legislature, no portion of any moneys allocated within any parish out of any balance remaining in any parish distribution, as provided in Paragraph (D) hereof, may be pledged to the payment of the principal or interest of any bonded debt. (1)

2 political subdivision, as defined by Article VI of this constitution, may incur debt by issuing negotiable bonds and may pledge for the payment of all or part of the principal and interest of such bonds the proceeds derived or to be derived from that portion of the funds received by it from the Revenue Sharing Fund, to offset current losses caused by homestead exemptions granted by this Article. Unless otherwise provided by law, no moneys allocated within any parish from the balance remaining in its distribution may be pledged to the payment of the principal or interest of any bonds. (1)

Bonds issued under this Paragraph shall be issued and sold as provided by law, and shall require approval of the State.
bonds. These bonds shall be issued and sold as provided by law, and shall require the approval of the State Bond Commission, or its successor, prior to issuance and sale.

SECTION 6 (E) becomes SECTION 7 (E)

COMMENT:

(1) Standardization of language.
(2) Manaul, Rule 5---substitute word for phrase.
(3) See Elements, I, 4--comma omitted when subject common to two clauses and connective is "and"
(5) Standardization of language.
(7) Formalization of language.
(8) Manual, Rule 5--substitute word for phrase.
(9) Elements, V, 16--be clear.
(11) Webster's, Rule 4.4.1--omit needless commas.
be a tax assessor elected by the qualified electors of each parish in the state, parish of Orleans excepted. His term of office shall be four years and the legislature shall define his duties, fix his compensation, and provide for his election.

3 Parish Excepted.  
4 A tax assessor shall be elected by the electors of each parish, Orleans Parish excepted. His term of office shall be four years, and the legislature shall provide for his election, define his duties, and fix his compensation.

COMMENT:
(1) Manual, Rule 8—rewrite "there is."
(3) Ibid.
(4) Manual, Rule 5—substitute word for phrase.
(5) Elements, I, 4—place a comma before a conjunction introducing an independent clause.
(6) Rearrangement of phrases to place "election" first in series.

(B) There shall be seven assessors in the city of New Orleans, who together shall compose the Board of Assessors for the parish of Orleans. One shall be elected from each municipal district of the city of New Orleans, and they shall be residents of the districts from which they are elected.

SECTION 8 (B) Orleans Parish Assessors.

There shall be seven assessors in New Orleans, who shall compose the Board of Assessors for Orleans Parish. One shall be elected from each municipal district of New Orleans, and each shall be a resident of the district from which he is elected. The assessors shall be
Their terms shall be four years and they shall be elected at the same time as the municipal officers of New Orleans, for terms of four years each.

COMMENT:


(2) Ibid.

(3) Manual, Rule 5--substitute word for phrase.


(6) Rearrangement of words to allow "election" before "term."

(C) When a vacancy occurs in the office of tax assessor the duties of the office, until it is filled by election as provided by law, shall be assumed by the chief deputy assessor, except in the parish of Orleans, where the Board of Assessors for the parish of Orleans shall appoint the interim assessor.
COMMENTS:

(1) Webster's, Rule 4.2.1—commas to set off introductory adverbial clause.


(3) Manual, Rule 5—substitute word for phrase.


(5) Substitution of indefinite article for definite article.

SECTION 9 becomes

1 Section 9. Tax Sales; Redemption of Property
2 Section 9. There shall be no forfeiture of property for the nonpayment of taxes, but at the expiration of the year in which said taxes are due, the collector shall, without suit, and after giving notice to the delinquent in the manner provided by law, advertise for sale in the official journal of the parish or municipality, provided there be an official journal in such parish or municipality; or, if not, then, as is now or may be provided by law for sheriff's sales, the property on which the taxes are due in the manner provided for judicial sales, and

1 Section 9. Tax Sales; Redemption.
2 Section 9. (A) Tax Sales; Redemption. There shall be no forfeiture of property for nonpayment of taxes. However, at the expiration of the year in which the taxes are due, the collector, without suit, and after giving notice to the delinquent in the manner provided by law, shall advertise for sale the property on which the taxes are due. The advertisement shall be published in the official journal of the parish or municipality, in the manner provided for judicial sales; or, if there is no official journal, as provided by law for sheriffs' sales,
Section 4 becomes Section 9 (1)(2)(3)(4)

Section 4 becomes Section 9 (1)(2)(3)(4)

1. penalty thereon, with interest
2. at the rate of one per cent per
3. month until redeemed. No
4. judgment annuling a tax sale
5. shall have effect until the price
6. and all taxes and costs are paid,
7. with ten percent per annum
8. interest on the amount of the
9. price and taxes paid from date

Section 9 (1)(2)(3)(4)

1. thereon, and interest at the rate
2. of one percent per month until
3. redemption. No judgment
4. annuling a tax sale shall have
5. effect until the price and all
6. taxes and costs are paid, and
7. until ten percent per annum
8. interest on the amount of the
9. price and taxes paid from date
of respective payments, be pre-
viously paid to the purchaser;
provided, this shall not apply
to sales annulled on account of
taxes having been paid prior to
the date of sale, all deeds of
sale made, or that may be made,
by the collectors of taxes,
shall be received by courts in
evidence as prima facie valid
sales.

No sale of property for taxes
shall be set aside for any cause,
except on proof of payment of
the taxes for which the property
was sold prior to the date of
the sale, unless the proceeding
to annul is instituted within
six months from service of
notice of sale, which notice
shall not be served until the
time of redemption shall have
expired and within five years
from the date of the recordation
of the tax deed, if no notice is
given. The fact that taxes were
paid on a part of the property
sold, prior to the sale thereof,
of respective payments are
paid to the purchaser; however,
this shall not apply to sales
annulled because the taxes
were paid prior to the date of
sale. All deeds of sale made
by a tax collector shall be
received by courts as prima
facie evidence that a valid
sale was made.

(B) Annulment. No sale
of property for taxes shall be
set aside for any cause, except
on proof of payment of the taxes
prior to the date of the sale,
unless the proceeding to annul
is instituted within six months
after service of notice of sale.
A notice of sale shall not be
served until the final day for
redemption has ended. It must
be served within five years
after the date of the recordation
of the tax deed if no notice is
given. The fact that taxes
were paid on a part of the
property sold, prior to the
sale thereof, or that part of

-34-
If the tax collector can find no corporeal movables, or that part thereof was not subject to taxation, the may proceed by summary rule to notify the debtor thereof, or levy on incorporeal Rights, by the tax collector to seize, he may levy on incorporeal Rights, by

The manner of notice and form of proceeding to quiet tax titles shall be provided by law.}

Section 9 Because Sec. 9
30 delinquents to deliver up for
31 sale property in his possession
32 or under his control.
33 The legislature shall be au-
34 thorized to postpone the payment
35 of taxes, only in cases of
36 overflow, general conflagration,
37 notifying the debtor thereof,
38 or he may proceed by summary
39 rule in the courts to compel
40 the delinquent to deliver for
41 sale property in his possession
42 or under his control.
43
44 Section 9 becomes
45
46 (D) Postponement of Taxes. The legislature may postpone
47 the payment of taxes, but only
48 in cases of flood, general
49 conflagration, general crop
50 destruction, or other public
51 calamity, and may provide for
52 the levying, assessing, and
53 collecting of such postponed
54 taxes. In such case, the leg-
55 islature may authorize the
56 borrowing of money by the state
57 on its faith and credit, by
58 bond issue or otherwise, and
59 may levy taxes, or apply taxes
60 already levied and not appro-
61 priated, to secure payment
62 thereof, in order to create
63 a fund from which loans may be
to be applied to and not to exceed the deficiency and revenue of the parish or any political subdivision therein, or of which the parish is a part, caused by postponement of taxes. No loans shall be made to the governing authority of any parish without the approval of the State Board of Liquidation.

Section 9 becomes Section 9 (A), (B), (C), (D)

COMMENT:


(2) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.


(4) Elements, II, 16--keep related words together.

(5) Ibid.

(6) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences; Elements, II, 16--keep related words together.

(7) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.

(8) Elements, V, 16--be clear.

Manual, Rule 11--present tense.

Manual, Rule 5, substitute word for phrase; Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.

Manual, Rule 5--substitute word for phrase.


Manual, Rule 5--substitute word for phrase.

Manual, Rule 3--make time periods clear.


Substitution of noun for verb to make prepositional phrase.

Elements, II, 15--parallelism.

Manual, Rule 11--indicative mood.

Standardization of language.

Manual, Rule 5--substitute word for phrase.


Elements, V, 16--be clear.


Manual, Rule 3--make time periods clear.

Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.

-37-

SECTION I becomes SECTION 1 (A), (B), (C), (D)

Manual, Rule 3--make time periods clear; Manual, Rule 5--substitute word for phrase.


Manual, Rule 3--make time periods clear.

Webster's, Rule 4.4.1--omit needless commas.

Manual, Rule 6--avoid hackneyed reference words.
Manual, Rule 5--substitute word for phrase.

Manual, Rule 11--active voice; Elements, II, 16--keep related words together.

Manual, Rule 6--avoid hackneyed reference words.


Elements, V, 16--be clear.

Manual, Rule 3--make time periods clear.


Standardization of language.

Elements, V, 16--be clear.

Ibid.

Manual, Rule 5--substitute word for phrase.


Manual, Rule 12--singularization; Webster's Rule 4.2.1--comma after introductory prepositional phrase.

Elements, II, 15--parallelism.

"State Board of Liquidation" changed to "Interim Emergency Board" to conform with language in C.P. No. 15.

Elements, V, 14--avoid fancy words.

Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.

Elements, V, 16--be clear.

Standardization of language.

Webster's, Rule 4.4.1--omit needless commas.


Manual, Rule 5--substitute word for phrase.
COMMITTEE PROPOSAL NO. 26: FIRST ENROLLMENT

REVENUE AND FINANCE

Staff Styling Suggestions: Comparative Presentation

PROPOSAL AS ENROLLED

ARTICLE XI. REVENUE AND FINANCE

Section 1. Assessment of Property; Classification; Assessors; Right of Taxpayer; Exemptions from Ad Valorem Property Taxation

Section 1. (A) All property subject to ad valorem taxation shall be listed on the assessment rolls at its assessed valuation which shall be a percentage of its fair market value; such percentage of fair market value shall be uniform throughout the state upon the same class of property.

SUGGESTED CHANGES

ARTICLE XI. REVENUE AND FINANCE

Section 1. Ad Valorem Taxes

Section 1. (A) Assessments.

Property subject to ad valorem taxation shall be listed on the assessment rolls at its assessed valuation, which shall be a percentage of its fair market value.

The percentage of fair market value shall be uniform throughout the state upon the same class of property.

COMMENT:


(2) Webster's, Rule 4.1.2 --- comma to set off nonrestrictive clause.

(3) Manual, Rule 6 --- avoid hackneyed reference words; Rule 10 --- short sentences; Rule 14 --- unrelated ideas in separate sentences.
(B) The classifications of property subject to ad valorem taxation and the percentage of fair market value applicable to each such classification for the purpose of determining assessed valuation are as follows:

CLASSIFICATIONS: PERCENTAGES:

1. All land........... 10%
2. Improvements for Residential Purposes............ 10%
3. All other property............ 15%

SECTION 1 (B)

Classifications Percentages
1. Land 10%
2. Improvements for Residential Purposes 10%
3. Other property 15%

COMMENT:


(E) Bona fide agricultural, horticultural, marsh lands, and timbor lands, as defined by general law, will be assessed for the purpose of taxation at

SECTION 1 (E) becomes SECTION 1 (C)

(C) Use Value.

1. (C) Use Value.
2. Bona fide agricultural, horticultural, marsh and timber lands, as defined by general law, shall be assessed for tax purposes at

[196]
ten percent of use value rather than fair market value. The legislature may make similar provisions for buildings of historic architectural importance.

COMMENT:

(1) Elements, II, 15—parallelism.
(2) Standardization of language.
(3) Manual, Rule 5—substitute word for phrase.
(4) Ibid.

SECTION I(C) becomes SECTION I(D)

(C) Assessors shall determine the fair market value of all property subject to taxation within their respective parishes and districts except public service properties which shall be valued at fair market value by the Louisiana Tax Commission. Fair market value and use value of property shall be determined in accordance with criteria which shall be established by the legislature and which shall be

(D) Valuation. Each assessor shall determine the fair market value of all property subject to taxation within his respective parish or district except public service properties, which shall be valued at fair market value by the Louisiana Tax Commission or its successor. Fair market value and use value of property shall be determined in accordance with criteria which shall be established by
uniformly applicable throughout the state.

COMMENT:


(2) Elements, V, 16---be clear.

(3) Manual, Rule 11--active voice.

SECTION 1 (D) becomes SECTION 1 (E)

(D) The correctness of assessments by the assessor shall be subject to review by the governing authority of the parish, then by the Louisiana Tax Commission, and finally by the courts in accordance with procedures established by law.

COMMENT:

(1) Elements, II, 15--parallelism.

(2) Manual, Rule 5--substitute word for phrase.

(3) Elements, V, 16--be clear.

SECTION 1 (G) becomes SECTION 1 (F)

(G) All property subject to taxation shall be reappraised

(F) Reappraisal.

All property subject to taxation
and valued in accordance with the provisions of this Section at intervals of not more than four years.

COMMENT:

(1) Standardization of language.

(2) Webster's, Rule 4.1.2--comma to set off nonrestrictive phrases.

---5---

Section 2

Section 2. Rate of State Property Taxation;

Limitation

Section 2. The rate of state taxation on property for all purposes shall not exceed, in any one year, five and three-quarter mills on the dollar of its assessed value.

COMMENT:

(1) Manual, Rule 5--substitute word for phrase.


(3) Standardization of language.

---6---

Section 1 (F) becomes Section 3 (A) + (B)

(F) Homesteads shall be exempt from ad valorem property taxation

Section 3. Homestead Exemption
Section 3. (A) Homeowners.

(1) The bona fide homestead, consisting of a tract of land or two or more tracts of land with a residence on one tract and a field, pasture, or garden on the other tract or tracts, not exceeding one hundred sixty acres, buildings and appurtenances, whether rural or urban, owned and occupied by any person, shall be exempt from state, parish, and special ad valorem taxes to the extent of three thousand dollars of the assessed valuation; however, by the favorable vote of two-thirds of the elected members of each house, the legislature may increase this homestead exemption to an amount which shall not exceed the full amount of five thousand dollars of the assessed valuation.

(2) By the law enacted by two-thirds of the elected members of each house, the legislature may increase this homestead exemption to an amount which shall not exceed five thousand dollars of the assessed valuation.

(3) The homestead exemption of veterans of the armed forces of the United States who have been honorably discharged or separated from such services or persons who served in said armed forces, as defined by general law, and of persons sixty-five years or older shall be provided with a homestead exemption of five thousand dollars.
of the assessed valuation. No exemption shall extend to any municipal or city taxes except the 34 dollars of the assessed valuation. (8) (9) The homestead exemption 35 (4) The homestead exemption 36 shall extend to the surviving spouse or minor children of a deceased owner and shall apply when the homestead is occupied as such and title to it is in either husband or wife but not to more than one homestead owned by the husband or wife. (5) This exemption shall not extend to municipal taxes. (12) However, the exemption shall apply in Orleans Parish, to state, general city, school, levee, and levee district taxes and (b) to any municipal taxes levied for school purposes. (B) Residential Lessees. Notwithstanding any contrary provision in this constitution, the legislature may provide for tax relief to residential lessees in the form of credits or rebates in order to provide equitable tax relief similar to that granted to homeowners through homestead property tax exemptions, the legislature may provide for tax relief to resi-
25 dental lessees in the form of 25 exemptions.
26 credits or rebates.
27
28
29

COMMENT:

(1) Webster's, Rule 4.4.1--omit needless commas.
(2) Elements, V, 16 -- be clear

(3) Manual, Rule 10--short sentences; Rule 14, unrelated ideas in separate sentences.


SECTION 1(F) becomes SECTION 3(A),(B)

(5) Ibid.
(6) Elements, V, 16--be clear.
(7) Ibid.
(9) Manual, Rule 5--substitute word for phrase.
(11) Elements, V, 16--be clear.
(12) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.
(14) Ibid.
(15) Standardization of language.
(16) Elements, II, 16--keep related words together.
Section 3 (A) becomes Section 4 (A)

10 Section 3. Other Property
11 Exemptions
12 Section 3. In addition to the
13 homestead exemption provided for
14 in Section 1 of this Article, the
15 following property shall be exempt
16 from ad valorem taxation:
17 (A) All public lands; all other
18 public property used for public
19 purposes.

Section 4. Other Property
11 Exemptions
12 Section 4. In addition to
13 the homestead exemption provided
14 for in Section 3 of this Article, the
15 following property and no
16 other shall be exempt from ad
17 valorem taxation:
18 (A) Public lands; other
19 public property used for public
20 purposes.

COMMENT:

(1) Section number changed to conform to
suggested renumbering.

(2) "and no other" added here to allow deletion
of Section 3 (H) as enrolled.

(3) Manual, Rules 5, 13 and Elements, II, 13--
omit needless words.

