Records of the Louisiana Constitutional Convention of 1973: Convention Instruments

VOLUME FOUR

by

LOUISIANA CONSTITUTIONAL CONVENTION RECORDS COMMISSION

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A. Edward Hardin, Coordinator of Research
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NOTES ON THE DOCUMENTS

Nature and Source

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

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

Original

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

Printed

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

Reprinted as Engrossed

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

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

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

Reprinted as Reengrossed

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

First Enrollment

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

Final Enrollment

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

Generally, Resolutions were finally enrolled without reference to the Committee on Style and Drafting because of their procedural nature. Final Enrollments of Resolutions have also been omitted but reference is made to where they may be found in the Journal of Proceedings.
CONVENTION INSTRUMENTS IN RELATION TO THE CONVENTION RULES AND PROCESS

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(12) Discharged from Committee on Style and Drafting k

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a Rule No. 41, as amended, by C. R. No. 6, infra at 409, 1 Journal 138–139.
b Rule No. 44 provided for the order of processing of Proposals. See 1 Journal 73.
c Rule No. 41, as amended, by C. R. No. 6, infra at 409, 1 Journal 138–139.
d Rule Nos. 41, 43 provided for printing and distribution of Proposals, 1 Journal 73.
e Instrument may appear in this volume as reprinted as reengrossed indicating that after engrossment, it had been recommitted to committee.
f Rule No. 38, 1 Journal 73, provided that “Resolutions were subject to the same rules . . . as proposals.” However, Resolutions were finally enrolled after final passage without referral to the Committee on Style and Drafting.
g These instruments are visually distinguishable from Printed and Reprinted as Engrossed because they are typescript rather than typeset.
h Comparative presentation showing recommended Style and Drafting changes are included with Style and Drafting materials in Volume XIV of this work.
i Final Enrollments, as a general rule, have been excluded from this volume. They are set out in their entirety in the Journal as indicated in the Table of Contents in this volume.
j See report of the Committee on Style and Drafting, II Journal 1379–1384.
k Some instruments were discharged from the Committee on Style and Drafting for the purpose of offering substantive changes. If the motion for discharge was successful and the instrument was amended and readopted, it was reenrolled to reflect the changes that had been made.
l See Report of the Secretary of the Convention, II Journal 1417–1447, the proposed Constitution including the alternative proposition.
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COMMITTEE PROPOSAL No. 1—

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

A PROPOSAL

Providing for general governmental provisions.

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

ARTICLE II. GENERAL GOVERNMENTAL PROVISIONS

Section 1. Three Departments

Section 1. The powers of government of the State of Louisiana are divided into three distinct departments—legislative, executive, and judicial.

Section 2. Limitations of Each Department

Section 2. No one of these departments, nor any person holding office in one of them, shall exercise power belonging to either of the others, except as otherwise provided in this constitution.

Section 3. Civilian-Military Relations

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

Section 4. Reserved Power of the Initiative

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

Section 5. Activation of an Initiative Proposal

Section 5. An initiative proposal shall be activated when an interested party has filed an application with the secretary of state containing the text of the proposal and bearing the signatures of at least one hundred electors of the jurisdiction as sponsors. The secretary of state shall within thirty days assign a title and a number to the proposal, place it in proper form, and certify that it is open for signatures. Denial of certification is subject to judicial review.

Section 6. Initiative Petitions

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

Section 7. Initiative Elections

Section 7. The proposal shall appear on the ballot with its title and a brief description containing not more than twenty-five words prepared by the interested party. It shall be voted on during the next general election at least ninety days after a sufficient number of petitions have been filed with the secretary of state, or during a special election called for that purpose by the governor or by the local governing authority, provided that the proposal shall have been published once, at least forty-five days before the election, at the expense of the interested party, in the official journal of the state and, in the case of local matters, in the official journal of the local governing authority.
Section 8. Enactment of Initiative Proposals

Section 8. The proposal shall become law thirty days after approval by a majority of the electors who vote for or against the proposal or at such later date as the proposal may provide.

Section 9. Limitations of the Initiative

Section 9. No proposal shall embrace more than one subject nor shall it appropriate money or levy, repeal, or dedicate any tax. An initiative proposal defeated by the electors shall not be reactivated for two years after its defeat.

Section 10. Execution of Initiative Provisions

Section 10. Initiative provisions are self-executing but laws may be enacted to facilitate the use of the initiative. No legislation shall be enacted to impair powers herein reserved to the people.

Section 11. Right to Direct Participation

Section 11. No person shall be denied the right to observe the deliberations of public bodies and examine public documents except in cases established by law in which the demands of privacy exceed the merits of public disclosure.

Section 12. Oath of Office

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

Section 13. State Capital

Section 13. The capital of Louisiana is the city of Baton Rouge.

Constitutional Convention of Louisiana of 1973

COMMITTEE PROPOSAL No. 2—

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

A PROPOSAL

To provide a preamble and a declaration of rights to the constitution.