Section 3 (C) becomes Section 4 (B)

1 (C) That owned by nonprofit
2 corporations or associations or-
3 ganized and operated exclusively
4 for religious, dedicated places
5 of burial, charitable, health,
6 welfare, fraternal, or educational
7 purposes, no part of the net
8 earnings of which inure to the
9 benefit of any private share-

1 (B) (1) Property owned by
2 a nonprofit corporation or
3 association organized and operated
4 exclusively for religious, dedi-
5 cated places of burial, charitable,
6 health, welfare, fraternal, or
7 educational purposes, no part of
8 the net earnings of which inure
9 to the benefit of any private
holder or member thereof and which is declared to be exempt from federal or state income tax; property of bona fide labor organizations representing their members or affiliates in collective bargaining efforts; organizations such as lodges and clubs organized for charitable and fraternal purposes and practicing the same, and properties of nonprofit corporations devoted to the promotion of trade, travel, and commerce, and trade, business, industry and professional societies or associations provided such property is owned by nonprofit corporations or associations organized under the laws of the state of Louisiana for such purposes; except property owned, operated, leased, or used for commercial purposes, unrelated to the exempt purposes of said corporation or association.

| 10 | shareholder or member thereof and which is declared to be exempt from federal or state income tax; (2) property of a bona fide labor organization representing its members or affiliates in collective bargaining efforts; and (3) property of an organization such as a lodge or club organized for charitable and fraternal purposes and practicing the same, and property of a nonprofit corporation devoted to promoting trade, travel, and commerce, and also property of a trade, business, industry or professional society or association, if that property is owned by a nonprofit corporation or association organized under the laws of this state for such purposes. (4) None of the property listed in Paragraph (B) shall be exempt if owned, operated, leased, or used for commercial purposes unrelated to the exempt purposes of the corporation or association. |
Section 3 (c) becomes Section 4 (b)

COMMENT:
(1) Elements, II, 15—parallelism.
(3) Manual, Rule 5—substitute word for phrase.
(4) Elements, V, 16—be clear.
(7) Elements, V, 16—be clear.

Section 3 (D) becomes Section 4 (C)

1  (D) Cash on hand or deposit, stocks and bonds, except bank stocks, the tax on which shall be paid by the banking institution; obligations secured by mortgage on property located in Louisiana and the notes or other evidence thereof; loans by life insurance companies to policyholders, if secured solely by their policies; the legal reserve of domestic life insurance companies; loans by homestead or building and loan associations to their members, if secured solely by stock of said associations;

1  (C) (1) Cash on hand or deposit;

2  (2) stocks and bonds, except bank stocks, the tax on which shall be paid by the banking institution;

3  (3) obligations secured by mortgage on property located in Louisiana and the notes or other evidence thereof;

4  (4) loans by life insurance companies to policyholders, if secured solely by their policies;

5  (5) the legal reserve of domestic life insurance companies;

6  (6) loans by a homestead or

[905]
debts due for merchandise or other services rendered; obligations of the state or its political subdivisions; all personal property used in the home or on loan in a public place; agricultural products while owned by the producer, agricultural machinery and other implements used exclusively for agricultural purposes, and all animals on the farm, and property belonging to agricultural fair associations; all property used for cultural, Mardi Gras carnival or civic activities and not operated for profit to the owners; all ships and oceangoing tugs, towboats, and barges engaged in international trade and domiciled

Section 3(D) becomes Section 4(C)

in Louisiana ports, but this exemption shall not apply to harbor, wharf, shed, and other port dues, and no vessel operated in the coastal trade of the continental United States shall be within the exemption herein

17 debts due for merchandise or other articles of commerce or for services rendered; obligations of the state or its political subdivisions; all personal property used in the home or on loan in a public place; agricultural products while owned by the producer, agricultural machinery and other implements used exclusively for agricultural purposes, and all animals on the farm, and property belonging to agricultural fair associations; all property used for cultural, Mardi Gras carnival or civic activities and not operated for profit to the owners; all ships and oceangoing tugs, towboats, and barges engaged in international trade and domiciled

building and loan association to its members, if secured solely by stock of the associations; debts due for merchandise or other articles of commerce or for services rendered; obligations of the state or its political subdivisions; personal property used in the home or on loan in a public place; agricultural products while owned by the producer, agricultural machinery and other implements used exclusively for agricultural purposes, animals on the farm, and property belonging to an agricultural fair association; property used for cultural, Mardi Gras carnival, or civic activities and not operated for profit to the owners; rights-of-way granted to the State Department of Highways; boats using gasoline as motor fuel;

1 in Louisiana ports, but this exemption shall not apply to harbor, wharf, shed, and other port dues, and no vessel operated in the coastal trade of the continental United States shall be within the exemption herein

[906]
granted; boats using gasoline as motor fuel; commercial vessels used for gathering seafood for human consumption; and rights-of-way granted to the State Department of Highways.

(14) commercial vessels used for gathering seafood for human consumption; and (15) ships and oceangoing tugs, towboats, and barges engaged in international trade and domiciled in Louisiana ports.

However, this exemption shall not apply to harbor, wharf, shed, and other port dues or to any vessel operated in the coastal trade of the continental United States.

COMMENT:

(4) Manual, Rule 10---short sentences; Rule 14---unrelated ideas in separate sentences.
(5) Manual, Rule 5---substitute word for phrase.

-14-

SECTION 3 (G) becomes SECTION 4 (D)

(1) All raw materials, goods, commodities, and articles imported into this state from outside of the continental United States:

(D) (1) Raw materials, goods, commodities, and articles imported into this state from outside the continental United States:
(a) So long as such imports remain upon the public property of the port authority or docks of any common carrier where such imports first entered this state; or

(b) So long as any such imports (other than minerals and ores of the same kind as any mined or produced in this state and manufactured articles) are held in this state in the original form in bales, sacks, barrels, boxes, cartons, containers, or other original packages, and raw materials held in bulk as all or a part of the new material inventory of manufacturers or processors, solely for manufacturing or processing; or

(c) So long as any such imports are held by an importer in any public or private storage in the original form in bales, sacks, barrels, boxes, cartons, containers, or other original packages and agricultural products in bulk. This exemption shall not apply to these imports when held by a retail merchant as part of his stock-in-trade for sale.
Section 3 (g) becomes Section 4 (d)

1 (2) All raw materials, goods, commodities, and other articles being held on the public property of a port authority or docks of any common carrier or in a warehouse, grain elevator, dock, wharf, or public storage facility in this state for export to a point outside the continental United States.

2 (3) (a) Goods, commodities, and personal property in public or private storage while in transit through this state which are moving in interstate commerce through or over the territory of the state or which are in public or private storage within Louisiana, having been shipped from outside Louisiana for storage in transit to a final destination outside Louisiana, whether such destination was specified when transportation began or afterward.

(b) Property described in

(1) Raw materials, goods

at retail.

(2) Raw materials, goods
26 specified when transportation
27 begins or afterward.
28 All such property described in
29 this Paragraph (G) whether en-
30 titled to exemption or not shall
31 be reported to the proper taxing
32 authority on the forms required
33 by law.

Paragraph (D), whether or not
entitled to exemption, shall be
reported to the proper taxing
authority on the forms required
by law.

SECTION 3(G) becomes SECTION 4(D)

COMMENT:


(2) Do not use double preposition.


(4) Elements, V, 16—be clear.

(5) Manual, Rule 6—avoid hackneyed reference words; Rule 5—substitute word for phrase.

(6) Elements, V, 16—be clear.


(9) Webster's, Rule 4.1.2—comma to set off non-restrictive participial phrase.


(11) Paragraph number changed to conform with suggested renumbering.

(12) Elements, II, 16—keep related words together.
SECTION 3 (E) becomes SECTION 4 (E)

1. (E) From state, parish, and special taxes, all motor vehicles used on the public highways of this state, provided that this exemption shall not extend to any general or special tax levied by the governing authority of any municipality, or district created by any such municipality, unless the governing authority thereof shall provide for such exemption by ordinance or resolution.

COMMENT:

(1) Elements, V, 16--be clear.
(2) Manual, Rule 14,--unrelated ideas in separate sentences.
(3) Manual, Rule 5--substitute word for phrase.
(4) Elements, II, 15--parallelism.

SECTION 3 (F) becomes SECTION 4 (F)

14. (F) Notwithstanding any provision of this Section to the contrary, the legislature may authorize the State Board of Commerce and Industry, under (1) (2) (3) (4) contrivision of this contrary provision of this Section, the legislature by law may authorize the State Board of Commerce and Industry
such conditions and terms and with such approval as the legislature may specify, to provide for the exemption from property taxation of any new manufacturing establishment or an addition or additions to any manufacturing establishment already existing in the state.

Section 3(F) becomes Section 4(F)

establishment already existing in the state. No exemption granted under the authority of such laws as may be enacted pursuant to this Section shall extend for a longer initial period than five calendar years, or be renewable for an additional period in excess of five additional calendar years.

COMMENT:

(1) Standardization of language.

(2) Ibid.

(3) Manual, Rule 5—substitute word for phrase; Rule 11—present tense.

(4) Standardization of language.


(8) Manual, Rule 5--substitute word for phrase.


(10) Manual, Rule 5--substitute word for phrase.

SECTION 3 (H) —
1 (H) No additional property may be exempted from taxation.

SECTION 4 becomes SECTION 5

Section 4. No Impairment of Existing Taxes or Obligations
Section 4. The provisions of this Article in no way shall be construed or applied in such a manner as to: (a) invalidate taxes authorized and imposed prior to the adoption of this constitution; or (b) impair the obligations, validity, or security of any bonds or other debt

Section 5. No Impairment of Existing Taxes or Obligations
Section 5. (1) This Article shall not be applied in a manner which will (a) invalidate taxes authorized and imposed prior to the effective date of this constitution or (b) impair the obligations, validity, or security of any bonds or other debt

[913]
obligations authorized prior to the adoption of this constitution.

(4) to the effective date of this constitution.

COMMENT:

(1) Standardization of language.


(4) Standardization of language.

Section 5 becomes Section 6

Section 5. Adjustment of Ad Valorem Tax Millages

Section 5. Prior to the end of the third year after the effective date of the constitution, the assessors and the Louisiana Tax Commission shall have determined the fair market value or use value of all property subject to taxation within the respective parishes to be used for the purpose of implementing the provisions of this Article.

Except as hereinafter provided in this Paragraph, the total amount of ad valorem taxes collected by any taxing authority in the year in which the provisions of this Article are first implemented shall not be increased.
Article are implemented shall not be increased or decreased because of the provisions of this Article above or below ad valorem taxes collected by such taxing authority in the year immediately preceding the year in which the provisions of this Article are implemented. To accomplish this result, it shall be the mandatory duty of each affected taxing authority, in the year in which this Article is implemented, to adjust millages upwards or downwards, without regard to millage limitations contained in this constitution. However, if at the time the adjustment is made, the millages actually levied by a taxing authority are less than or equal to the maximum authorized to be levied, the maximum authorized millages shall remain in effect unless changed as permitted by this constitution. Nothing herein shall be increased or decreased, without further voter approval, in proportion to the amount of the adjustment upward or downward. Thereafter, such millages shall be increased or decreased, without further voter approval, in proportion to the amount of the adjustment.

Section 5 becomes Section 6

1 millage actually levied by a taxing authority is less than or equal to the maximum authorized to be levied, the maximum millage so authorized shall be increased or decreased, without further voter approval, in proportion to the amount of the adjustment

1 shall be increased or decreased, without further voter approval, in proportion to the amount of the adjustment upward or downward. Thereafter, such millages shall remain in effect unless changed as permitted by this constitution. Nothing herein
upward or downward. Such millages shall thereafter remain in effect subject to such changes as may be permitted by this constitution. Nothing provided herein shall be construed to prohibit any taxing authority from collecting, in the year in which this Article is implemented or in any subsequent year, a larger dollar amount of ad valorem taxes by (a) levying additional or increased millages as provided by law; (b) placing additional property on the tax rolls; or (c) increases in the fair market or use value of property after the first determination of that value to implement this Article. This Section shall not apply to millages required to be levied for the payment of general obligation bonds.
Section 5 becomes Section 6

COMMENT:

(1) Standardization of language.
(2) Elements, V, 16--be clear.
(3) Elements, II, 15--parallelism.
(7) Manual, Rule 5--substitute word for phrase.
(9) Manual, Rule 5--substitute word for phrase.
(10) Ibid.
(11) Webster's, Rule 4.4.1--omit needless commas.
(13) Elements, V, 16--be clear.
(14) Webster's, Rule 4.2.1--comma to separate introductory adverbial clause.
(15) Elements, V, 16--be clear.
(20) Ibid.
(21) Standardization of language.
Section 6 (A) becomes Section 7 (A)

Section 6. Revenue Sharing Fund; Distribution; Pledge of Proceeds
Section 6. (A) A special fund is created in the state treasury to be known as the Revenue Sharing Fund.

COMMENT:

Section 6 (B) becomes Section 7 (B)

(B) There is hereby allocated annually from the State General Fund to the Revenue Sharing Fund the sum of ninety million dollars. The legislature may appropriate additional sums to the Revenue Sharing Fund.

COMMENT:
(2) Ibid.
Section 6 (C) becomes Section 7 (C)

(C) The Revenue Sharing Fund shall be distributed annually as provided by the legislature solely on the basis of population and number of homesteads in each parish in proportion to population and the number of homesteads throughout the state. Unless the legislature provides otherwise, population statistics of the last federal decennial census shall be utilized for this purpose.

Distribution Formula.

The revenue sharing fund shall be distributed annually as provided by law solely on the basis of population and number of homesteads in each parish in proportion to population and the number of homesteads throughout the state. Unless otherwise provided by law, population statistics of the last federal decennial census shall be utilized for this purpose. After deductions in each parish for retirement systems and commissions as authorized by law, the remaining funds, to the extent available, shall be distributed by first priority to the tax recipient bodies within the parish, as defined by law, to offset current losses because of homestead exemptions granted in this Article. Any balance remaining in a parish distribution shall be allocated to the municipalities and tax recipient bodies within each parish as provided.
COMMENT:

(1) Standardization of language.

-25-

SECTION 6 (C) becomes SECTION 7 (C)

(2) Webster's, Rule 4.4.1—omit needless commas.

(3) Elements, II, 16—keep related words together.

(4) Ibid.


(6) Standardization of language.

(7) Ibid.

-26-

SECTION 6 (D) becomes SECTION 7 (D)

1 (D) The funds distributed to each parish as provided in Paragraph (C) shall be distributed in Orleans Parish by the city treasurer of the city of New Orleans and in all other parishes by the parish tax collector. The funds allocated to the Monroe City School Board, or its successor, shall be distributed

1 (D) Distributing Officer. The funds distributed to each parish as provided in Paragraph (C) shall be distributed in Orleans Parish by the city treasurer of New Orleans and in all other parishes by the parish tax collector. The funds allocated to the Monroe City School Board or its successor
tributed to and by the city treasurer of the city of Monroe.

After deductions, in each parish, for retirement systems and commissions as authorized by law, the remaining funds, to the extent available, by first priority shall be distributed to the tax recipient bodies, as defined by law, within the parish to offset current losses because of homestead exemptions granted in this Article. Any balance thereafter remaining in any parish distribution shall be allocated to the municipalities and tax recipient bodies within each parish in accordance with law.

COMMENT:


Section 6 (E) becomes Section 7 (E)

(E) Any political subdivision, as defined by Article VI of this constitution, may incur debt by the issuance of

(E) Bonded Debt. A

political subdivision, as defined by Article VI of this constitution, may incur debt by
5 negotiable bonds, and may
6 pledge for the payment of all
7 or part of the principal and
8 interest of such bonds the
9 proceeds derived or to be de-
10 rived from that portion of the
11 funds received by it from the
12 Revenue Sharing Fund, as pro-
13 vided in Paragraph (D) of this
14 Section, to offset current
15 losses caused by homestead
16 exemptions granted by this
17 Article. Unless otherwise pro-
18 vided by the legislature, no
19 portion of any moneys allocated
20 within any parish out of any
21 balance remaining in any parish
22 distribution, as provided in
23 Paragraph (D) hereof, may be
24 pledged to the payment of the
25 principal or interest of any
26 bonds. These bonds shall be
27 issued and sold as provided by
28 law, and shall require the
29 approval of the State Bond
30 Commission, or its successor,
31 prior to issuance and sale.

(2)
issuing negotiable bonds and
(3)
may pledge for the payment of
(4)
all or part of the principal
(5)
and interest of such bonds.
(6)
the proceeds derived or to be de-
(7)
rived from that portion of
(8)
the funds received by it from
(9)
the revenue sharing fund, to
(10)
offset current losses caused
(11)
by homestead exemptions granted
by this Article. Unless other-
(12)
wise provided by law, no moneys
(13)
allocated within any parish
from the balance remaining in
its distribution may be pledged
to the payment of the principal
or interest of any bonds.
(14)
Bonds issued under this Paragraph
shall be issued and sold as
provided by law, and shall
require approval of the State
Bond Commission or its successor
prior to issuance and sale.
Section 6 (E) becomes Section 7 (E)

Comment:

(1) Standardization of language.
(2) Manual, Rule 5--substitute word for phrase.
(3) See Elements, I, 4--comma omitted when subject common to two clauses and connective is "and"
(5) Standardization of language.
(7) Formalization of language.
(8) Manual, Rule 5--substitute word for phrase.
(9) Elements, V, 16--be clear.
(11) Webster's, Rule 4.4.1--omit needless commas.

Section 8 (A)

1 Section 8. Tax Assessors
2 Section 8. (A) There shall be a tax assessor elected by the qualified electors of each parish in the state, parish of Orleans excepted. His term of office shall be four years and the legislature shall define his duties, fix his compensation, and provide for his election.
COMMF.NT:
(1) Manual, Rule 8—rewrite "there is."
(3) Ibid.
(4) Manual, Rule 5—substitute word for phrase.
(6) Rearrangement of phrases to place "election" first in series.
(7) Standardization of language.

SECTION 8(B)

11 (B) There shall be seven assessors in the city of New Orleans, who together shall compose the Board of Assessors for the parish of Orleans. One shall be elected from each municipal district of the city of New Orleans, and they shall be residents of the districts from which they are elected. Their terms shall be four years and they shall be elected at the same time as the municipal officers of the city of New Orleans.

11 (B) Orleans Parish.
12 There shall be seven assessors in New Orleans, who shall compose the Board of Assessors for Orleans Parish. One shall be elected from each municipal district of New Orleans, and each shall be a resident of the district from which he is elected. The assessors shall be elected at the same time as the municipal officers of New Orleans, for terms of four years each. Their duties and compensation shall be as provided for by law.
COMMENT:


(2) Ibid.

(3) Manual, Rule 5--substitute word for phrase.


(6) Rearrangement of words to allow "election" before "term."

(7) Elements, V, 16--be clear.

-31-

SECTION 8 (C)

1 (C) When a vacancy occurs
2 in the office of tax assessor
3 the duties of the office,
4 until it is filled by election
5 as provided by law, shall be
6 assumed by the chief deputy
7 assessor, except in the parish
8 of Orleans, where the Board of
9 Assessors for the parish of
10 Orleans shall appoint the
11 interim assessor.

COMMENT:

(1) Webster's, Rule 4.2.1--commas to set off introductory adverbial clause.

(3) Manual, Rule 5--substitute word for phrase.


(5) Substitution of indefinite article for definite article.

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**Section 9 becomes**

<table>
<thead>
<tr>
<th>Section 9</th>
<th>Section 9 (A), (B), (C), (D)</th>
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<tbody>
<tr>
<td>1 Section 9. Tax Sales; Redemption of Property</td>
<td>1 Section 9. Tax Sales</td>
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<tr>
<td>2 Section 9. There shall be no forfeiture of property for the nonpayment of taxes, but at the expiration of the year in which said taxes are due, the collector shall, without suit, and after giving notice to the delinquent in the manner provided by law, advertise for sale in the official journal of the parish or municipality, provided there be an official journal in such parish or municipality; or, if not, then, as is now or may be provided by law for sheriffs' sales, the property on which the taxes are due in the manner provided for judicial sales, and on the day of sale he shall sell such portion of the property as [926]</td>
<td>3 There shall be no forfeiture of property for nonpayment of taxes.</td>
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<td>4 However, at the expiration of the year in which the taxes are due, the collector, without suit, and after giving notice to the delinquent in the manner provided by law, shall advertise for sale the property on which the taxes are due. The advertisement shall be published in the official journal of the parish or municipality, or, if there is no official journal, as provided by law for sheriffs' sales, in the manner provided for judicial sales. On the day of sale, the collector shall sell the portion of the property which the debtor points out. If the debtor does</td>
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the debtor shall point out and in case the debtor shall not point out sufficient property, the collector shall sell immediately the least quantity of property which any bidder will buy for the amount of the taxes, interest and costs. The sale shall be without appraisement.

(B) Redemption. The property sold shall be redeemable for three years after the date of recordation of the tax sale, by paying the price given, including costs, five percent penalty thereon, and interest at the rate of one percent per month until redeemed. A tax deed by a tax collector shall be prima facie evidence that a valid sale was made.

(C) Annulment. No sale of property for taxes shall be set aside for any cause, except on proof of payment of the taxes prior to the date of the sale, unless the proceeding to annul is instituted within six months after service of notice of sale. A notice of sale shall not be served until the final day for redemption has ended. It must
to sales annulled on account of taxes having been paid prior to the date of sale, all deeds of sale made, or that may be made, by the collectors of taxes, shall be received by courts in evidence as prima facie valid sales.

No sale of property for taxes shall be set aside for any cause, except on proof of payment of the taxes for which the property was sold prior to the date of the sale, unless the proceeding to annul is instituted within six months from service of notice of sale, which notice shall not be served until the time of redemption shall have expired and within five years from the date of the recordation of the tax deed, if no notice is given. The fact that taxes were paid on a part of the property sold, prior to the sale thereof, or that a part of the property was not subject to taxation, shall not be cause for annulling the sale of any part thereof on which the taxes for which it was sold were due and unpaid. No judgment annulling a tax sale shall have effect until the price and all taxes and costs are paid, and until ten percent per annum interest on the amount of the price and taxes paid from date of respective payments are paid to the purchaser; however, this shall not apply to sales annulled because the taxes were paid prior to the date of sale.

Section 9 becomes Section 9(A), (B), (C), (D)

or that part thereof was not subject to taxation, shall not be served within five years after the date of the recordation of the tax deed if no notice is given. The fact that taxes were paid on a part of the property sold prior to the sale thereof, or that a part of the property was not subject to taxation, shall not be cause for annulling the sale of any part thereof on which the taxes for which it was sold were due and unpaid. No judgment annulling a tax sale shall have effect until the price and all taxes and costs are paid, and until ten percent per annum interest on the amount of the price and taxes paid from date of respective payments are paid to the purchaser; however, this shall not apply to sales annulled because the taxes were paid prior to the date of sale.

(D) Quieting Tax Title.

The manner of notice and form
be cause for annulling the sale as to any part thereof on which the taxes for which it was sold were due and unpaid.

The manner of notice and form of proceeding to quiet tax titles shall be provided by law. Taxes on movables shall be collected by seizure and sale by the tax collector of the movable property of the delinquent, whether it be the property assessed or not, sufficient to pay the tax. Sale of such property shall be made at public auction, without appraisement, after ten days advertisement, made within ten days from date of seizure, and shall be absolute and without redemption.

If the tax collector can find no corporeal movables of the delinquent to seize, he may levy on incorporeal rights, by notifying the debtor thereof, or he may proceed by summary rule in the courts to compel the delinquents to deliver up for sale property in his possession or under his control.

The legislature shall be au-

of proceeding to quiet tax titles shall be provided by law. (E) Movables; Tax Sales. When taxes on movables are delinquent, the tax collector shall seize and sell sufficient movable property of the delinquent taxpayer to pay the tax, whether or not the property seized is the property which was assessed. Sale of the property shall be at public auction, without appraisement, after ten days advertisement, published within ten days after date of seizure. It shall be absolute and without redemption.

If the tax collector can find no corporeal movables of the delinquent to seize, he may levy on incorporeal rights, by notifying the debtor thereof, or he may proceed by summary rule in the courts to compel the delinquent to deliver for sale property in his possession or under his control.

(F) Postponement of Taxes. The legislature may postpone the payment of taxes, but only in cases of overflow, general conflagration, general
authorized to postpone the payment of taxes, only in cases of overflow, general conflagration, crop destruction, or other public calamity, and may provide for the levying, assessing, and collecting of such postponed taxes. In such cases, the legislature may authorize the borrowing of money by the state on its faith and credit, by bond issue or otherwise, and may levy taxes, or apply taxes already levied and not appropriated, to secure payment thereof, in order to create a fund from which loans may be made through the Interim Emergency Board to the governing authority of the parish where the calamity occurs. The money loaned shall be applied to and shall not exceed the deficiency in revenue of the parish or a political subdivision therein or of which the parish is a part, caused by postponement of taxes. No loan shall be made to a parish governing authority without the approval of the Interim Emergency Board.
the parish is a part, caused by 24 postponement of taxes. No loans 25 shall be made to the governing 26 authority of any parish without 27 the approval of the State Board 28 of Liquidation.

Section 9 becomes Section 9(A), (B), (C), (D)

COMMENT:


(2) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.


(4) Elements, II, 16--keep related words together.

(5) Ibid.

(6) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences; Elements, II, 16--keep related words together.

(7) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.

(8) Elements, V, 16--be clear.


(11) Manual, Rule 5, substitute word for phrase; Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.


(18) Substitution of noun for verb to make prepositional phrase.


(22) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.

(23) Manual, Rule 3--make time periods clear; Manual Rule 5--substitute word for phrase.


(26) Webster's, Rule 4.4.1--omit needless commas.


(29) Elements, II, 15--parallelism.

37-

Section 9 becomes Section 9 (A), (B), (C), (D)


(31) Standardization of language.


(34) Manual, Rule 11--active voice; Elements, II, 16--keep related words together.


(37) Elements, V, 16--be clear.
(38) Manual, Rule 3--make time periods clear.


(42) Standardization of language.

(43) Elements, V, 16--be clear.

(44) Manual, Rule 5--substitute word for phrase.


(47) Manual, Rule 12--singularization; Webster's Rule 4.2.1--comma after introductory prepositional phrase.

(48) Elements, II, 15--parallelism.

(49) "State Board of Liquidation" changed to "Interim Emergency Board" to conform with language in C.P. No. 15.

(50) Elements, V, 14--avoid fancy words.

(51) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.

(52) Elements, V, 16--be clear.

(53) Standardization of language.

(54) Webster's, Rule 4.4.1--omit needless commas.


(56) Manual, Rule 5--substitute word for phrase.

Section 1 (H) becomes Section 10.

7 (H) The provisions of this
8 Section shall become effective
9 commencing January 1 of the year
10 following the end of three years
11 after the effective date of this

7 Section 10. Effective Date
8 Section 1
9 and Section 3 of this Article
10 shall become effective January 1
11 of the year following the end
constitution, and until that date the provisions of the 1921 Constitution governing matters covered by this Section shall continue and be fully applicable, notwithstanding any contrary expiration date stated in any provision thereof with respect to the veterans homestead exemption.

12 of three years after the effective date of this constitution. Until that date, the provisions of the Constitution of 1921 governing matters covered by those Sections shall continue to apply, notwithstanding any contrary expiration date stated in any provision thereof concerning the veterans' homestead exemption.

COMMENTS:

(1) Standardization of language.


(3) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.

(4) Webster's, Rule 4.2.1--commas to set off introductory prepositional phrase.


(6) Ibid.

NOTES

C.P. No. 26 Floor Presentation is reproduced above as Document No. XXIV, dated 1/2/74, except pages 21-23, 33-34, and 37-38 reproduced below.
effective date of the constitution, the assessors and the Louisiana Tax Commission shall have determined the fair market value or use value of all property subject to taxation within the respective parishes to be used for the purpose of implementing the provisions of this Article.

Except as hereinafter provided in this Paragraph, the total amount of ad valorem taxes collected by any taxing authority in the year in which the provisions of this Article are implemented shall not be increased or decreased because of the provisions of this Article above or below ad valorem taxes collected by such taxing authority in the year immediately preceding the year in which the provisions of this Article are implemented. To accomplish this result, it shall be mandatory for each affected taxing authority, in the year in which Sections 1 and 3 of this Article are implemented, to adjust millages upwards or downwards without regard to millage limitations contained in this constitution, and the maximum authorized millages shall be increased or decreased without further voter approval, in proportion to the
35 contained in this constitution; 35 amount of the adjustment upward or
36 however, whenever at the time 36
37 the adjustment is made the 37

-S E C T I O N  5  b e c o m e s  S E C T I O N  6-

1 millage actually levied by a 1 downward. Thereafter, such millages
2 taxing authority is less than or (\(i\))
3 equal to the maximum authorized (\(i^7\))
4 to be levied, the maximum millage (\(i^8\)) (\(i^9\))
5 so authorized shall be increased (\(i^10\))
6 or decreased, without further (\(i^11\))
7 voter approval, in proportion to (\(i^12\))
8 the amount of the adjustment (\(i^13\))
9 upward or downward. Such millages (\(i^14\))
10 shall thereafter remain in effect (\(i^15\))
11 subject to such changes as may be (\(i^16\))
12 permitted by this constitution. (\(i^17\))
13 Nothing provided herein shall be (\(i^18\))
14 construed to prohibit any taxing (\(i^19\))
15 authority from collecting, in the year (\(i^20\))
16 in which Sections 1 and 3 of this (\(i^21\))
17 Article are implemented or in any sub- (\(i^22\))
18 sequent year, a larger dollar amount (\(i^23\))
19 of ad valorem taxes by (a) levying (\(i^24\))
20 additional or increased millages as (\(i^25\))
21 provided by law; (b) placing additional (\(i^26\))
22 property on the tax rolls; or (c) in- (\(i^27\))
23 creases in the fair market or use value (\(i^28\))
24 of property after the first determina- (\(i^29\)) (\(i^30\))
25 tion of that value to implement this (\(i^31\))
26 Article. This Section shall not apply (\(i^32\))
27 to millages required to be levied for (\(i^33\))
28 the payment of general obligation bonds (\(i^34\))
29 [936]
by reason of increases in the fair market value or use value of property after the first determination of such value on the basis of which the provisions of this Article are to be implemented. The provisions of this Section shall not apply to millages required to be levied for the payment of general obligation bonds.

SECTION 5 becomes SECTION 6

COMMENT:

(1) Standardization of language.
(2) Elements, V, 16 -- be clear.
(3) Elements, II, 15 -- parallelism.
(7) Elements, V, 16 -- be clear.
(8) Manual, Rule 5 -- substitute word for phrase.
(10) Manual, Rule 5 -- substitute word for phrase.
(11) Ibid.
(12) Webster's, Rule 4.4.1 -- omit needless commas.
(13) Elements, V, 16 -- be clear; Manual, Rules 5, 13 and Elements II, 13 -- omit needless words.
(14) Manual, Rule 5 -- substitute word for phrase.
(15) Elements, V, 16 -- be clear.
Section 9 contains

1 Section 9. Tax Sales; Redemption of Property
2 Section 9. There shall be no forfeiture of property for
3 the nonpayment of taxes, but at
4 the expiration of the year in
5 which said taxes are due, the
6 collector shall, without suit,
7 and after giving notice to the
8 delinquent in the manner pro-
9 vided by law, advertise for sale
10 in the official journal of the
11 parish or municipality, provided
12 there be an official journal in
13 such parish or municipality; or,
14 if not, then, as is now or may
15 be provided by law for sheriff's
16 sales, the property on which the
17 taxes are due. The advertisement shall
18 be published in the official
19 journal of the parish or munici-
20 pality, or, if there is no
21 official journal, as provided
22 by law for sheriffs' sales, in
23 the manner provided for judicial
taxes are due in the manner provided for judicial sales, and on the day of sale he shall sell such portion of the property as the debtor shall point out and in case the debtor shall not point out sufficient property, the collector shall, at once and without further delay, sell the least quantity of property which any bidder will buy for the amount of taxes, interest and costs. The sale shall be without appraisement and the property sold shall be redeemable at any time during three years from date of recordation of the tax sale, by paying the price given, including costs and five per cent penalty thereon, with interest at the rate of one per cent per month until redeemed.

Section 9

penalty thereon, with interest at the rate of one per cent per month until redeemed. No judgment annulling a tax sale shall have effect until the price and all taxes and costs are paid, and interest at the rate of one per cent per month until redeemed. No judgment annulling a tax sale shall have effect until the price and all taxes and costs are paid.

Section 9 (a) (b) (c) (d) (e) (f) (g) (h) (i) (j) (k) (l) (m) (n) (o) (p) (q) (r) (s) (t) (u) (v) (w) (x) (y) (z) (A) (B) (C) (D) (E) (F) (G) (H) (I) (J) (K) (L) (M) (N) (O) (P) (Q) (R) (S) (T) (U) (V) (W) (X) (Y) (Z)
with ten percent per annum interest on the amount of the price and taxes paid from date of respective payments, be previously paid to the purchaser; provided, this shall not apply to sales annulled on account of taxes having been paid prior to the date of sale, all deeds of sale made, or that may be made, by the collectors of taxes, shall be received by courts in evidence as prima facie valid sales.

No sale of property for taxes shall be set aside for any cause, except on proof of payment of the taxes for which the property was sold prior to the date of the sale, unless the proceeding to annul is instituted within six months from service of notice of sale, which notice shall not be served until the time of redemption shall have expired and within five years from the date of the recordation of the tax deed, if no notice is given. The fact that taxes were paid on a part of the property sold prior to the sale thereof, or that a part of the property was not subject to taxation, shall not be cause for annulling the sale of any part thereof on which the taxes for which it was sold were due and unpaid. No judgment annulling a tax sale shall have effect until the price and all taxes and costs are paid, and until ten percent per annum interest on the amount of the price and taxes paid from date of respective payments are paid to the purchaser; however, this shall not apply to sales annulled because the taxes were paid prior to the date of sale.
COMMENT:


(2) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.


(4) Elements, II, 16--keep related words together.

(5) Ibid.

(6) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences; Elements, II, 16--keep related words together.

(7) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.

(8) Elements, V, 16--be clear.


(11) Manual, Rule 5, substitute word for phrase; Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.


(19) Substitution of noun for verb to make prepositional phrase.


(22) Manual, Rule 10--short sentences; Rule 14--unrelated ideas in separate sentences.