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

A PREAMBLE

We, the people of Louisiana, grateful to Almighty God for the civil, political, economic, and religious liberties we enjoy, and desiring to protect individual rights to life, liberty, and property; afford opportunity for the fullest development of the individual; assure equality of rights; provide for the health, safety, education, and welfare of the people; maintain a representative and orderly government; ensure domestic tranquility; provide for the common defense; and secure the blessings of freedom and justice to ourselves and our posterity, do ordain and establish this constitution.

ARTICLE I. DECLARATION OF RIGHTS

Section 1. Origin and Purpose of Government

Section 1. All government, of right, originates with the people, is founded on their will alone, and is instituted to protect the rights of the individual and for the good of the whole. Its only legitimate ends are to secure justice for all, preserve peace, and promote and protect the rights, happiness, and general welfare of the people. The rights enumerated in this Article are inalienable and shall be preserved inviolate.

Section 2. Due Process of Law

Section 2. No person shall be deprived of life, liberty, prop-
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1 Section 3. Right to Individual Dignity.

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

8 Section 4. Right to Property

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

29 Section 5. Right to Privacy

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

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

10 Section 6. Freedom from Intrusion

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

13 Section 7. Freedom from Discrimination

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

20 Section 8. Trial by Jury in Civil Cases

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

26 Section 9. Freedom of Expression

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

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special taxation.

Section 10. Freedom of Religion
Section 10. No law shall be enacted respecting an establish-
ment of religion or prohibiting the free exercise thereof.

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

Section 12. Rights of the Accused
Section 12. When a person has been detained, he shall im-
mediately be advised of his legal rights and the reason for
his detention. In all criminal prosecutions, the accused shall
be precisely informed of the nature and cause of the accusa-
tion 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
a serious offense.

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 a capital crime or a felony necessarily
punishable by hard labor, 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 where there is a mistrial or motion in arrest of judgment
is sustained.

Section 14. Grand Jury Proceedings
Section 14. At all stages of the grand jury proceedings,
after arrest, the accused shall have the right to the advice
of counsel while testifying, to compulsory process for pre-
senting witnesses to the grand jury for interrogation, and
to any transcribed testimony of any witnesses appearing
before the grand jury in his case.

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 take the stand in his own behalf.

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

Section 17. Right to Bail
Section 17. Excessive bail shall not be required. Before
and during trial, a person shall be bailable by sufficient
sureties, unless charged with a capital offense and the proof
is evident and the presumption is great. After conviction
and before sentencing, a person shall be bailable if the maxi-
mum sentence which may be imposed is less than five years and, the judge may grant bail if the maximum sentence which may be imposed is greater. After sentencing and until final judgment, persons shall be bailable if the sentence actually imposed is less than five years, and the judge may grant bail if the sentence actually imposed is greater.

Section 18. Right to Humane Treatment

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

Section 19. Right to Vote

Section 19. No person eighteen years of age or older who is a resident or domiciliary of the state shall be denied the right to register and to vote, except that this right may be suspended while a person is judicially committed and institutionalized, or under an order of imprisonment for conviction of a felony.

Section 20. Right to Keep and Bear Arms

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

Section 21. Writ of habeas corpus

Section 21. The writ of habeas corpus shall not be suspended.

Section 22. Access to Courts

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

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COMMITTEE PROPOSAL No. 3—

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

A PROPOSAL

2 Making provisions for the legislative branch of government,

3 impeachment and removal of officials, and necessary provisions with respect thereto.

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

ARTICLE III. LEGISLATIVE DEPARTMENT

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

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

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

Section 2. Sessions; Annual, Extraordinary

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

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

3 The governor or the presiding officers of both houses, as the case may be, shall issue a proclamation 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 convening the extraordinary session, and the session shall be limited to the number of days named therein, which shall never exceed thirty calendar days.

Section 3. Size

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

Section 4. Qualifications; Residence Requirements; Term; Vacancies

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

2 (B) No person shall be eligible to membership in the legislature unless at the time of his election he has been a resident of the state for two years and actually domiciled within the legislative district from which he seeks election for one year immediately preceding his election. However, at the first election following the reapportionment of the legislature only, a person may qualify for election from any district created in whole or in part from the district existing prior to reapportionment in which such person was domiciled, if he was domiciled in that prior district for at least one year immediately preceding the date of such election.
preceding his election. The seat of any member who changes
his domicile from the legislative district which he represents
shall be vacated thereby, any declaration of a retention of
domicile to the contrary notwithstanding.
(C) The members of the legislature shall be elected for
terms of four years each.
(D) When a vacancy occurs in either house of the legis-
lature, the remainder of the term shall be filled only by elec-
tion, as provided by law.
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 de-
cennial federal census, the legislature shall apportion the
representation in each house on the basis of the total state
population as shown by the census. Within ten days after the
legislature adopts an apportionment plan the presiding offi-
cers of the two houses shall submit the plan to the supreme
court for review.
(B) If the legislature fails to apportion itself, the supreme
court, upon petition therefor, by the attorney general within
ten days after the close of the year above specified shall ap-
portion each house thereof as provided in Paragraph (A)
of this Section.
(C) The procedure for review and petition shall be pro-
vided by law.
Section 6. Judging Qualifications and Election; Procedural
Rules; Discipline; Officers
Section 6. (A) Each house shall be the judge of the qual-
fications and elections of its own members, determine the
rules of its procedure, and may punish its members for dis-