(23) Manual, Rule 3--make time periods clear; Manual Rule 5--substitute word for phrase.
(26) Webster's, Rule 4.4.1—omit needless commas.
(29) Elements, II, 15—parallelism.

SECTION 4 occurs SECTION 9 (n), (b), (c), (d).

(31) Standardization of language.
(37) Elements, V, 16—be clear.
(38) Manual, Rule 3—make time periods clear.
(42) Standardization of language.
(43) Elements, V, 16—be clear.

(44) Manual, Rule 5—substitute word for phrase.
(47) Manual, Rule 12--singularization; Webster's Rule 4.2.1--comma after introductory prepositional phrase.

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(49) "State Board of Liquidation" changed to "Interim Emergency Board" to conform with language in C.P. No. 15.

(50) Elements, V, 14--avoid fancy words.

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(52) Elements, V, 16--be clear.

(53) Standardization of language.

(54) Webster's, Rule 4.4.1--omit needless commas.


(56) Manual, Rule 5--substitute word for phrase.

--- 18 ---

January 4, 1971

Advisory Rules by Committee

on Finance, Revenue and Taxation

CP 26 - Style and Drafting Committee - COMMENTS

Section 1(B)

As enrolled, the first sentence refers to fair market value and provides that assessors shall determine that value. The second sentence refers both to fair market value and use value in speaking of legislative criteria and uniformity.

The previous article authorizes the assessment at use value rather than fair market value. In none of these provisions is it clearly stated that assessors would determine use value of property.

However, in Section 6, which governs adjustment of millages, reference is made to the assessors and Louisiana Tax Commission completing "determination of the fair market value of the use value of all property...."

If the intent of the convention was to have assessors determine use value as well as fair market value, a sentence could be added to Section 1(B) to so provide. Perhaps it could read as follows:

"Each assessor shall determine the use value of property which is to be so assessed under the provisions of Paragraph C."

Adapted Language supplied by 511.

In the section as enrolled, the phrase "dedicated places of burial" is grammatically incorrect. Also, placement of that phrase indicates that the dedicated places of burial are exempt only when owned by nonprofit groups. The exemption is also subject to the other conditions of the Paragraph.

If the intent of the convention was to exempt dedicated places of burial without qualification, the phrase "dedicated places of burial" could be deleted from this paragraph and added as a numbered sentence in Section 4(C).

Adapted

Section 4(B)

Item 1 (property of an organization such as a lodge or club organized for charitable and fraternal purposes and practicing the same) may be ambiguous because of the reference to lodges or clubs. Is that enumeration meant as a limiting expression, or is it to give examples without limitation?

If the purpose is to limit, it might better read, "property of a lodge or club or similar organization...." If the purpose is otherwise, it could read, "property of an organization organized for charitable and fraternal purposes...."

Further, since Item 1 of the Paragraph includes nonprofit corporations or associations for charitable or fraternal purposes, is Item 1 necessary? The Tax Commission appears to favor its retention.

The Committee on Style and Drafting requests the views of the Committee on Revenue, Finance and Taxation as whether to leave the Section as enrolled or to make the changes mentioned.
to "the continental United States." Since the nation has added two states, one of which (Hawaii) is not part of the continental United States, and the other of which (Alaska) may or may not be part of the continental United States, it may be preferable to delete the word "continental" in these expressions.

Committee Recommended

COMMITTEE PROPOSAL NO. 26: FIRST ROLLMENT

Changes recommended by Committee on Revenue, Finance and Taxation and Committee on Style and Drafting to clarify ambiguous language in enrolled proposal, but involving possible substantive change in the provision as adopted by the Convention.

COMPARATIVE PRESENTATION

SECTIONS AS ADOPTED: INCORPORATING CHANGES RECOMMENDED BY COMMITTEE ON STYLE AND DRAFTING

FURTHER CHANGES RECOMMENDED BY BOTH COMMITTEES TO CLARIFY POSSIBLE AMBIGUITIES

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<td>1. (D) Valuation. Each assessor shall determine the fair market value of all property subject to taxation within his respective parish or district except public service properties, which shall be valued at fair market value by the Louisiana Tax Commission or its successor.</td>
<td>1. (D) Valuation. Each assessor shall determine the fair market value of all property subject to taxation within his respective parish or district except public service properties, which shall be valued at fair market value by the Louisiana Tax Commission or its successor.</td>
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law and which shall apply uniformly throughout the state. Fair market value and use value of property shall be determined in accordance with criteria which shall be established by law and which shall apply uniformly throughout the state.

SECTION 1 (B)

CAVEAT: As enrolled, the first sentence refers to fair market value and provides that assessors shall determine that value. The second sentence refers both to fair market value and use value, in speaking of legislative criteria and uniformity. Section 1 (C) authorizes assessment at use value rather than fair market value. Neither Section clearly states that assessors would determine use value of property.

However, in Section 6, which governs adjustments of millages, reference is made to the assessors and Louisiana Tax Commission completing “determination of the fair market value or the use value of all property ...." If the intent of the convention was to have assessors determine use value as well as fair market value, a sentence could be added to Section 1 (D) to provide, as suggested above.

SECTION 4 (B)

(b) (1) Property owned by:
1 a religious corporation or
2 association organized and operated exclusively for religious, dedicated places of burial, charitable, health, welfare, fraternal, or educational purposes, no part of

Part 2 Sections 74 (C) (possible change in item 10)

1 (C) (1) Cash on hand or deposit;
2 (2) stocks and bonds, except bank stocks, the tax on which shall be paid by the banking institution;
3 (3) obligations secured by mortgage on property located in
the net earnings of which inure to the benefit of any private shareholder or member thereof and which is declared to be exempt from federal or state income tax;

(2) property of a bona fide labor organization representing its members or affiliates in collective bargaining efforts; and

(3) property of an organization such as a lodge or club organized for charitable and fraternal purposes and practicing the same, and property of a nonprofit corporation devoted to promoting trade, travel, and commerce, and also property of a trade, business, industry or professional society or association if that property is owned by a nonprofit corporation or association organized under the laws of this state for such purposes.

None of the property listed in Paragraph (B) shall be exempt if owned, operated, leased, or used for commercial purposes unrelated to the exempt purposes of the corporation or association.

(4) loans by life insurance companies to policyholders, if secured solely by their policies;

(5) the legal reserve of domestic life insurance companies;

(6) loans by a homestead or building and loan association to its members, if secured solely by stock of the associations;

(7) debts due for merchandise or other articles of commerce or for services rendered;

(8) obligations of the state or its political subdivisions;

(9) personal property used in the home or on loan in a public place;

(10) irrevocably dedicated places of burial held by individuals for purposes of burial of themselves or members of their families;

(Rest of Section continued with listings renumbered as shown in Amendment No. 34.)
CAVEAT: Section 4 (B) as enrolled and styled, the phrase "dedicated places of burial" is grammatically incorrect. Also, placement of that phrase indicates that the dedicated places of burial are exempt only when owned by nonprofit groups. The exemption is also subject to the other conditions of the Paragraph.

If the intent of the convention was to exempt dedicated places of burial without qualification, the phrase "dedicated places of burial" could be deleted from Section 4 (B) and added as suggested above, as a numbered item in Section 4 (C).

Section 4(C)(15)

1 (15) ships and oceangoing tugs, towboats, and barges engaged in international trade and domiciled in Louisiana ports. However, this exemption shall not apply to harbor, wharf, shed, and other port dues or to any vessel operated in the coastal trade of the continental United States.

Section 4D(1)

1 (D) (1) Raw materials, goods, commodities, and articles imported into this state from
outside the continental United States:

(a) so long as the imports remain on the public property of the port authority or docks of the common carrier where they first entered this state;

(b) so long as the imports (other than minerals and ores of the same kind as any mined or produced in this state and manufactured articles) are held in this state in the original form in bales, sacks, barrels, boxes, cartons, containers, or other original packages, and raw materials held in bulk as all or a part of the new material inventory of manufacturers or processors, solely for manufacturing or processing; or

(c) so long as the imports are held by an importer in any public or private storage in the original form in bales, sacks, barrels, boxes, cartons, or

SECTION 4(D)(1)

processors, solely for manufacturing or processing; or

(c) so long as the imports are held by an importer in any public or private storage in the original form in bales, sacks, barrels, boxes, cartons,
containers, or other original packages and agricultural products in bulk. This exemption shall not apply to these imports when held by a retail merchant as part of his stock-in-trade for sale at retail.

Section 4(D)(2)

(2) Raw materials, goods, commodities, and other articles being held on the public property of a port authority, on docks of any common carrier, or in a warehouse, grain elevator, dock, wharf, or public storage facility in this state for export to a point outside the states of the United States.

Caveat: All three Sections use traditional language in referring to "the continental United States." Since the nation has added two states, one of which (Hawaii) is not part of the continental United States, and the other of which (Alaska) may or may not be part of the continental United States, it may be preferable to use the words "states of the" in lieu of the word "continental" in these expressions.
PROPOSAL AS AMENDED

(F) Notwithstanding any contrary provision of this Section, the State Board of Commerce and Industry or its successor, with the approval of the governor, may enter into contracts for the exemption from ad valorem taxes of any new manufacturing establishment or an addition to any existing manufacturing establishment, on such terms and conditions as the board, with the approval of the governor, shall determine to be in the best interest of the state.

No exemptions from taxes shall be granted under authority of this paragraph for a longer initial term than five calendar years.

In later years, the exemption may be renewed for an additional period of five years.

The property exempted shall be listed on the assessment rolls submitted to the Louisiana Tax Commission or its successor, and the state shall be collected thereon during the period of exemption.

The terms "manufacturing establishment" and "addition" as used herein mean a new plant or establishment or an addition or additions to any existing plant or establishment which engages in the business of working raw materials into wares suitable for use or which gives new shapes, new qualities, or new combinations of materials which already has gone through some artificial process.

SUGGESTED CHANGES

(F) Notwithstanding any contrary provision of this Section, the State Board of Commerce and Industry or its successor, with the approval of the governor, may enter into contracts for the exemption from ad valorem taxes of any new manufacturing establishment or an addition to an existing manufacturing establishment, on such terms and conditions as the board, with the approval of the governor, shall determine to be in the best interest of the state.

The exemption shall be for an initial term of no more than five calendar years, and may be renewed for an additional five years. All property exempted shall be listed on the assessment rolls submitted to the Louisiana Tax Commission or its successor, but no taxes shall be collected thereon during the period of exemption.

The terms "manufacturing establishment" and "addition" as used herein mean a new plant or establishment or an addition or additions to any existing plant or establishment which engages in the business of working raw materials into wares suitable for use or which gives new shapes, qualities, or combinations to matter which already has gone through some artificial process.
MEMORANDUM

November 21, 1973

TO: Committee on Style and Drafting

Attached is a memorandum which I have prepared to point out what appears to me to be an obvious error in drafting the clause on the exemption from ad valorem taxation as it pertains to places of burial.

I have furnished a copy of this memorandum to your Chairman, Judge Tate, and thought I should also furnish a copy to each of you for your use when you meet next week.

CC: ep

Attachment

MEMORANDUM

TO: Senator Rayburn, Chairman - Committee on Revenue, Finance and Taxation - CC '73

FROM: Carlos G. Spant, Representing Louisiana Cemetery Association

IN RE: EXEMPTION OF PLACES OF BURIAL

In the Floor Amendment by you and delegates Cusur, Planchard and McDaniel to Committee Proposal No. 26 adopted by the Convention, places of burial were included in the exemption in this language: "dedicated places of burial" in Subparagraph (C) (see copy of Floor Amendment attached).

It is my understanding that it was the intention of the authors of this Amendment to exempt from ad valorem taxation only places that have been dedicated to the public as places of burial of the dead, and to make taxable any other lands adjacent or otherwise owned by the cemetery and not dedicated and which would be used or sold for other purposes.

The Louisiana Cemetery Association has no objection to this and agrees that any properties owned by a cemetery or mausoleum not dedicated and taken out of commerce should be taxed.

If this is the intention and purpose of the language in the Amendment, then it is obvious that the clause "dedicated places of burial" should have been inserted in Subparagraph (D), as shown on the attached sheet, instead of in Subparagraph (C). Otherwise, burial lots or crypts, whether there are bodies in them or not, are taxable unless the "dedicated places of burial" are "owned by non-profit corporations or associations organized and operated exclusively for religious, dedicated places of burial, charitable, health, welfare, fraternal, or educational purposes . . . ." In other words, every burial lot or crypt not in a church, city-owned or national cemetery in Baton Rouge and throughout the state would be subject to assessment and taxation.

As a practical matter, there are very few cemeteries left in any of the cemeteries in Baton Rouge except for those operated for profit, and I would estimate that 95% to 97% of all burials are in cemeteries operated for profit. Therefore, it is my opinion that the clause as written will not meet the intent of the conference committee as it facilitates any other purpose.

Article 707 of the Louisiana Constitution of 1879 exempted "places of burial" as does Article 10, Paragraph 4, of the Constitution of 1921. These long-standing-recognized exemptions clearly represent the public policy of our state, which is actually no different from the public policy of every state in the United States, where the cemetery is recognized as a place or area set apart, either by governmental authority or private enterprise, for the interment of the dead. Generally speaking, the term has been accepted as including not only lots for the depositing of the bodies of the dead, but also, in connection therewith, avenues, walkways and grounds for shrubbery and ornamental purposes.

In the case of Metairie Cemetery Association vs. Board of Assessors, 37 La. Ann. 32, our Supreme Court made the following statement, among others, where the Board of Assessors of Orleans Parish sought to assess and tax the portions of Metairie Cemetery which were dedicated but to which burials had not been made:

"What would be the security of those who venerate their dead, if the tax gatherers might enter such sacred precincts and sell at the public outcry the land adjoining their tombs to some publicans who might build thereon a barrow or a brothel?"

Further, the Orleans Court of Appeal has held that the question of who is the owner of a tomb in a cemetery is controlled by the rules and requirements of the owner of the cemetery, and that the cemetery lots, plots, tombs, etc., are not subject to the general provisions of our law with respect to the transfer of real estate. (See: Pettit, App. Plint vs. Denton, 5 La. App. 40 [Orl. App. 1926].)

In no holding, the court was merely following what the Louisiana Legislature has provided in Section 377 of the Revised Statutes of 1870. (See also: Farrell vs. Metairie Cemetery Association, 43 La. Ann. 26, 10 So. 386; and Lenox vs. Giseer, 55 So 2d 662.) These earlier provisions have been carried into the Louisiana Revised Statutes of 1950 (La. R.S. 8:1).

It is for these same reasons of strong public sentiment, based upon the deepest respect for the dead, that public cemeteries are exempt from taxation and from seizure and sale for debt, and are not susceptible of mortgage, whether legal or conventional, so much so that the Louisiana Legislature, even since 1870, has made it unlawful for a Recorder of Mortgage to record or certify even the existence of a privilege or mortgage bearing on such cemeteries, or any portions thereof. (La. R.S. 8:3).

It is, therefore, suggested that the very act of assessing cemeteries for tax purposes will violate the public policy, as expressed in the prohibition against the acceptance by a Parish Recorder of the recording of a mortgage on cemetery property. Thus, in La. R.S. 47:593, we find that one..."
step to the assessing process of real estate throughout the State of Louisiana is the filing of the approved assessment lists with the Recorder of Mortgage in order to constitute notice to all interested parties of the assessment because immediately upon filing these lists, there arises a lien, a legal mortgage, upon the property so assessed.

This is also why the Legislature, in 1940, further made it unlawful, and even a crime, to use, lease or sell any land which is plotted, laid out, or dedicated for cemetery purposes and to in which human bodies are interred, or any part of such tract, for the purpose of prospecting, drilling or mining. (La. R.S. 814).

Thus, the Courts of Louisiana, as well as those of other states, have interpreted the meaning of "dedicated." I quote the following from the American Law of Charities by Carl Zollos:


"Ownership and use of land for cemetery purposes are the ordinary statutory tests of exemption. The mere organization of a company, under the cemetery acts, and the purchase of land thereby, without expenditure to improve or develop it, but the mere passive holding of the land, as it were, by a species or mortals, is not enough to bring the claim for exemption within the language and spirit of this legislation. Share, therefore, land 'dedicated' to cemetery purposes is exempted, a mere appropriation on paper is not enough. Even the use of a parcel of it for growing trees or shrubs, cutting turf, and deposing stones, wood, and other materials, to be ultimately used in preparing and enhancing it, is not sufficient. The land, in order to be exempt, must actually be used for burial, or at least divided off, or at least laid out into lots and avenues."

Therefore, it is clear that if the exemption is limited to "dedicated places of burial" such property is out of commerce and not subject to any other use or purpose, and there could be no abuses or unfair advantages taken by the owners of any cemetery or mausoleum. The purposes of the Committee would thus be accomplished by having this styling and drafting Committee to place the language "dedicated places of burial" as shown on the attached sheet.

years after the effective date of this constitution, and until that date the provisions of the 1921 Constitution governing matters covered by this Section shall continue and be fully applicable, notwithstanding any contrary expiration date stated in any provision thereof with respect to the veterans homestead exception.

Section 2. Rate of State Property Taxation; Limitation

Section 2. The rate of state taxation on property for all purposes shall not exceed, in any one year, five and three-quarter mills on the dollar of its assessed value.

Section 3. Other Property Exemptions

Section 3. In addition to the homestead exemption provided for in Section 1 of this Article, the following property shall be exempt from ad valorem taxation:

(A) All public lands; all other public property used for public purposes.

(C) That owned by nonprofit corporations or associations organized and operated exclusively for religious, charitable, educational or fraternal purposes, no part of the net earnings of which shall inure to the benefit of any private shareholder or member thereof, and which is declared to be exempt from Federal or state income tax; property of bona fide labor organizations representing their members or affiliates in collective bargaining efforts, or organizations such as lodges and clubs organized for charitable and fraternal purposes and practicing the same; and properties of nonprofit corporations devoted to the promotion of trade, travel, and commerce, and trade, business, industry and professional societies or associations provided such property is owned by nonprofit corporations or associations organized under the laws of the State of Louisiana for such purposes; except property owned, operated, leased, or used for commercial purposes, unrelated to the exempt purposes of said corporation or association.

(D) Cash on hand or deposit, stocks and bonds, except bank stocks, the tax on which shall be paid by the banking institution; obligations secured by mortgage on property located in Louisiana and the notes or other evidence thereof; loans by life insurance companies to policyholders, if secured solely by their policies; the legal reserve of domestic life insurance companies; loans by homestead or building and loan associations to their members, if secured solely by stock of said associations; debts due for merchandise or other articles of commerce or for services rendered; obligations of the state or its political subdivisions; all personal property used in the home or on loan in a public place; agricultural products while owned by the
producer, agricultural machinery and other implements used exclusively for agricultural purposes, and all animals on the farm, and property belonging to agricultural fair associations; all property used for cultural, Mardi Gras carnival or civic activities and not operated for profit to the owners; all ships and equipment, l

1/13/74

DOCUMENT NO. XXXVII

COMMITTEE PROPOSAL NUMBER 30: FIRST ENROLLMENT

SCHEDULE

Staff Styling Suggestions: Comparative Presentation

PROPOSAL AS ENROLLED

1 ARTICLE XIV. SCHEDULE

2 * * *

3 Section 2. Board of Regents

4 Section 2. On the effective date of this constitution, the members of the Louisiana Coordinating Council for Higher Education appointed by the governor whose terms have not expired shall become members of the Board of Regents until their respective terms expire. The governor shall appoint such additional members as are required to complete the full membership of the board in accordance with and for the purpose of effectuating the provisions of Article IX, Section 7.

SUGGESTED CHANGES

1 ARTICLE XIV. SCHEDULE

2 * * *

3 Section 2. Board of Regents

4 Section 2. On the effective date of this constitution, each member of the Louisiana Coordinating Council for Higher Education appointed by the governor whose term has not expired shall become a member of the Board of Regents until his respective term expires. The governor shall appoint additional members required to complete the membership of the board in accordance with and to effectuate Article IX, Section 5.
Section 3.

Board of Supervisors of Louisiana State University and Agricultural and Mechanical College

Section 3.  On the effective date of this constitution, the members of the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College whose term will not have expired shall become members of the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College until their respective terms expire. The governor shall appoint such additional members as are required in accordance with and for the purpose of effectuating the provisions of Article IX, Section 9.

Section 4.

State Board of Elementary and Secondary Education; Board of Trustees for State Colleges and Universities
Section 4. On the effective date of this constitution, each member of the State Board of Education whose term has not expired may elect to become a member of either the State Board of Elementary and Secondary Education or the Board of Trustees for State Colleges and Universities. He shall serve until the expiration of the term for which he was elected.

The legislature shall establish procedures by which the right herein granted shall be exercised, and by which the secretary of state shall be notified as to those elections which must be held, and by which the governor shall be notified as to the appointments which must be made, to complete the full membership of the boards mentioned herein. Such elections and appointments shall be made in accordance with and for the purpose of effectuating the provisions of Article IX, Sections 3 and 6.
Appointments.

Section 5. In making new appointments to a board created by Sections 7, 8 or 9 of Article IX, the governor shall consider appropriate representation on the board by alumni of the institutions under the control of the board.

NOTES
C.P. No. 30 Floor Presentation is reproduced above as Document No. XXXVII, dated 1/13/74.

11/12/73

DOCUMENT IX

COMMITTEE PROPOSAL NO. 33: FIRST ENROLLMENT

Staff Styling Suggestions: Comparative Presentation

PROPOSAL AS ENROLLED

1. ARTICLE X. ELECTIONS
2. Section 2. Election Code; Right to Vote
3. Section 2. Subject to and not inconsistent with the provisions of this constitution, the legislature shall adopt an election code which

SUGGESTED CHANGES

1. ARTICLE X. ELECTIONS
2. Section 1. Right to Vote;
3. Election Code
4. Section 1. Except as otherwise provided by this constitution, the right to vote is
5. guaranteed to all citizens of
shall provide for the permanent re-
gistration of voters and for the
conduct of all elections; except as
otherwise provided in this consti-
tution, the right to vote in elec-
tions is guaranteed to all citizens
of this state.

COMMENT:

(1) Standardization of language.
(2) Manual, Rules 5, 13 and Elements, II,
onit needless words.
(3) Ibid.
(4) Ibid.
(5) Title and sentences rearranged to allow
guarantee of right to vote before providing
for registration of voters and conduct of
election.

Section 3 become Section 2

Section 3. Secret Ballot: Absentee Voting; Preservation
of Ballot

Section 2. In all elections by
the people, voting shall be by
secret ballot, and the legislature
shall provide a method for absentee
voting. Proxy voting shall be pro-
hibited. All ballots cast shall
be counted publicly and preserved
inviolate as provided by law until
any election contests have been settled.

In all elections by persons in a representative capacity, the vote shall be viva-voce.

shall be counted publicly and preserved inviolate as provided by law until any election contests have been settled.

In all elections by persons in a representative capacity, voting shall be viva-voce.

COMMENT:

(1) Manual, Rule 11 - present tense.


(3) Manual, Rule 5 - substitute word for phrase.


Section 6. Privilege from Arrest

Section 6. Every qualified elector shall be privileged from arrest in going to and returning from voting and while exercising the right to vote in all cases, except felony or breach of the peace.

Section 3. Privilege from Arrest

Section 3. Except for felony or breach of the peace, every elector shall be privileged from arrest while going to and returning from voting and while exercising the right to vote.
COMMENT:

(1) Manual, Rule 18 - place exceptions first when specific.
(2) Elements, II, 15 - parallelism.

Section 13 became Section 4

1 Section 13. Prohibited Use of Public Funds
2 Section 13. No public funds shall be used to urge any elector
3 to vote for or against any candidate or proposition, nor appropriated to any candidate or political organization. However, this provision shall not prohibit the use of public funds for the dissemination of factual information relative to any proposition appearing on an election ballot.

COMMENT:

(1) Standardization of language.
Voters

Section 11. Subject to and not inconsistent with the provisions of this constitution, the governing authority of each parish shall appoint a parish registrar of voters, whose compensation, removal from office for cause, bond, powers, and functions shall be provided by law. Upon qualifying as a candidate for public office, the registrar of voters shall forfeit his office. No law shall provide for the removal from office of a registrar by the appointing governing authority.

Section 5. Subject to and not inconsistent with this constitution, the governing authority of each parish shall appoint a registrar of voters, whose compensation, removal from office for cause, bond, powers, and functions shall be provided by law. Upon qualifying as a candidate for other public office, a registrar shall forfeit his office. No law shall provide for the removal from office of a registrar by the appointing governing authority.

COMMENT:


(2) Ibid.

(3) Elements, V, 16 -- be clear.

(4) Manual, Rule 5 - substitute word for phrase.
PROPOSAL AS ENROLLED

1, ARTICLE X. ELECTIONS
2     Section 2. Election Code; Right to Vote
3     Section 2. Subject to and not inconsistent with the provisions of this constitution, the legislature shall adopt an election code which shall provide for the permanent registration of voters and for the conduct of all elections; except as otherwise provided in this constitution, the right to vote in elections is guaranteed to all citizens of this state.

SUGGESTED CHANGES

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

COMMENT:

Section 3 became Section 2

Section 2. Secret Ballot; Absentee Voting; Preservation of Ballot

Section 2. In all elections by the people, voting shall be by secret ballot. The legislature shall provide a method for absentee voting. Proxy voting is prohibited. Ballots shall be counted publicly and preserved inviolate as provided by law until any election contests have been settled.

In all elections by persons in a representative capacity, the vote shall be viva-voce.

COMMENT:

(1) Manual, Rule 10 - short sentences; Rule 14 - unrelated ideas in separate sentences.

(2) Manual, Rule 11 - present tense.
Section 6 become Section 3

Section 6. Privilege from Arrest

Section 6. Every qualified elector shall be privileged from arrest in going to and returning from voting and while exercising the right to vote in all cases, except felony or breach of the peace.

Section 3. Privilege from Arrest

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

COMMENT:

(1) Elements, II, 15 - parallelism

Section 18 become Section 4

Section 18. Prohibited Use of Public Funds

Section 18. No public funds shall be used to urge any elector to vote for or against any candidate or proposition, nor appro-
appropriated to any candidate or political organization. However, this provision shall not prohibit the use of public funds for the dissemination of factual information relative to any proposition appearing on an election ballot.

However, this provision shall not prohibit the use of public funds for the dissemination of factual information relative to a proposition appearing on an election ballot.

COMMENT:

(1) Standardization of language.

shall forfeit his office. No law shall provide for the removal from office of a registrar by the appointing authority.

COMMENT:


(2) Ibid.

(3) Elements, V, 16 -- be clear.

(4) Manual, Rule 5 - substitute word for phrase.

(5) Manual, Rules 5, 13 and Elements, II, - omit needless words

NOTES

C.P. No. 33 Floor Presentation is reproduced above as Document No. XII, dated 11/12/73, except page 4 reproduced below.

Section 18 becomes Section 4

Section 18. Prohibited Use of Public Funds

Section 18. No public funds shall be used to urge any elector to vote for or against any candidate or proposition, nor appropriated to any candidate or political organization. However, this provision shall not prohibit the use of public funds for the dissemination of factual information relative to any proposition appearing on an
COMMENT:

(1) Standardization of language.


COMMITTEE ON STYLE AND DRAFTING

Notes and Caveats to the styling of the Elections Article:

Section 3, [as suggested]; Section 11 [as enrolled]

NOTE: In this and subsequent articles, the phrase "subject" to and not inconsistent with this constitution is used. It may be advisable for the committee to discuss the meaning of and use of this phrase throughout the constitution.

COMMITTEE PROPOSAL NO. 34: FIRST ENROLLMENT

NATURAL RESOURCES

Staff Styling Suggestions: Comparative Presentation

PROPOSAL AS ENROLLED

1 ARTICLE VIII. NATURAL RESOURCES

SUGGESTED CHANGES

1 ARTICLE VIII. NATURAL RESOURCES
Section 1. Natural Resources and Environment; Public Policy

Section 1. The natural resources of the state, including air and water, and the healthful, scenic, historic, and esthetic quality of the environment shall be protected, conserved, and replenished, insofar as possible and consistent with the health, safety, and welfare of the people. The legislature shall enact laws to implement this policy.

Section 2. Natural Gas; Public Policy; Interstate and Intrastate Pipelines

Section 2. Natural gas is hereby declared to be affected with a public interest and not standing any provisions of this constitution relative to the powers and duties of the Public Service Commission, the legislature shall provide by law for the regulation of natural gas by the regulatory authority it designates. It may designate the Public Service Commission as the regulatory authority.
Section 4. The legislature shall neither alienate nor authorize the alienation of the beds of navigable water bodies, except for purposes of reclamation by the riparian owner to recover land lost through erosion. This Section shall not prevent the leasing of state lands or water bottoms for mineral or other purposes.
12 mineral or other purposes. Except as provided herein, no bed of any navigable water body may be reclaimed except for public use.

Section 5 (A), (B) becomes Section 4 (A), (B)

1 Section 5. Reservation of Mineral Rights; Prescription
2 Section 5. (A) Reservation of Mineral Rights. The mineral rights on all property sold by the state shall be reserved, except where the owner or other person having the right to redeem may buy or redeem property sold or adjudicated to the state for taxes.

11 (B) Prescription. Lands and mineral interests of the state, any school board, and any levee district shall not be lost by prescription.

12 Except as provided in this Section, the bed of a navigable water body may be reclaimed only for public use.

13 (4)
14 (5)
15 (6)
Section 6.1 becomes Section 5

Section 6.1. Public Notice;
Public Bidding Requirements
Section 6.1. No conveyance,
lease, royalty agreement or unitiz-
ation agreement involving minerals
or mineral rights owned by the State
of Louisiana shall be confected
without prior public notice or
public bidding as shall be pro-
vided by law.

Section 6 becomes Section 8

Section 8. As used in Article
XI, Section 4(D), "state-owned
property" means state-owned land,
lake and river beds, and other
water bottoms belonging to the state
or the title to which is in the
public for mineral development.
The governing authority of a par-
ish may fund its one-tenth of the
royalties from mineral leases on
such state-owned property into
general obligation bonds of the
parish in accordance with law.

Neither the provisions of this
[970]

Section 5. Public Notice;
Public Bidding Requirements
Section 5. No conveyance,
lease, royalty agreement, or unitiz-
ation agreement involving mineral
or mineral rights owned by this
state shall be confected without
prior public notice and public
bidding as shall be provided by
law.

Section 6. Royalty Funds
Section 6. As used in Article
XI, Section 4(D), "state-owned
property" means state-owned land,
lake and river beds, and other
water bottoms belonging to the state
or the title to which is in the
public for mineral development.
A parish governing authority may
fund its one-tenth of the royalties
from mineral leases on such state
owned property into general obliga-
tion bonds of the parish in accord-
ance with law. Neither this Sectio
nor Article XI, Section 4, Para-
Section nor the provisions of Article XI, Section 4(D) shall apply to those properties comprising the Russell Sage Wildlife and Game Refuge.

CAVEAT: The Committee recommends that Section 9 be included in CP 15 of Revenue, Finance and Taxation.

Section 9 becomes SECTION 1 Crop 9.

Section 10 becomes

Section 10. Offshore Mineral Revenues; Use of Funds

Section 10. Funds derived from offshore mineral leases and held in

Section 8 becomes

Section 8. Offshore Mineral Revenues; Use of Funds

Section 8. Funds derived from offshore mineral leases and held in
1 held in escrow under agreement between the state and the United States pending settlement of the dispute between the parties when received shall be deposited in the state treasury. Those funds and the interest from their investment, except the portion otherwise allocated or dedicated in this constitution, shall be used by the treasurer in the purchase, retirement, and payment in advance of maturity of then existing bonded indebtedness of the state or invested for such purpose. If any of these funds cannot be so expended within one year, the legislature may annually appropriate for capital improvements or for the purchase of land, ten percent of the remaining funds, not to exceed ten million dollars in one year.

CAVEAT: The Committee recommends that any ambiguity which may
Section 12. The wildlife of the state, including all aquatic life, is hereby placed under the control and supervision of the Louisiana Wildlife and Fisheries Commission, which shall consist of seven members appointed by the governor, subject to confirmation by the Senate, six of whom shall serve for overlapping terms of six years and one of whom shall serve for a term concurrent with that of the governor. Three shall be electors of the coastal parishes and representatives of the commercial fishing and fur.
commercial fishing and fur industries, and four shall be electors from the state at large other than representatives of the commercial fishing and fur industries, as provided by law.

No member who has served for six years or more shall be eligible for reappointment.

The functions, duties, and responsibilities of the commission, and the compensation of its members shall be provided by law.

Section 13. Forestry;

Acreage Taxes; Forestry Commission; State Forester
Section 13. (A) Forestry shall be practiced in the state, and the legislature is authorized
to make provisions therefor. The legislature may authorize the governing authorities of the parishes to levy acreage taxes, not to exceed two cents per acre, for the purpose of this Section. The provisions of this constitution relative to the exemption of home- steads from taxation, are hereby extended and made applicable to the tax hereby authorized.

(B) Forestry Commission. The practice of forestry is hereby placed under the Louisiana Forestry Commission. The commission shall consist of seven members, five of whom shall be appointed by the governor subject to confirmation by the Senate for overlapping terms of five years each, as provided by law, and two of whom, namely the head of the Department of Forestry at Louisiana State University and Agricultural and Mechanical College and the director of the Wildlife and Fisheries Commission, shall serve as ex officio members. The governor shall appoint the remaining five members, subject to confirmation by the Senate, for overlapping terms of five years, as provided by law.

CAVEAT No. 1: 1322

Some as Caveat to Proposed Section 8 on Wildlife and Fisheries Commission (June 1, 1917)

CAVEAT No. 2: The Committee feels that the intent of the Convention was that the head of the Department of Forestry at Louisiana State University and Agricultural and Mechanical College, and the director of the Wildlife and Fisheries Commission, shall serve as ex officio members.
(C) State Forester. The commis-
mission shall appoint a state
forester. He must be a graduate
from an accredited school of
forestry and have at least four
years of forestry experience, as
provided by law.

Section 15. Nothing in Article
VII of this constitution relating
to civil service shall be construed
to prevent the legislature from
supplementing any civil service
pay plan for regularly commissioned
officers of the Enforcement Divi-
sion of the Department of Wild-
life and Fisheries.

(C) State Forester.
mission shall appoint a state
forester. He shall be a graduate
of an accredited school of forestry
and have at least four years of
forestry experience, as provided
by law.