orderly conduct or contempt and, with the concurrence of
two-thirds of its elected members, may expel a member. Ex-
pulsion shall create a vacancy in the office.
(B) Each house shall have power to compel the attend-
ance and testimony of witnesses and the production of books
and papers before such house as a whole, before any com-
mittee thereof, or before joint committees of the houses and
shall have the power to punish for contempt those in willful
disobedience of its orders.
(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.
Section 7. Privileges and Immunities
Section 7. The members of the legislature shall in all cases,
except felony, be privileged from arrest during their attend-
ance at the sessions and committee meetings of their respec-
tive houses and in going to and returning from the same. No
member shall be questioned in any other place for any speech
or debate in either house.
Section 8. Conflict of Interest
Section 8. Legislative office is a public trust and every
effort to realize personal gain through official conduct is a
violation of that trust. The legislature shall enact a code of
ethics prohibiting conflict between public duty and private
interests of members of the legislature.
Section 9. Quorum; Compulsory Attendance; Journal; Ad-
journment; Consent of Other House
Section 9. (A) Not less than a majority of the elected
members of each house shall form a quorum to transact busi-
ness, but a smaller number may adjourn from day-to-day and
shall have power to compel the attendance of absent members.

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

(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.

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 fiscal advisor to the legislature. 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.

Section 11. Salaries of Public Officers; Change

Salaries of public officers may be changed only by two-thirds of the elected members of each house of the legislature.

Section 12. Local or Special Laws

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

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

No local or special law shall be introduced into the legislature unless notice of the intention to introduce such law has been published, without cost to the state, in the local-
system of laws, shall be confined to one object and shall contain a brief title indicative of its object.

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

(C) No bill shall be so amended in its passage through either house as to change its original object.

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

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

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

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

Section 18. Appropriations

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

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

(1) C. P. No. 3

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

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.

3. (C) No bill shall be so amended in its passage through either house as to change its original object.

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

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

6. (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.

7. (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.

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

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

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

Section 19. Signing of Bills; Delivery to Governor

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

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

Section 20. Signature of Governor on Bills; Veto

Section 20. (A) A bill shall become law if the governor does not sign or veto the bill within ten days after its delivery to him if the legislature is in session or within twenty days if the legislature is adjourned.

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

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

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

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

Section 23. Corporations; Perpetual or Indefinite Dura-
tion; Dissolution; Perpetual Franchises or Privileges
Section 23. The legislature may authorize the organiza-
tion of corporations for perpetual or indefinite duration.
However, every corporation shall be subject to dissolution
or forfeiture of its charter or franchise, as provided by law.

Neither the state nor any political subdivision shall grant a
perpetual franchise or privilege to any person or corporation.

Section 24. State and District Officers; Impeachment; Con-
viction; Effect
Section 24. (A) All state and district officers, whether
elected or appointed, shall be liable to impeachment for fel-

CONSTITUTIONAL CONVENTION OF LOUISIANA OF 1973

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C.P. No. 3

1. Committee Proposal No. 3—

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

A PROPOSAL


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

ARTICLE III. LEGISLATIVE DEPARTMENT

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

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

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

2. Section 2. Sessions; Annual, Extraordinary

3. Section 2. (A) The legislature shall meet in regular annual sessions. In each year the regular session shall extend for not more than fifty-five legislative days. The legislature shall convene at twelve o'clock noon on the fourth Monday in April of each year for not to exceed five calendar days.

4. During this period no committee shall report and neither house shall adopt any bill or resolution which is intended to have the effect of law. Not later than the close of the fifth calendar day the legislature shall adjourn and stand in recess until twelve o'clock noon on the second Monday in May, at which time the legislature shall reconvene for not to exceed fifty legislative days, which shall not extend in

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(B) No person shall be eligible to membership in the legislature unless at the time of the general election he shall have been a resident of the state for two years and actually domiciled within the legislative district from which he seeks election for one year immediately preceding his election.

However, at the next regular election for members of the legislature following the reapportionment of the legislature, a person may qualify for election to either house of the legislature from any district created in whole or in part from the district existing prior to reapportionment in which such person was domiciled, if he was domiciled in that prior district for at least one year immediately preceding his election. The seat of any member who changes his domicile from the legislative district which he represents shall be vacated thereby, any declaration of a retention of domicile to the contrary notwithstanding.

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

(D) When a vacancy occurs in either house of the legislature, the remainder of the term shall be filled only by election, as provided by law.

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

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 on the basis of the total state population as shown by the census. Within ten days after the legislature adopts an apportionment plan the presiding officers of the two houses shall submit the plan to the supreme court for review.

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

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

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

Section 6. (A) Each house shall be the judge of the qualifications and elections of its own members, determine the rules of its procedure, and may punish its members for disorderly conduct or contempt and, with the concurrence of two-thirds of its elected members, may expel a member. Expulsion shall create a vacancy in the office.

(B) Each house shall have power to compel the attendance and testimony of witnesses and the production of books and papers before such house as a whole, before any committee thereof, or before joint committees of the houses and shall have the power to punish for contempt those in willful
disobedience of its orders.
(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 of the two houses shall be the clerk of the House of Representatives and the secretary of the Senate, each of whom shall have the power to administer oaths.

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

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

Section 9. Quorum; Compulsory Attendance; Journal; Adjournment; Consent of Other House
(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.
(B) Each house shall keep a journal of its proceedings which shall be published from day-to-day and which shall accurately reflect the proceedings of that house, including all record votes. A record vote is a vote by yeas and nays.
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days prior to the introduction of such a bill into the legisla-
ture. The notice shall state the substance of the contemplated
law. Every such bill shall contain a recital that the notice
has been given.

Section 14. Suits Against the State

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

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 govern-
ment can be reestablished in accordance with the constitution
and laws of the state. It shall also provide for the prompt and
temporary succession to the powers and duties of public
offices, the incumbents of which may become unavailable to
execute the functions of their offices.

Section 16. Style of Laws; Enacting Clause

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

Section 17. Passage of Bills

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

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

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

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

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

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

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

Section 18. Appropriations

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

(B) All bills for raising revenue or appropriating money
shall originate in the House of Representatives, but the Sen-
Section 19. Signing of Bills; Delivery to Governor

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

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

Section 20. Signature of Governor on Bills; Veto

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

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

(C) The legislature shall meet in veto session at the seat of government at twelve o'clock noon on the thirty-fifth day following the sine die adjournment of the most recent session of the legislature for the purpose of considering all measures vetoed by the governor, except that if such day falls on a Sunday the session shall 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 two days prior to the day on which the veto session is to convene.

Section 21. Effective Date of Laws

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

Section 22. Suspension of Laws

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

Section 23. Corporations; Perpetual or Indefinite Duration; Dissolution; Perpetual Franchises or Privileges
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Section 23. The legislature may authorize the organization of corporations for perpetual or indefinite duration. However, every corporation shall be subject to dissolution or forfeiture of its charter or franchise, as provided by law.

Neither the state nor any political subdivision shall grant a perpetual franchise or privilege to any person or corporation.

Section 24. State and District Officers; Impeachment; Conviction; Effect

Section 24. (A) All state and district officers, whether elected or appointed, shall be liable to impeachment for felonies, incompetency, corruption, extortion, oppression in office, gross misconduct, or habitual drunkenness.

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

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

Section 25. Removal on Address by Legislature

Section 25. For any reasonable cause, whether or not sufficient for impeachment, upon the address of two-thirds of the members elected to each house of the legislature and after a public hearing by the committee of the whole in each house, any officer except the governor or acting governor, nor may be removed from office. Any officer so removed shall be ineligible to succeed himself. The cause or causes for which such removal is made shall be stated at length in the address.

Section 26. Removal by Suit; Officers Subject; Commencement of Suit

Section 26. 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.

Section 27. Recall

Section 27. The legislature shall provide by general law for the recall by election of any state, district, parochial, ward, or municipal officer except judges of the courts of record.

The sole issue at any recall election shall be whether such officer shall be recalled.
First Enrollment

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Constitutional Convention of Louisiana of 1973

COMMITTEE PROPOSAL NUMBER 3

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

A PROPOSAL

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

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

ARTICLE III. LEGISLATIVE DEPARTMENT

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

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.

(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.

Section 2. Sessions; Annual, Extraordinary

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

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shall convene at twelve o’clock noon on the third Monday in April of each year. No new matter intended to have the effect of law shall be introduced or received by either house of the legislature after midnight of the fifteenth calendar day, except by a favorable 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.

(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 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 3. Size

Section 3. The number of members of the legislature shall be provided by law, but the number of Senate members shall not exceed thirty-nine and the number of House members shall not exceed one hundred five.
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Section 4. Qualifications; Residence Requirements; Term; Vacancies; Salary

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

(B) No person shall be eligible to membership in the legislature unless at the time of qualification for the office he shall have been a resident of the state for two years and actually domiciled within the legislative district from which he seeks election for one year immediately preceding qualification for office. However, at the next regular election for members of the legislature following the reapportionment of the legislature, a person may qualify for election to either house of the legislature from any district created in whole or in part from the district existing prior to reapportionment in which such person was domiciled, if he was domiciled in that prior district for at least one year immediately preceding his election and if he was a resident of the state for at least two years immediately preceding his election. The seat of any member who changes his domicile from the legislative district he represents or, if elected after reapportionment, whose domicile is not within the district he represents at the time he is sworn into office, shall be vacated thereby, any declaration of a retention of domicile to the contrary notwithstanding.