Section 11. Nothing in
Article VII of this constitution
relating to civil service shall
prevent the legislature from
enacting or supplementing any
civil service pay plan for
regularly commissioned officers
of the Enforcement Division of
the Department of Wildlife and
Fisheries.

Recommend that
NOTES

Document No. XXXIV, dated 1/8/74, is reproduced above, dated 1/11/74, indicating changes by the committee in handwritten notes.

January 12, 1974

TO:  Albert Tate, Jr., Chairman
     Committee on Style and Drafting

FROM: Alvin Singleton, Secretary
     Committee on Natural Resources and Environment

RE: Style and Drafting changes for Committee Proposal No. 34,
    First Enrollment

The Committee on Natural Resources and Environment approved a list of the style and drafting changes adopted by the Committee on Style and Drafting, as shown in Document No. XXXIV, dated 1/11/74, except the following:

1) On page 2, line 16, the word "to" was deleted and in lieu thereof the word "with" was inserted.

2) On page 2, line 19, the word "to" was deleted and in lieu thereof the word "with" was inserted.

3) On page 5, line 6, at the end of the line, the word "this" was deleted and the word "the" was inserted in lieu thereof.

4) On page 6, accepted the CAVEAT deleting the section [Section 61] on Royalty Fund and transferring same to Committee Proposal No. 15 of Revenue, Finance and Taxation.

5) On page 7, at the beginning of line 15, the word "Those" was deleted and the words "Upon such settlement, these" was inserted in lieu thereof.

6) On page 7, line 20, the word "and" was deleted and the word "or" was inserted in lieu thereof.

7) On page 8, delete the CAVEAT.

8) On page 9, line 1, after the word "Commission" delete the word "including" and insert the following: "the members shall in the Executive Branch and shall consist.

9) On page 10, line 17, after the partial word "mission" delete the word "including" and insert in lieu thereof the following: "The commission shall be in the Executive Branch and shall consist.

10) On page 10, line 23, delete the words "as ex officio" at the end of the line and insert in lieu thereof the word "as citizens."

11) On pages 9 and 10, delete all CAVEATS.

COMMITTEE PROPOSAL NO. 34: FIRST ENROLLMENT

NATURAL RESOURCES

Styling Suggestions from Committee on Style and Drafting:
Comparative Presentation

PROPOSAL AS ENROLLED

1 ARTICLE VIII. NATURAL RESOURCES

SUGGESTED CHANGES

1 ARTICLE VIII. NATURAL RESOURCES
Section 1. Natural Resources and Environment; Public Policy

Section 1. The natural resources of the state, including air and water, and the healthful, scenic, historic, and esthetic quality of the environment shall be protected, conserved, and replenished, insofar as possible and consistent with the health, safety, and welfare of the people. The legislature shall enact laws to implement this policy.

Section 2. Natural Gas; Public Policy; Interstate and Intrastate Pipelines

Section 2. Natural gas is hereby declared to be affected with a public interest and not withstanding any provision of this constitution relative to the powers and duties of the Public Service Commission, the legislature shall provide for its regulation by law for regulation of natural gas by the regulatory authority it designates. It may designate the Public Service Commission as

[978]
tion by such regulatory authority as it may designate. The legislature in its discretion, however, may grant such authority to the Public Service Commission.

No intrastate natural gas pipeline or gas gathering line shall be connected with an interstate natural gas pipeline, and no interstate natural gas pipeline shall be connected with an intrastate natural gas pipeline without a certificate of public convenience and necessity issued as provided by law after application for the connection and hearing thereon.

Section 4. The legislature shall neither alienate nor authorize the alienation of the beds of navigable water bodies, except for purposes of reclamation by the riparian owner to recover land lost through erosion. This Section shall not prevent the...
shall not prevent the leasing of state lands or water bottoms for mineral or other purposes. Except as provided herein, no bed of any navigable water body may be re-claimed except for public use.
Section 5.1. No conveyance;
Public Bidding Requirements
Section 5.1. No conveyance,
3 lease, royalty agreement or unit-
4 ization agreement involving minerals
5 or mineral rights owned by the State
6 of Louisiana shall be conferred
7 without prior public notice or
8 public bidding as shall be pro-
9 vided by law.
10
---

Section 5. No conveyance,
Public Bidding Requirements
Section 5. No conveyance,
4 lease, royalty agreement, or unit-
5 ization agreement involving minerals
6 or mineral rights owned by the State
7 shall be conferred without
8 public notice or public
9 bidding as shall be provided by
10 law.

Section 8. As used in Article
XI, Section 4(D), "state-owned
property" means state-owned land,
lake and river beds, and other
water bottoms belonging to the state
or the title to which is in the
public for mineral development.
The governing authority of a parish
may fund its one-tenth of the
royalties from mineral leases on
such state-owned property into
general obligation bonds of the
parish in accordance with law.
Neither the provisions of this
16 Section nor the provisions of
17 Article XI, Section 4(D) shall
18 apply to those properties comprising
19 the Russell Sage Wildlife and Game
20 Refuge.

17 Article XI, Section 4(D) shall
18 apply to those properties comprising
19 the Russell Sage Wildlife and Game
20 Refuge.

Section 9. Tidelands Ownership
Section 9. Revenues and
3 royalties obtained from minerals
4 located beyond the seaward boundary
5 of the state belong to the state.

Section 6. Tidelands Ownership
Section 6. Revenues and royalties
3 obtained from minerals located be-
4 yond the seaward boundary of the state
5 belong to the state.

Section 10. Offshore Mineral
Revenues; Use of Funds
Section 10. Funds derived
9 from offshore mineral leases and
10 held in escrow under agreement be-
11 tween the state and the United
12 States pending settlement of the
13 dispute between the parties
14 when received shall be deposited
15 in the state treasury. Those funds
16 and the interest from their
17 investment, except the portion
18 otherwise allocated or dedicated
19 in this constitution, shall be
20 used by the treasurer in the

Section 7. Offshore Mineral
Revenues; Use of Funds
Section 7. Funds derived from
9 offshore mineral leases and held in
10 escrow under agreement between the
11 state and the United States pending
12 settlement of the dispute between
13 the parties shall be deposited in
14 the state treasury when received.
15 These funds and the interest from
16 their investment, except the por-
17 tion otherwise allocated or dedic-
18 ated by this constitution, shall
19 be used by the state treasurer to
20 purchase, retire, or pay in advance
purchase, retirement, and payment in advance of maturity of then existing bonded indebtedness of the state or invested for such purpose.

If any of these funds cannot be so expended within one year, the legislature may appropriate annually, for capital improvements or for the purchase of land, ten percent of the remaining funds, not to exceed ten million dollars in one year.

The wildlife of the state, including all aquatic life, is hereby placed under the control and supervision of the Louisiana Wildlife and Fisheries Commission, which shall consist of seven members appointed by the governor, subject to confirmation by the legislature.
firmation by the Senate, six of whom shall serve for overlapping terms of six years and one of whom shall serve for a term concurrent with that of the governor. Three shall be electors of the coastal parishes and representatives of the commercial fishing and fur industries, and four shall be electors from the state at large other than representatives of the commercial fishing and fur industries, as provided by law.

No member who has served for six years or more shall be eligible for reappointment.

The functions, duties, and responsibilities of the commission, and the compensation of its members shall be provided by law.

by the Senate. Six members shall serve overlapping terms of six years, and one member shall serve a term concurrent with that of the governor. Three members shall be electors of the coastal parishes and representatives of the commercial fishing and fur industries, and four shall be electors from the state at large other than representatives of the commercial fishing and fur industries, as provided by law. No member who has served six years or more shall be eligible for reappointment.

(B) Duties; Compensation. The functions, duties, and responsibilities of the commission, and the compensation of its members shall be provided by law.

Section 13. Forestry

Acreage Taxes; Forestry Commission; State Forester

Section 13. (A) Forestry shall be practiced in the state, and the legislature is authorized
to make provisions therefor. The legislature may authorize the governing authorities of the parishes to levy acreage taxes, not to exceed two cents per acre, for the purpose of this Section. The provisions of this constitution relative to the exemption of home- steads from taxation, are hereby extended and made applicable to the tax hereby authorized.

(B) Forestry Commission. The practice of forestry is hereby placed under the Louisiana Forestry Commission, consisting of seven members. The head of the Department of Forestry at Louisiana State University and Agricultural and Mechanical College and the director of the Wildlife and Fisheries Commission shall serve ex officio as members. The governor shall appoint the remaining five members, subject to confirmation by the Senate, for overlapping terms of five years, as provided by law.
mission shall appoint a state
forester. He must be a graduate
from an accredited school of
forestry and have at least four
years of forestry experience, as
provided by law.

mission shall appoint a state
forester. He shall be a graduate
of an accredited school of forestry
and have at least four years of
forestry experience, as provided
by law.

Section 15. Nothing in Article
VII of this constitution relating
to civil service shall be construed
to prevent the legislature from
supplementing any civil service
pay plan for regularly commissioned
officers of the Enforcement Divi-
sion of the Department of Wild-
life and Fisheries.

NOTE: This Section has been
included in CP 9 (Civil
Service) at Section 1(3)(1)(a)

1/12/14

Committee on No. 24: First Enrollment

Changes recommended by the Committee on Natural Resources and Environment
and Committee on Civil and Drafting to clarify possibly ambiguous
language in enrolled proposal, but involving possible substantive
change in the provision as adopted by the Convention.
Section 7. Offshore Mineral Revenues: Use of Funds

Funds derived from offshore mineral leases and held in escrow under agreement between the state and the United States pending settlement of the dispute between the parties shall be deposited in the state treasury when received. These funds and the interest from their investment, except the portion otherwise allocated or dedicated by this constitution, shall be used by the state treasurer to purchase, retire, or pay in advance of maturity the existing bonded indebtedness of the state or shall be invested for that purpose. If any of these funds cannot be so expended within one year, the legislature may appropriate annually, for capital improvements or for the purchase of land, ten percent of the remaining funds, not to exceed ten million dollars in one year.
CAVEAT: The committee thought that adding to words "upon such settlement,"

at the beginning of the second sentence made it completely clear

that the date of receipt of funds would be upon settlement and not

upon deposit in a cew.

Section 8 (A) Members

Terms. The control and supervision of the wildlife of the state, including all aquatic life, is vested in the Louisiana Wildlife and Fisheries Commission, consisting of seven members appointed by the governor, subject to confirmation by the Senate. Six members shall serve overlapping terms of six years, and one member shall serve a term concurrent with that of the governor. Three members shall be electors of the coastal parishes and representatives of the commercial fishing and fur industries, and four shall be electors from the state at large other than representatives of the commercial fishing and fur industries, as provided by law. No member who has served six years or more shall be eligible for reappointment.

(B) Duties; Compensation. The

Section 8. Wildlife

and Fisheries Commission

Section 8. (A) Members;

Terms. The control and supervision of the wildlife of the state, including all aquatic life, is vested in the Louisiana Wildlife and Fisheries Commission. The commission shall be in the executive branch and shall consist of seven members appointed by the governor, subject to confirmation by the Senate. Six members shall serve overlapping terms of six years, and one member shall serve a term concurrent with that of the governor. Three members shall be electors of the coastal parishes and representatives of the commercial fishing and fur industries, and four shall be electors from the state at large other than representatives of the commercial fishing and fur industries, as provided...
functions, duties, and responsibilities of the commission; and

the compensation of its members, shall be provided by law.

The functions, duties, and responsibilities of the commission, and the compensation of its members, shall be provided by law.

CAVILAT: As enrolled and styled, Section 1: (A) leaves uncertain whether or not the Wildlife and Fisheries Commission is in the executive branch. If the committee on wishes to clarify the issue, it may do so by using language as suggested above.
14 Senate, for overlapping terms of five years, as provided by law.

14 appoint the remaining five members, subject to confirmation by
16 the Senate, for overlapping terms of five years, as provided by law.

CAVEAT: As enrolled and styled, Section 9(B) leaves uncertain whether or not the Forestry Commission is in the executive branch. If the convention wishes to clarify the issue, it could adopt language as suggested above.

-3-

PROPOSED AS LOPNDY

ARTICLE II. DISTRIBUTION OF POWERS

Section 1. Three branches

Section 2. The powers of government of the State are divided into three distinct branches: legislative, executive, and judicial.

SUGGESTED CHANGES

ARTICLE II. DISTRIBUTION OF POWERS

Section 1. Three branches

Section 2. The powers of government of the State are divided into three branches: legislative, executive, and judicial.

[990]
Section 2. Each Branch

Section 2. No one of these branches, nor any person holding office in one of them, shall exercise power belonging to either of the others, except as otherwise provided in this constitution.

Section 2. Except as otherwise provided by the constitution, no branch and no person holding office in one of them shall exercise power belonging to either of the others.

Section 3. Civilian-Military Relations

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

Section 4. Right to Direct Participation

Section 4. No person shall be denied the right to observe the deliberations of public bodies and
11 bodies and examine public
documents, except in cases
established by law.

11 examine public documents, except in
cases established by law.

---

1 Section 3. Every official shall
2 take the following oath or
3 affirmation: "I, (A B), do
4 solemnly swear (or affirm) that
5 I will support the constitution
6 and laws of the United States
7 and the constitution and laws
8 of this state and that I will
9 faithfully and impartially
10 discharge and perform all the
11 duties incumbent upon me as
12 according to the best of my ability and
13 understanding, so help me God."
Section 4. The capital of Louisiana is the city of Baton Rouge.

Section 5. Forced Heirship and Trusts

Section 5. No law shall abolish forced heirship. The determination of forced heirs, the amount of the forced portion, and the grounds for disinherison shall be provided by law. Trusts may be authorized by law, and a forced portion may be placed in trust.
Section 9. No law shall permit foreign or domestic multi-parish bank holding companies or multi-parish branch banks to operate within this state unless enacted by two-thirds of the elected members of each house of the legislature. This Section shall not prohibit multi-parish banks which were lawfully operating as such prior to January 1, 1974; however, no such bank may extend its branches to any parish in which it was not operating prior to said date unless authorized to do so by a general law enacted by two-thirds of the elected members of each house.

-6-

5 state administrative and quasi-judicial agency code

Section 17. Rules, regulations, and procedures adopted by all state administrative and quasi-judicial
NOTES

Document No. XXXII, dated 1/18/74, is reproduced as Document No. XXXII, dated 1/1/74, without change or notation.

Section 19. The right of the people to preserve, foster, and promote their respective historic linguistic and cultural origin is recognized.

10. Preservation of Linguistic and Cultural Origin

11. Section 11. The right of the people to preserve, foster, and promote their respective linguistic and cultural origin is recognized.

12. Origin

13. Section 12. Origin


15. Section 14. The right of the people to preserve, foster, and promote their respective historic linguistic and cultural origin is recognized.
COMMITTEE PROPOSAL NO. 35: FIRST ENROLLMENT
DISTRIBUTION OF POWERS

Styling Suggestions from Committee on Style and Drafting:
Comparative Presentation

<table>
<thead>
<tr>
<th>SECTIONS ADOPTED BY CONVENTION</th>
<th>CHANGES RECOMMENDED BY COMMITTEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 ARTICL II. DISTRIBUTION OF</td>
<td>1 ARTICLE II. DISTRIBUTION OF</td>
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<td>2 POWERS</td>
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<td>3 Section 1. Three Branches</td>
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<td>three (2) separate branches:</td>
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<td>7 legislative, executive, and</td>
<td>legislative, executive, and</td>
</tr>
<tr>
<td>9 judicial.</td>
<td>(3) judicial.</td>
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</table>

1 Section 2. Limitations on
2 Each Branch
3 Section 2. No one of these
4 branches, nor any person holding
5 office in one of them, shall
6 exercise power belonging to
7 either of the others, except
8 as otherwise provided in this
9 constitution.

1 Section 2. Limitations on
2 Each Branch
3 Section 2. (1) Except as other-
4 wise provided by this constitu-
5 tion, no one of these branches,
6 nor any person holding office in
7 one of them, shall exercise power
8 belonging to either of the others.

[996]
ARTICLE XII. GENERAL PROVISIONS

Section 1. Civilian-Military Relations

Section 1. The military shall be subordinate to the civil power.

Section 2. Right to Direct Participation

Section 2. No person shall be denied the right to observe the deliberations of public bodies and examine public documents, except in cases established by law.

Section 3. Oath of Office

Section 3. Every official shall take the following oath or affirmation:

"I, ..., do solemnly swear (or affirm) that I will support the constitution and laws of the United States and the constitution and laws of this state and that I will faithfully and impartially discharge.
discharge and perform all the duties incumbent upon me as according to the best of my ability and understanding, to the best of my ability and so help me God."

Section 6 becomes Section 4

Section 6. State Capital
1 Section 4. State Capital
2 Section 6. The capital of 3 Louisiana is the city of Baton Rouge.
4

Section 7 becomes Section 5

Section 7. Forced Heirship and Trusts
1 Section 5. Forced Heirship and Trusts
2 Section 7. No law shall abolish forced heirship. The determination of forced heirs, the amount of the forced portion, and the grounds for disinherison shall be provided by law. Trusts may be authorized by law and a forced portion may be placed in trust.
3

Section 9 becomes Section 6

Section 9. Limitations of Section 6. Limitations of Banking
Section 6. No law shall permit foreign or domestic multi-bank holding companies or multi-parish branch banking, unless enacted by two-thirds of the elected members of each house of the legislature. This Section shall not prohibit multi-parish banks which were lawfully operating as such prior to January 1, 1974; however, no such bank may extend its branches to any parish in which it was not operating prior to said date unless authorized to do so by a general law enacted by two-thirds of the elected members of each house.