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

(D) When a vacancy occurs in either house of the legislature, the remainder of the term shall be filled only by election, as provided by law.

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.

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

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

Section 6. Judging Qualifications and Elections; Procedural Rules; Discipline; Officers

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.

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

(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 of the two houses shall be the clerk of the House of Representatives and the secretary of the Senate, each of whom shall have the power to administer oaths.

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

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

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

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

(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.

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

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legislature and shall serve as a fiscal advisor to the legislature. 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.

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 13. Local or Special Laws; Notice of Intention; Publication
Section 13. No local or special law shall be enacted by the legislature unless notice of the intention to 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.

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

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

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

(D) Public property and funds shall not be subject to seizure, and no judgment against the state, its agencies or political subdivision shall be exigible, payable, or paid except out of funds appropriated for payment by the state.
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1 Its agencies or political subdivision against whom judgment is rendered.
2 Section 15. Continuity of Government
3 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 the functions of their offices.

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.

Section 17. Passage of Bills

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

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

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

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

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

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

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

Section 18. Appropriations

Section 18. (A) No money shall be withdrawn from the state treasury except through 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.

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

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

Section 19. Signing of Bills; Delivery to Governor

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

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

Section 20. Signature of Governor on Bills; Veto

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

(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 ad-
journed 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.

(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 consider-

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all measures vetoed by the governor, except that if such
day falls on a Sunday the session shall 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.

Section 21. Effective Date of Laws

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

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 the
suspension, which shall not extend beyond the effective date
of the laws enacted at the next regular session of the legis-
lature.

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

Section 23. Neither the state nor any political
subdivision shall grant a perpetual franchise or privilege
to any person or corporation; however, the legislature may
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authorize the organization of corporations for perpetual
or indefinite duration. Every corporation shall be subject
to dissolution or forfeiture of its charter or franchise,
as provided by general law.

Section 24. Impeachment

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

(B) All impeachments shall be by the House of Repre-
sentatives, 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.

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.

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.

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.
COMMITTEE PROPOSAL No. 4—

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

A PROPOSAL

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

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

ARTICLE IV. EXECUTIVE DEPARTMENT

Section 1. Composition

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

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

Section 2. Qualifications

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

(B) The attorney general shall have been admitted to the practice of law in this state for at least the five years immediately preceding his election.

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Section 3. Elections and Terms

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

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

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

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

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

Section 4. Compensation

Section 4. (A) The compensation of each elected official within the executive branch shall be fixed by the legislature and shall not be increased or decreased for the term for which the official is elected. No state official shall receive a salary in excess of that paid to the governor.
(B) The lieutenant governor when acting as governor shall receive the same salary as the governor, and an appointed assistant when acting as an elected official shall receive the same salary as the elected official.

Section 5. Powers and Duties of Governor

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

(B) Legislative Reports and Recommendations. The governor shall at the beginning of each regular session of the legislature, and may at other times, make reports and recommendations and give information to the legislature concerning the affairs of state, including its complete financial condition.

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

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

(E) Capital Budget. The governor shall prepare annually a five-year capital program and shall submit to each regular session of the legislature a proposed capital budget as provided by statute implementing the first year of the program.
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 appoint-
ment is made. Failure of the Senate to confirm an appoint-
ment prior to the end of the session shall be equivalent to
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 legis-
lature.
(J) Removal. The governor may remove from office those
whom he appoints, except those appointed for a term fixed
by this constitution or as may be fixed by statute.
(K) Commander-in-Chief. The governor shall be comman-
der-in-chief of the armed forces of the state, except when
they are called into service of the federal government. He
may call out the armed forces of the state to preserve law
and order, to suppress insurrection, to repel invasion, or
in other times of emergency.
(L) Extraordinary Session. (1) The governor may convene
the legislature into extraordinary session by issuance of a
proclamation to the legislature at least five days prior to
the convening of the session. The proclamation shall state
the specific subjects to be considered, the date and time
the legislature is to convene, and the number of days for
which the legislature is convened. The subject matter of
the session may be amended, by proclamation to the legis-
lature, until forty-eight hours prior to the hour at which
the legislature convenes. The power to legislate, under the
penalty of nullity, shall be limited to the subjects specially
enumerated in the latest proclamation convening such ex-
traordinary session. The session shall be limited to the time
named therein, and shall not exceed thirty days.
(2) The governor may convene the legislature in extra-
ordinary session without prior notice or proclamation on
occasions of public emergencies caused by epidemics, attacks
by the enemy, or public catastrophes.
Section 6. Powers and Duties of the Lieutenant Governor
Section 6. The lieutenant governor shall serve ex officio
as a member on every 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.
Section 7. Powers and Duties of the Secretary of State
Section 7. There shall be a department of state headed
by the secretary of state, who shall serve as the chief elec-
tions officer and administer the election laws; administer
the laws relative to voting machines or other voting devices
as now or may be hereafter provided by this constitution
or as may be provided by statute; 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 and records of
the state; promulgate, publish, and retain the originals of
all laws enacted by the legislature; countersign all com-
misions and keep an official registry of same; administer
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oaths. He shall have such other powers and perform such
other duties as may be authorized by this constitution or
provided by statute.

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

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

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

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

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

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 disbursment of the public funds
of the state. He shall report annually to the governor and
the legislature 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.

Section 10. First Assistants
Section 10. Each statewide elected official, except the govern-
or and lieutenant governor, shall each appoint a first as-
sistant, subject to 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 ther-
with as are imposed upon the governor. The first assistant
shall possess the same qualifications as those required for
election to that office.

Section 11. Vacancy in Office of Governor
Section 11. The order of succession in the office of gover-
nor in the event of vacancy shall be (1) the elected lieute-
nant 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 speaker 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.

Section 12. Vacancy in Office of Lieutenant Governor
Section 12. Whenever there is a vacancy in the office of
the lieutenant governor, the governor shall nominate a lieu-
tenant governor, who shall take office upon confirmation by
a majority vote of the elected members of each house of
the legislature.

Section 13. Vacancies in Other Statewide Elective Offices
Section 13. The order of succession in any other statewide
elective office, in the event of a vacancy in such office,
shall be the appointed first assistant in such office. Succe-
sors to such offices shall serve for the remainder of the
term for which the official was elected.

Section 14. Other Vacancies

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

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

(B) Nothing in this Section shall be construed as chang-
ing 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.

Section 15. Definition of Vacancy

Section 15. 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.

Section 16. Declaration of Disability

Section 16. Whenever a statewide elective official trans-
mits to the presiding officer of the Senate and the speaker
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 17. Determination of Inability

Section 17. (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. Thereafter the constitutional successor
shall assume the office as acting official unless, within
forty-eight hours after such filing in the office of the secre-
tary 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.

(B) The legislature shall convene at noon on the third
ealendar 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 determina-
tion that inability exists, such officer shall continue or re-
sume in office.

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

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

(E) A judgment of the supreme court affirming inability
may be reconsidered by the court, after due notice and
hearing, either upon its own motion or upon the application
of such official. Upon proper showing and by majority vote
of its elected members, the court may, upon such recon-
sideration, determine that no inability then exists, where-
upon such officer shall immediately resume the powers and
duties of his office.
Section 18. Absences

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

Section 19. Dual Office-Holding; Prohibition

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

(B) For purposes of this Section, the following shall not be considered to be offices or employment described in Paragraph (A) of this Section: (1) ex officio positions; (2) notaries public; (3) those serving on boards, commissions, and other instrumentalities performing only advisory functions; (4) delegates to, as well as officials and employees of, any constitutional convention; (5) members in the reserves of the armed forces and the national guard; and (6) election commissioners.

Section 20. Code of Ethics; Board of Ethics

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

(B) The legislature shall create a board or boards of ethics which shall investigate all allegations of violations of such a code, and shall have such other powers and duties consistent therewith as may be provided by statute.

Section 21. Impeachment

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

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

Section 22. Reorganization

The governor may propose to the legislature, on or before the first day of any session, a plan of reallocation of the functions, powers, duties, and responsibilities of all departments, offices, agencies, and other instrumentalities of the executive branch, except those functions, powers, duties, and responsibilities allocated by this constitution, among and within not more than twenty departments. The legislature, by a majority vote of the elected members of each house, may disapprove such plan, but may not substantively amend it.

Section 23. Mandatory Reorganization

The legislature shall allocate the functions, powers, duties, and responsibilities of all departments, offices, agencies, and other instrumentalities of the executive
branch, except those functions, powers, duties, and responsibilities allocated by this constitution, among and within not more than twenty departments, such allocation to become operative on or before eighteen months after the effective date of this constitution. Such legislative allocation shall not be subject to the governor's veto. Should the legislature fail to make such allocation, the governor within six months shall effect such allocation by executive order.

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COMMITTEE PROPOSAL No. 4—

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

A PROPOSAL

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

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

ARTICLE IV. EXECUTIVE BRANCH

Section 1. Composition

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

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

Section 2. Qualifications

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

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

5 Section 3. Elections and Terms

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

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

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

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

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

29 Section 4. Compensation

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

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the official is elected. No state official shall receive a salary

in excess of that paid to the governor.

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

7 Section 5. Powers and Duties of Governor

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

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

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

21 (D) Operating Budget. The governor shall prepare the
22 state’s annual operating budget, and shall transmit copies
23 thereof to the legislature at least two weeks prior to the first
24 day of each annual session. Upon adoption of the operating
25 budget by the legislature, it shall become the official state
26 budget and shall be executed and administered by the governor.