Section 10. Administrative and Quasi-Judicial Agency Code
Section 10. Rules, regulations and procedures adopted by all state administrative and quasi-judicial agencies, boards and commissions shall be published in one or more codes and made available to the public.
Section 11 becomes Section 8

10 Section 11. Preservation of
11 Linguistic and Cultural
12 Origin
13 Section 11. The right of
14 the people to preserve, foster, and promote their respective historic linguistic and cultural origin is recognized.

1/12/74

COMMITTEE PROPOSAL NO. 36: FIRST ENROLLMENT

Changes recommended by Committee on Bill of Rights and Elections and Committee on Style and Drafting to clarify possible ambiguous language in enrolled proposal, but involving possible substantive change in the provision as adopted by the Convention.

COMPARATIVE PRESENTATION

SECTIONS AS ADOPTED:
INCORPORATING CHANGES
RECOMMENDED BY COMMITTEE ON STYLE AND DRAFTING

1 ARTICLE XIII. CONSTITUTIONAL REVISION
2 Section 1. Amendments
3 Section 1. (A) Procedure.
4 An amendment to this constitution may be proposed by joint resolution at any regular session of the legislature, but the resolution shall be prefiled, at least ten days before the beginning of the session, in accordance with the rules of the
5
6
7
8
9
10

FURTHER CHANGES RECOMMENDED BY BOTH COMMITTEES TO CLARIFY POSSIBLE AMBIGUITIES

1 ARTICLE XIII. CONSTITUTIONAL REVISION
2 Section 1. Amendments
3 Section 1. (A) Procedure. An amendment to this constitution may be proposed by joint resolution at any regular session of the legislature, but the resolution shall be prefiled, at least ten days before the beginning of the session, in accordance with the rules of the
ance with the rules of the houses of the legislature. An amendment to this constitution may be proposed at any extraordinary session of the legislature if it is within the objects of the call of the session and is introduced in the first five calendar days thereof. If two-thirds of the elected members of each house concur in the resolution, pursuant to all of the procedures and formalities required for passage of a bill except submission to the governor, the secretary of state shall have the proposed amendment published once in the official journal of each parish within not less than thirty nor more than sixty days preceding the election at which the proposed amendment is to be submitted to the electors. Each joint resolution shall specify the statewide election at which the proposed amendment shall be submitted. Special elections for submitting proposed amendments may be authorized by law.

Section 1

The proposed amendment is to be submitted to the electors. Each joint resolution shall specify the statewide election at which the proposed amendment shall be submitted. Special elections for submitting proposed amendments may be authorized by law.
CAVEAT: The Section, as enrolled and styled, requires that a joint resolution proposing a constitutional amendment be submitted "in accordance with the rules of the houses of the houses of the legislature." Some ambiguity may exist about whether a resolution introduced in one house must conform to the rules of the second house. Perhaps clarifying language could be inserted, so that the first sentence would read as suggested above.

- -

(C) Ratification. If a majority of the electors voting on the proposed amendment approve it, it shall become part of this constitution, effective twenty days after the governor has proclaimed its adoption, unless the amendment provides otherwise. A proposed amendment directly affecting not more than five parishes or areas within not more than five parishes shall become part of this constitution only when approved by a majority of the electors voting thereon in the state and

(C) Ratification. If a majority of the electors voting on the proposed amendment approve it, the governor shall proclaim its adoption, and it shall become part of this constitution, effective twenty days after the proclamation, unless the amendment provides otherwise. A proposed amendment directly affecting not more than five parishes or areas within not more than five parishes shall become part of this constitution only when approved by a majority of the electors voting thereon in the state and also a majority of
also a majority of the electors voting thereon in each affected parish. However, a proposed amendment directly affecting not more than five municipalities, and only such municipalities, shall become part of this constitution only when approved by a majority of the electors voting thereon in the state and also a majority of the electors voting thereon in each such municipality.

CAVEAT: The Section, as enrolled and styled, states that a constitutional amendment shall become effective twenty days "after the governor has proclaimed its adoption..." Nowhere does it require the governor to make such a proclamation. Section 2, however, requires the governor to proclaim the adoption of a constitutional revision or a new constitution if it is approved by a majority of the electors voting. Perhaps, for clarity, the first sentence of Section 1 (C) should be revised to read as suggested above.

1/13/74

DOCUMENT XXXVI

COMMITTEE PROPOSAL NO. 36: FIRST ENROLLMENT

CONSTITUTIONAL REVISION

Staff Styling Suggestions: Comparative Presentation

PROPOSAL AS ENROLLED

1 ARTICLE XIII. CONSTITUTIONAL REVISION
2 Section 1. Amendments
3 Section 1. (A) An amendment to

SUGGESTED CHANGES

1 ARTICLE XIII. CONSTITUTIONAL REVISION
2 Section 1. Amendments
3 Section 1. (A) Procedure. An
this constitution may be proposed by joint resolution at any regular session of the legislature, provided that such resolution has been prefiled, in accordance with the Rules of the houses of the legislature, at least ten days before the beginning of the session. An amendment to this constitution may be proposed at any extraordinary session of the legislature if it is within the objects of the call of the session and is introduced in the first five calendar days thereof. If two-thirds of the members elected to each house concur in the resolution, pursuant to all the procedures and formalities required for passage of a bill except submission to the governor, the secretary of state shall cause the proposed amendment to be published in the official journal of each parish once within not less than thirty nor more than sixty days preceding the election at which the proposed amendment is to be submitted to the electors.

Each joint resolution shall specify the amendment to this constitution may be proposed by joint resolution at any regular session of the legislature, but the resolution shall be prefiled, in accordance with the rules of the houses of the legislature, at least ten days before the beginning of the session. An amendment to this constitution may be proposed at any extraordinary session of the legislature if it is within the objects of the call of the session and is introduced in the first five calendar days thereof. If two-thirds of the elected members of each house concur in the resolution, pursuant to all the procedures and formalities required for passage of a bill except submission to the governor, the secretary of state shall have the proposed amendment published once in the official journal of each parish within not less than thirty nor more than sixty days preceding the election at which the proposed amendment is to be submitted to the electors.

Each joint resolution shall
statewide election at which the proposed amendment shall be submitted. Special elections for submitting proposed amendments may be authorized by law.

Section 1 (C) becomes Section 1 (B)

(C) When more than one amendment is submitted at the same election, each shall be submitted so as to enable the electors to vote on them separately. A proposed amendment shall be confined to one object and shall set forth the entire article, sections, or other subdivisions thereof as revised or only the article, sections, or other subdivisions which are to be added; provided that a section or other subdivision may be repealed by reference. However, the legislature may propose, as one amendment, a revision of an entire article of this constitution which revision may contain multiple objects or changes. The proposed amendment shall have a title containing a brief summary of the changes proposed.

(B) Form of Proposal. A proposed amendment shall have a title containing a brief summary of the changes proposed. A proposed amendment shall be confined to one object and shall set forth the entire article, or the sections or other subdivisions thereof, as proposed to be revised or only the article, sections, or other subdivisions proposed to be added. However, the legislature may propose, as one amendment, a revision of an entire article of this constitution which may contain multiple objects or changes. A section or other subdivision may be repealed by reference. When more than one amendment is submitted at the same election,
(b) If a majority of the electors voting thereon in each such parish approve the proposed amendment, then it shall become part of this constitution, effective twenty days after the governor has proclaimed its adoption, unless the amendment otherwise provides. A proposed amendment directly affecting not more than five parishes or areas within not more than five parishes or areas within the state and also a majority of the electors voting therein in each such parish and also a majority of the electors voting therein in the state shall become part of this constitution only when approved by a majority of the electors voting therein in the state and also a majority of the electors voting therein in each such parish.

(c) Ratification. If a majority of the electors voting thereon in the state approve the proposed amendment, then it shall become part of this constitution, effective twenty days after the governor has proclaimed its adoption, unless the amendment otherwise provides. A proposed amendment directly affecting not more than five parishes or areas within not more than five parishes or areas within the state shall become part of this constitution only when approved by a majority of the electors voting therein in the state and also a majority of the electors voting therein in each such parish.

However, a proposed amendment directly affecting not more than five municipalities, and only such municipalities, and only such municipalities, shall become part of this constitution only when approved by a majority of the electors voting therein in the state and also a majority of the electors voting therein in each such municipality.

Each shall be submitted so as to enable the electors to vote on them separately.
Section 2. Convention Called by Legislature

Section 2. The legislature, by a two-thirds vote of the elected membership of each house, may provide by law for the calling of a constitutional convention. The convention may be called whenever the legislature considers it desirable to revise or propose a new constitution. The revision or the proposed constitution and any alternative propositions agreed upon by the convention shall be submitted to the people for their ratification or rejection. If the proposal is approved by a majority of the electors voting thereon, the governor shall proclaim it to be the Constitution of the State of Louisiana.
<table>
<thead>
<tr>
<th>Section 4</th>
<th>becomes Section 3</th>
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<tbody>
<tr>
<td>1 Section 4. Laws Effectuating Amendments</td>
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<tr>
<td>2 Whenever the legislature shall submit amendments to this constitution, it may at the same session enact laws to carry them into effect, to become operative when the proposed amendments have been ratified.</td>
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**No Change**

**CAVEND # 1:**

Section 1(A)

The Section, as enrolled and styled, requires that a joint resolution proposing a constitutional amendment be submitted "in accordance with the rules of the houses of the legislature." Some ambiguity may exist about whether a resolution introduced in one house must conform to the rules of the second house. Perhaps clarifying language could be inserted, so that the first sentence would read as follows:

"Section 1. (A) Procedure. An amendment to this constitution may be proposed by joint resolution at any regular session of the legislature, but the resolution shall be prefiled, in accordance with the rules of the house in which introduced."

**CAVEND # 2:**

Section 1(C)

The Section, as enrolled and styled, states that a constitutional amendment shall become effective twenty days "after the governor has proclaimed its adoption..." Nowhere does it require the governor to make such a proclamation. Section 2, however, requires the governor to proclaim the adoption of a constitutional revision or a new constitution if it is approved by a majority of the electors voting. Perhaps,
for clarity, the first sentence of Section 1(C) should be revised to read as follows:

"Section 1. (C) Ratification. If a majority of the electors voting on the proposed amendment approve it, the governor shall proclaim its adoption, and it shall become part of this constitution, effective twenty days after the proclamation, unless the amendment provides otherwise."

---

January 14, 1974

TO: Chairman Tate
Committee on Style and Drafting

FROM: Chairman Jackson
Committee on Bill of Rights and Elections

RE: Style and Drafting Changes in Committee Proposal No. 36
Constitutional Revision (First Enrollment)

The Committee on Bill of Rights and Elections approves the changes proposed by the Committee on Style and Drafting in Document No. XXXVI dated 1/13/74, with the following exceptions:

1) On page 1, delete lines 7 through 12, both inclusive, in their entirety and insert in lieu thereof the following:

"legislature, if prefaced at least ten days before the beginning of the session in accordance with the rules of the houses of the legislature. An amendment to this"

2) On page 4, delete lines 3 through 11, both inclusive, in their entirety and insert in lieu thereof the following:

"Whenever the legislature considers it desirable to revise this constitution or propose a new constitution, it may provide for the calling of a constitutional convention by law enacted by two-thirds of the elected members of each house."

3) On page 4, line 22, after the first word "of", delete the words "the State of"

4) In CAVEAT No. 1 delete the CAVEAT and insert in lieu thereof the following:

"Section 1. (A) Procedure. An amendment to this constitution may be proposed by joint resolution at any regular session of the legislature, if prefaced at least ten days before the beginning of the session in accordance with the rules of the house in which introduced."

---

**CONSTITUTIONAL REVISION**

**SECTIONADOPTED BY THE CONVENTION**

1. **ARTICLE XIII. CONSTITUTIONAL REVISION**

2. **Section 1. Amendments**

3. **Section 1. (A) Procedure**

4. **in amendment to this constitution**

5. **may be proposed by joint resolution at any regular session of the legislature, provided that such resolution has been prefaced, in accordance with the rules of the houses of the legislature. An amendment to this"**
Rules of the houses of the legislature, at least ten days before the beginning of the session, An amendment to this constitution may be proposed at any extraordinary session of the legislature if it is within the objects of the call of the session and is introduced in the first five calendar days thereof. If two-thirds of the members elected to each house concur in the resolution, pursuant to all the procedures and formalities required for passage of a bill except submission to the governor, the secretary of state shall cause the proposed amendment to be published in the official journal of each parish once within not less than thirty nor more than sixty days preceding the election at which the proposed amendment is to be submitted to the electors. Each joint resolution shall specify the statewide election at which the proposed amendment shall be submitted. Special elections for submitting proposed amendments may be authorized by law. Days before the beginning of the session, in accordance with the rules of the houses of the legislature. An amendment to this constitution may be proposed at any extraordinary session of the legislature if it is within the objects of the call of the session and is introduced in the first five calendar days thereof. If two-thirds of the elected members of each house concur in the resolution, pursuant to all the procedures and formalities required for passage of a bill except submission to the governor, the secretary of state shall have the proposed amendment published once in the official journal of each parish within not less than thirty nor more than sixty days preceding the election at which the proposed amendment is to be submitted to the electors.

Special elections for submitting proposed amendments may be authorized by law.
Section I (C) becomes Section 1(B)

8 (C) When more than one amendment is submitted at the same election, each shall be submitted so as to enable the electors to vote on them separately. A proposed amendment shall be confined to one object and shall set forth the entire article, sections, or other subdivisions thereof as revised or only the article, sections, or other subdivisions which are to be added; provided that a section or other subdivision may be repealed by reference. However, the legislature may propose, as one amendment, a revision of an entire article of this constitution which revision may contain multiple objects or changes. The proposed amendment shall have a title containing a brief summary of the changes proposed.

8 (B) Form of Proposal. A proposed amendment shall have a title containing a brief summary of the changes proposed; shall be confined to one object; and shall set forth the entire article, or the sections or other subdivisions thereof, as proposed to be revised or only the article, sections, or other subdivisions proposed to be added. However, the legislature may propose, as one amendment, a revision of an entire article of this constitution which may contain multiple objects or changes. A section or other subdivision may be repealed by reference. When more than one amendment is submitted at the same election, each shall be submitted so as to enable the electors to vote on them separately.
vote on the proposed amendment, approve it, then it shall become part of this constitution, effective twenty days after the governor has proclaimed its adoption, unless the amendment otherwise provides. A proposed amendment directly affecting not more than five parishes or areas within not more than five parishes shall become part of this constitution only when approved by a majority of the electors voting thereon in the state and also a majority of the electors voting thereon in each affected parish. However, a proposed amendment directly affecting not more than five municipalities, and only such municipalities shall become part of this constitution only when approved by a majority of the electors voting thereon in the state and also a majority of the electors voting thereon in each such municipality.
4 legislature shall submit amendments to this constitution, it
5 may at the same session enact laws
6 to carry them into effect, to
7 become operative when the pro-
8 posed amendments have been
9 ratified.
10

No CHANGE

COMMITTEE PROPOSAL NO. 37: FIRST ENROLLMENT

NATURAL RESOURCES

Staff Styling Suggestions: Comparative Presentation

PROPOSAL AS ENROLLED

ARTICLE VIII. NATURAL RESOURCES
Section 14. Public Service Commission
Section 14. (A) Composition; Term; Domicile. There shall be
a Public Service Commission which
shall consist of five members
elected at the time fixed for
congressional elections from
single member districts estab-
lished by law for overlapping

SUGGESTED CHANGES

ARTICLE VIII. NATURAL RESOURCES
Section 14. Public Service Commission
Section 14. (A) Composition; Term
Domicile. There shall be a Public
Service Commission consisting of five
members, who shall be elected for
overlapping terms of six years at the
time fixed for congressional elections
from single member districts established
by law. Each commissioner serving on
The commission annually shall elect one of its members as chairman. Each commissioner serving upon the effective date of this constitution shall be the commissioner for the new district in which he resides and shall complete the term for which he was elected. The commission annually shall elect one member chairman. It shall be domiciled at the state capital, but may meet, hold investigations, and render orders elsewhere in this state.

CAVEAT: The substantive Committee may wish to consider whether the P.S.C. is to be specifically included in the executive branch. This can be accomplished by deleting the word "consisting" from lines 6 and inserting "in the executive branch. It shall consist"

SECTION 14 (B)

(B) Powers and Duties. The commission shall regulate all common carriers and public utilities as provided by law. It shall adopt and enforce reasonable rules, regulations, and procedures necessary for the discharge of its duties, and shall have other powers...
the discharge of its duties, and shall have other powers and perform other duties as provided by law. Notwithstanding any provision in this Paragraph, the legislature shall provide for the regulation of natural gas by such regulatory authority as it may designate.

(C) Limitation. The commission shall have no power to regulate any common carrier or public utility owned, operated, or regulated on the effective date of this constitution by the governing authority of one or more political subdivisions, except by the approval of a majority of the electors voting in an election held for that purpose; however, a political subdivision may reinvest itself with such regulatory power in the manner in which it was surrendered. This shall not apply to safety regulations governing the operation of utilities.