27 Total appropriations for the year shall not exceed anticipated
28 annual revenues as projected by the governor in the operating
29 budget.

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

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by statute implementing the first year of the program. All
capital projects approved by the legislature shall be made a
part of the capital budget, and the operating budget for each
year shall provide for amortization of the cost of each such
capital project.
(F) Pardon, Commutation, Reprieve, Remission. Except in
cases of conviction upon impeachment, the governor may re-
prieve, may grant commutation of sentence, and may pardon
those convicted of offenses against the state and may remit
fines and forfeitures imposed for such offenses. In addition,
the legislature may provide additional methods for the fore-
going and other post-conviction remedies.
(G) Signature on Bills; Veto. The date and time when each
bill passed by the legislature is delivered to the governor shall
be entered thereon. He shall then have thirty calendar days
within which to act on it. If he approves, he shall sign it. If
he disapproves, he shall veto it, giving his reason therefor, and
if the legislature is in session, he shall return it to the house in
which it originated within twenty-four hours. If he fails to
veto within the time provided by this constitution, it shall
become law.
(H) Appropriation Bills. (1) The governor may veto any
line item in an appropriation bill. The items vetoed shall be
void unless the veto is overridden as prescribed for the passage
of any bill over a veto.
(2) The governor shall either veto line items, or use other
means provided in the bill, in order that total appropriations
for the year shall not exceed anticipated revenues for the year.
(I) Appointments. (1) The governor shall appoint, subject
to confirmation by the Senate, the heads of all departments
in the executive branch whose election or appointment is not
provided for by this constitution and all members of boards
and commissions in the executive branch whose election or
appointment is not otherwise provided for by this constitution
or by statute.
(2) Should the legislature be in session, the governor shall
submit for confirmation by the Senate the names of those
appointed within forty-eight hours after the appointment is
made. Failure of the Senate to confirm, prior to the end of the
session, shall constitute rejection of the appointment.
(3) Should the legislature not be in session, the governor
may make interim appointments, which shall expire at the end of the next session of the legislature, unless submitted to
and confirmed by the Senate during such session.
(4) A person not confirmed by the Senate shall not be ap-
pointed to the same office during any recess of the legislature.
(J) Removal. The governor may remove from office those
whom he appoints, except those appointed for a term fixed
by this constitution or as may be fixed by statute.
(K) Commander-in-Chief. The governor shall be com-
mmander-in-chief of the armed forces of the state, except when
they are called into service of the federal government. He may
call out the armed forces of the state to preserve law and order,
to suppress insurrection, to repel invasion, or in other times
of emergency.
(L) Extraordinary Session. (1) The governor may convene
the legislature into extraordinary session by issuance of a
proclamation to the legislature at least five days prior to
the convening of the session. The proclamation shall state the
specific subjects to be considered, the date and time the legis-
lature is to convene, and the number of days for which the
legislature is convened. The subject matter of the session may
be amended, by proclamation to the legislature, until forty-
eight hours prior to the hour at which the legislature convenes.
Section 8. There shall be a department of justice, headed by
the attorney general who shall be the state’s chief legal officer.
As may be necessary for the assertion or protection of the
rights and interests of the state, the attorney general shall
have authority to:
(1) institute, and prosecute or intervene in any legal ac-
tions or other proceedings, civil or criminal;
(2) exercise supervision over the several district attorneys
throughout the state; and
(3) for cause, supersede any attorney representing the state
in any civil or criminal proceeding.
He shall have such other powers and perform such other
duties as may be authorized by this constitution or provided
by statute.
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.
He shall report annually to the governor and the legislature
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 con-
stitution or provided by statute.
Section 10. First Assistants
Section 10. Each statewide elected official, except the
governor and lieutenant governor, shall appoint a first assis-
tant, subject to 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 sub-
mits 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 quali-
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1 The qualifications for the various offices involved, and all
2 appointments must be of persons who otherwise would be
3 eligible to hold offices to which appointed.
4 
5 Section 16. Definition of Vacancy
6 Section 15. A vacancy as used in this constitution shall
7 occur in the event of death, resignation, removal by any means,
8 or the failure to take office for any reason.
9 
10 Section 16. Declaration of Inability
11 Section 16. Whenever a statewide elective official transmits
12 to the presiding officer of the Senate and the presiding officer
13 of the House of Representatives a written declaration that he
14 is unable to discharge the powers and duties of the office and
15 until he transmits to them a written declaration to the con-
16 trary, the person succeeding to the office in the event of a
17 vacancy shall assume the powers and duties of the office as
18 acting official.
19 
20 Section 17. Determination of Inability
21 Section 17. (A) Whenever a majority of the statewide
22 elected officials determine that any other such official is un-
23 able to discharge the powers and duties of his office, they
24 shall transmit to the presiding officer of each house of the
25 legislature and to such official, and shall file in the office of
26 the secretary of state, their written declaration that such offici-
27 al is unable to exercise the powers and perform the duties
28 of his office. Thereafter the constitutional successor shall as-
29 sume the office as acting official unless, within forty-eight
30 hours after such filing in the office of the secretary of state,
31 such official files in said office and transmits to said presiding
32 officers his written counter-declaration that he is able to
33 exercise such powers and perform such duties.
34 (B) The legislature shall convene at noon on the third
35 calendar day after the filing of any counter-declaration, which