CAVEAT: The Committee recommends deletion of the last sentence of (C) (B). Since that provision is already included in Sec. 2 of C.P. 34
apply to safety regulations pertaining to the operation of such utilities.

Section 14 (D)

(D) Applications, Petitions, and Schedules; Protective Bond and Security.

1 (1) Any common carrier or public utility filing a proposed rate schedule which, if finally approved, would result in a change in existing rates, shall, within twenty days, give notice thereof by publication in the official state journal and in the official journal of each parish within the geographical area in which the schedule would become applicable.

2 Within twelve months from the effective date of filing, the commission shall render a full decision on every application, petition, and proposed rate schedule.
(3) After the effective filing date of any proposed schedule by a public utility which would result in any increase in rates, the commission, pending its decision on the application for rate increase, may permit the proposed schedule to be put into effect, in whole or in part, subject to protective bond or security approved by the commission. If no decision is rendered on the application within twelve months after such filing date the proposed increase may be put into effect, but only as provided by law and subject to protective bond or security requirements, until final action by a court of last resort.

CAVEAT: The Committee believes that the intent of the convention can best be expressed by inserting the words "of and" and line 20 after the word "only" and before the word "as".

SECTION 14 (D)

(1)
3 is finally disallowed, in whole or in part, the utility shall make full refund, with legal interest thereon, within the time and in the manner prescribed by law.

SECTION 14 (E)

(E) Appeals. Appeal may be taken in the manner provided by law by any aggrieved party or intervenor to the district court of the domicile of the commission. A right of direct appeal from any judgment of the district court shall be allowed to the supreme court. These rights of appeal shall extend to any action by the commission, including but not restricted to action taken by the commission or by a public utility under the provisions of Subparagraph (3) of this Paragraph.
NOTES

Document No. XXXIII, dated 1/8/74, is reproduced above with handwritten notes indicating action by the Committee on Style and Drafting.

Committee Proposal No. 37 Floor Presentation, 1/12/74 reproduces Document No. XXXIII incorporating handwritten notations to Document No. XXXIII, reproduced above.

Adopted Caveats are reproduced below.

1/1/74

COMMITTEE PROPOSAL NO. 37: FIRST ENROLLMENT

Changes recommended by Committee on Natural Resources and Environment and Committee on Style and Drafting to clarify possible ambiguous language in enrolled proposal, but involving possible substantive change in the provision as adopted by the Convention.

COMPARATIVE PRESENTATION

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<td>4 Domicile. There shall be a Public Service Commission in the executive branch. It shall consist of five members who shall be elected for overlapping terms of six years at</td>
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by law. Each commissioner serving on
the effective date of this constitution
shall be the commissioner for the new
district in which he resides and shall
complete the term for which he was
elected. The commission annually shall
elect one member as chairman. It shall
be domiciled at the state capital, but
may meet, conduct investigations, and
render orders elsewhere in this state.

CAVEAT: As enrolled and styled, Section 14(A) leaves
uncertain whether or not the Public Service
Commission is in the executive branch. If
the convention wishes to clarify the issue,
it could adopt language as suggested above.

(3) After the effective filing
date of any proposed schedule by a
public utility which would result in
a rate increase, the commission may
permit the proposed schedule to be put
into effect, in whole or in part,
pending its decision on the application.
for rate increase and subject to protective bond or security approved by the commission. If no decision is rendered on the application within twelve months after such filing date, the proposed increase may be put into effect, but only as provided by law and subject to protective bond or security requirements, until final action by a court of last resort.

CAVEAT: In remembrance of the floor debate, both the Committee on Natural Resources and Environment and the Committee on Style and Drafting believe that the intent of the convention might better be expressed by inserting the words "if and" in Section 14(D) as enrolled and styled. See language suggested above.
III. Miscellaneous Documents

The term "statute" is generally used in law and regulations of every sort, that is, every provision of law which defines, permits or prohibits anything as a designated statute, without considering form or source it arrived.

The term "statute" is usually broadly to designate the written law in contradistinction to the unwritten law and such designation is used to distinguish a statute from the unwritten or common law.

However, this description to an extent is unsatisfactory as the common law is not necessarily unwritten, and in certain states has been declared by specific constitutional provision to include statutes.

Furthermore, such a description is unsatisfactory as there are written laws which are not within the ordinary meaning of the term "statute" such as constitutions and treaties. Thus, the meaning of the term "statute" varies according to the context in which it is used, and an enactment to which a state gives the force of law is a statute, although not originating in the legislature. In the

Under the civil law "statutes" is a term applied to all sorts of laws and regulations; to every provision of law which permits, ordains, or prohibits anything.

In analyzing the use of the term "statute" it would appear that the facts of the situation involved and the document in which the term is used dictate the interpretation of the term.

The term "law" is generally held to be a broad term, variously and frequently defined, its meaning in every instance to be governed by the context. It includes both technical and popular applications; is illimitable.

The use of the term "law" in constructions varied and the definition, it seems, depends upon the context in which it is used. It may define either constitutional provision or statute, or statutes only.

The law of a state is to be found in its statutory and constitutional enactments as interpreted by its courts and in the absence of such laws, in the rulings of its courts, its laws as, in consequence, the statute or written law, and its judicial law as defined in section 2.

The use of the term "law" in constitutions varies. In the constitution, it appears under the context in which it is used. It may define either constitutional provision or statute, or statutes only.

"Law" not a constitutional provision may be interpreted to include the original procedure. When used in the description of the duties of an elected state official "law" means statute.

The term "law" as used in statutes means any legislative enactment of a state, whether by the legislative power or by the executive power, or by the common authority, by the judicial power, or by the supreme power of a state. It includes also the power of the legislature to declare, create, and abolish the laws of a state, and the judicial power to declare, create, and abolish the laws of a state.

Thus, an ordinance of a municipal corporation may be such an "law" of legislative power as to have the force of law.
In executive deliberation, the term "statute" is more often used to refer to the expressed written will of a legislative body and every valid statute is considered to be law. That is not to say, however, that every "law" is a "statute."

The term "law" is interpreted to mean constitutional provisions, statutory law, legal principles embodied in the common law, court decisions or principles as outlined in codes. It does appear that the context in which the term is used is important in its interpretation. In examining recent state constitutions "as provided by law" is used frequently, and where no specific distinction can be made as to its reference, it generally refers to statutory provisions and/or constitutional provisions and other principles embodied in the broad concept of law.

The phrase "as provided by statute" is used in one constitution, (Colorado), but it is clear that the reference was to statutory law as prescribed by the legislature of that state.

Back Matter

EXECUTIVE DEPARTMENT PROPOSAL

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FOOTNOTES

2. 64 A.2d 737 (Pa. 1946).
3. 262 U.S. 251 (1919).
7. 319, 16 A. D. 212.

Use of the terms "law, statute, and ordinance" are defined in the article on legislative, executive, judicial, and bill of rights.

Final Enrollment

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Due process of law (Ohio) (formerly Section 21) On page 3, line 1, change "departments" to "responsibilities.

(C) Reorganization. Reallocation of the functions, powers, and duties of all departments, offices, agencies, and other instrumentalities of the executive branch, except those functions, powers, duties, and responsibilities as allocated by this constitution, shall be provided by law.

Section 2. Alternative suggested to shorten and retain intent of Committee.

"Section 2. Qualifications Section 2. To be eligible for any statewide elective office a person, by the date of his qualification as a can-

[1024]
did not have attained the age of twenty-five years be an elector, shall have vacated the office of the United States and of the state for at least the five years immediately preceding the year of his election. In addition, the attorney general shall have been admitted to the practice of law in the state for at least the five years immediately preceding the day of his election. During his tenure in office, no person shall be elected to the office of attorney general who has been convicted of a felony. During his tenure in office, no person shall hold another public office except by virtue of his elective office.

Section 1. Alteration is necessary sooner to improve the revenue of the state.

Section 2. Election Term

Section 3. Election Term

Section 4. Election Term

Section 5. Election Term

Section 6. Election Term

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Section 10. Election Term

Section 11. Election Term

Section 12. Election Term

Section 13. Election Term

Section 14. Election Term

Section 15. Election Term

Section 16. Election Term

Section 17. Election Term

Section 18. Election Term

Section 19. Election Term

Section 20. Election Term

Section 21. Election Term

Section 22. Election Term

Section 23. Election Term

Section 24. Election Term

Section 25. Election Term

Section 26. Election Term

Section 27. Election Term

Section 28. Election Term

Section 29. Election Term

Section 30. Election Term

Section 31. Election Term

Section 32. Election Term

Section 33. Election Term

Section 34. Election Term

Section 35. Election Term

Section 36. Election Term

Section 37. Election Term

Section 38. Election Term

Section 39. Election Term

Section 40. Election Term

Section 41. Election Term

Section 42. Election Term

Section 43. Election Term

Section 44. Election Term

Section 45. Election Term

Section 46. Election Term

Section 47. Election Term

Section 48. Election Term

Section 49. Election Term

Section 50. Election Term

Section 51. Election Term

Section 52. Election Term

Section 53. Election Term

Section 54. Election Term

Section 55. Election Term

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Section 62. Election Term

Section 63. Election Term

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Section 73. Election Term

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Section 89. Election Term

Section 90. Election Term

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Section 97. Election Term

Section 98. Election Term

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Section 106. Election Term

Section 107. Election Term

Section 108. Election Term

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Section 111. Election Term

Section 112. Election Term

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Section 115. Election Term

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Section 124. Election Term

Section 125. Election Term

Section 126. Election Term

Section 127. Election Term

Section 128. Election Term

Section 129. Election Term

Section 130. Election Term

Section 131. Election Term

Section 132. Election Term

Section 133. Election Term

Section 134. Election Term

Section 135. Election Term

Section 136. Election Term

Section 137. Election Term

Section 138. Election Term

Section 139. Election Term

Section 140. Election Term

Section 141. Election Term

Section 142. Election Term
Section 15. On page 33, lines 4 and 5, change "When a vacancy occurs" to "Should a vacancy occur".

"Section 15. Vacancy in Office of Lieutenant Governor. Section 15. Should a vacancy occur in the office of lieutenant governor, the governor shall nominate a lieutenant governor, who shall take office upon confirmation by a majority vote of the elected members of legislature."}

Section 17. On page 35, lines 2, 3, 4, 5, and 6 and on page 37, line 28, shorten section title and number paragraphs as (1) and (2). (Consider naming "General Provisions".)

"Section 17. Other Vacancies.
Section 17. (1) If no other provision therefor is made by this constitution, by statute, by local government charter, by home rule charter or plan of government, or by ordinance, the governor may fill a vacancy occurring in any elective office. When a vacancy occurs by resignation, the unexpired portion of the term exceeds one year, the vacancy shall be filled at an election, and the appointment shall be effective only until a successor takes office.

(2) Nothing in this Section shall change the qualifications for any office, and every appointee must be otherwise eligible to hold the office to which appointed.

-5-

"Section 18. On page 38, line 4, make definition of "vacancy" applicable only to elective offices. (Consider leaving as adopted by Convention and move to "General Provisions")."

"Section 18. Definition of Vacancy. Section 18. A vacancy as used in this Article shall occur in the event of death, resignation, by any means, or failure to take office for any reason."

Section 19. On page 39, line 9, change "the office" to "this office".

"Section 19. Declaration of Inability by Statewide Elected Official. Section 19. When a statewide elected official transmits to the presiding officers of the Senate and House of Representatives a written declaration of his inability to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, the person who shall succeed to the office when a vacancy occurs shall assume the powers and duties of the office as acting official."

Section 20(5). On page 40, line 5, hyphenate "Counter-declaration." On line 16, change "the office" to "his office".

"Section 20. Determination of Inability by Statewide Elected Official. Section 20. (1) Declaration and Counter-declaration. When a majority of the statewide elected officials determine that any other such official is unable to discharge the powers and duties of his office, they shall transmit a written declaration to the effect that they are to the presiding officer of each house and to the official, and shall file a copy of the declaration in the office of the secretary of state. Thereafter, the constitutional successor shall assume the official duties, within forty-eight hours after the declaration is filed in the office of the secretary of state, and file in that office and transmits to the presiding officer of each house his written declaration, to the contrary, that he is able to exercise the powers and perform the duties of his office.

Section 20(0). On page 47, line 9, hyphenate "counter-declaration." On lines 19 and 17, use "such" official since reference is specific. On line 11, change "if" to "should". On line 18, change "officials" to "official".

(6) Determination by the Legislature. The legislature shall convene at noon on the third calendar day after the filing of any counter-declaration, which may be filed by such official at any time. Should two thirds of the elected members of each house fail to adopt a resolution within seventy-two hours, eleven days, postmark date, requiring for the determination that inability exists, such official shall continue in or resume office."

Section 20(C). On page 43, line 27, provide that "a copy of the resolution shall be sent to the court."

"Section 21. Suspension of Office by Constitutional Successor. If two thirds of the elected members of each house fail to adopt a resolution declaring that probable incapacitation exists for the declaration of inability, the constitutional successor shall assume the powers and duties of the office, and the resolution shall be transmitted forthwith to the supreme court."

Section 21(4). On page 45, line 19, change "official" to "Constitutional Successor."

(") Renumbering by Con Court. A judgment of the supreme court affirming incapacity may be reconsidered by the court, after due notice and hearing, either upon its own motion or upon the application of the official. Upon proper proof of incapacity and by majority vote of its elected members, the court may determine that no incapacity then exists, whereupon the official shall immediately resume the powers and duties of his office."

"Section 22. On page 47, lines 11, 21, and 33, provide that "Legislative action shall be by law", on lines 9 and 31, change "consent" to "favorable vote."

"Section 22. Appointment of Officials: Mergers, Consolidation of Offices and Departments. Section 22. After the first election of state officials following the effective date of this constitution, the legislature may provide by law for appointment, in lieu of election, of the officers of the department of insurance, the superintendent of education, the commissioner of elections, or any of them. In that event, the legislature shall prescribe the qualifications and method of appointment and by similar vote, may provide by law for the merger or consolidation of any such office, its department, and functions with any other office or departments in the executive branch, notwithstanding the provisions of Section 7 of this Article."

No action of the legislature pursuant hereto shall reduce the compensation of any incumbent elected official. By a vote of two thirds of the elected members of each house, the legislature may reestablish in any such office, its department and functions, the salary, and other qualifications.

-7-

January 8, 1975
Meeting at Mr. Martin's Office, with R. W. Graham and Robert Pugh under.
To be representatives of the delegates of the Constitutional Convention.

The following persons were present: Wad-o J. Martin, Jr., Robert Pugh, R. W. Graham, Bob Hughes, Wade O. Martin, Jr., Gloria Dancy, J. R. Nelson, C. Wag, Nancy Mitchell, Mary Paine.

The need for instructions from the delegates of the convention to the Secretaries of State and other elected officials on the conduct of the constitutional election, the draft of a new constitution by GG 13 and the other election officials was discussed at length and the following were some of the items needing to be included in the instructions:

INSTRUCTIONS FROM CONVENTION TO SECRETARY OF STATE

1. Material which is to be printed on the ballot for ratification or rejection of the constitutional amendment.

2. Instructions relative to "instructions to voters and commissioners.

3. Instructions relative to posting of notice in precincts.

4. Instructions relative to commissioners relative to the computation of precinct returns.

5. Instructions relative to commissioners relative to the computation of test returns.

6. Instructions relative to tabulation and compilation to return precinct returns into parish returns and state returns.

7. Instructions relative to the time for completion of tabulation of returns.

8. Instructions relative to the method of compilation of returns and time and manner in which publication is to be made.

9. Instructions to Secretary of State relative to financial arrangements for conducting elections, promulgation of returns, etc.

10. Instructions relative to Counselor of Law, machine, sealing and breaking of seals, etc.

11. Instructions relative to Clerks of Court relative to recording results indicated on machines before they are cleared.

12. Time and place of making of such new and financial arrangements for Counselor of Court Machines and Clerks of Court.

There was a lengthy discussion regarding the form of the ballot, but Mr. Wad-oJ. Martin, and Mr. Graham, and Mr. Pugh, said that the details of what was to be printed on the ballot, the arrangement of the ballot, as any possible alternative and the place of signing and sealing would remain completely at the discretion of the legislature.

PRESIDENT OF CONVENTION APR 1974

CP 2
PRESIDENT
CP 25
1. DECLARATION OF RIGHTS
CP 35
11. DISTRIBUTION OF POWERS
FLOOR AMENDMENT

Amendment No. 1
On page 1, line 1, add the following:

"Provided for special juvenile procedure;"

Be it enacted by the Constitutional Convention of Louisiana of 1974:

Article ..., Section ... Special Juvenile Procedures Section. Except for a person fifteen years of age or older who, in addition to having committed a capital offense, is an adult or an accomplice of the adult, and is a person who, in addition to having committed a capital offense, is an accomplice of the adult, the court in each instance of original jurisdiction may provide for special juvenile procedure. However, by law enacted by a two-thirds vote of each House, the legislature may (1) lower the maximum age of a juvenile to whom juvenile procedures apply and (2) establish a procedure by which the court of original jurisdiction may waive such special juvenile procedures in order that adult procedures would apply in individual cases."