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1 Section 11. Vacancy in Office of Governor
2 Section 11. The order of succession in the office of governor
3 in the event of vacancy shall be (1) the elected lieutenant gov-
4 ernor, (2) the elected secretary of state, (3) the elected at-
5 torney general, (4) the elected treasurer, (5) the presiding
6 officer of the Senate, (6) the presiding officer of the House
7 of Representatives, and then as may be provided by statute.
8 Successors shall serve the remaining term for which the govern-
9 nor was elected.
10 
11 Section 12. Vacancy in Office of Lieutenant Governor
12 Section 12. Whenever there is a vacancy in the office of the
13 lieutenant governor, the governor shall nominate a lieutenant
14 governor, who shall take office upon confirmation by a major-
15 ity vote of the elected members of each house of the legislature.
16 
17 Section 13. Vacancies in Other Statewide Elective Offices
18 Section 13. The order of succession in any other statewide
19 elective office, in the event of a vacancy in such office, shall
20 be the appointed first assistant in such office. Successors to
21 such offices shall serve for the remainder of the term for which
22 the official was elected.
23 
24 Section 14. Other Vacancies
25 Section 14. (A) Should no other provision therefor be made
26 by this constitution, by statute, by local government charter,
27 or by ordinance, the governor shall have the power to fill any
28 vacancy occurring in any elective office. If, at the time a
29 vacancy occurs in such office, and the unexpired portion of the
30 term of office is more than one year, the vacancy shall be
31 filled at an election within six months, as may be provided by
32 statute. The appointment provided for herein shall be effective
33 only until a successor is duly elected and qualified.
34 (B) Nothing in this Section shall be construed as changing
may be filed by such official at any time. Should two-thirds of
the elected members of each house of the legislature fail to
adopt a resolution within seventy-two hours declaring that
probable justification for the determination that inability
exists, such officer shall continue or resume in office.
(C) Should two-thirds of the elected members of each house
so adopt a resolution declaring that probable justification
exists for the declaration of inability, the constitutional suc-
cessor shall assume the powers and duties of the office and
such resolution shall be transmitted forthwith to the Supreme
Court of Louisiana.
(D) By preference and priority over all other matters, the
supreme court shall determine the issue of inability after due
notice and hearing, by a majority vote of members elected to
said court, under such rules as it may adopt.
(E) A judgment of the supreme court affirming inability
may be reconsidered by the court, after due notice and hearing,
either upon its own motion or upon the application of such
official. Upon proper showing and by majority vote of its
elected members, the court may, upon such reconsideration,
determine that no inability then exists, whereupon such officer
shall immediately resume the powers and duties of his office.

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

Section 19. Reorganization
Section 19. The governor may propose to the legislature, on
or before the first day of any session, a plan of reallocation
of the functions, powers, duties, and responsibilities of all
departments, offices, agencies, and other instrumentalities of
the executive branch, except those functions, powers, duties,
and responsibilities allocated by this constitution, among and
within not more than twenty departments. The legislature, by
a majority vote of the elected members of each house, may
disapprove such plan, but may not substantively amend it.

Section 20. Impeachment
Section 20. (A) Any state and district official, whether
elected or appointed, shall be liable to impeachment for com-
misson or conviction of felonies or malfeasance during his
term of office, or for gross misconduct.
(B) All impeachments shall be by the House of Representa-
tives, 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 con-
vict. The Senate may sit for said purpose whether the House
be in session or not, and may adjourn as it thinks proper. Con-
viction upon impeachment shall result in immediate removal
from office and shall prohibit the official from holding any
office under the government of this state or any of its political
subdivisions. Nothing herein shall prevent any other action,
prosecution, or punishment authorized by statute.
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COMMITTEE PROPOSAL NUMBER 4

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

A PROPOSAL

Providing for the executive branch of government, for the declaration and determination of incapacity of statewide elective officers, and related matters.

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

ARTICLE IV. EXECUTIVE BRANCH

Section 1. Composition

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

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

Section 2. Qualifications

Section 2. (A) To be eligible for any statewide 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.

(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.

Section 3. Elections and Terms

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

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

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

Section 4. Compensation

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

Section 5. Powers and Duties of Governor

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

(B) Legislative Reports and Recommendations. The governor shall, at the beginning of each regular session of the legislature, and may at other times, make reports and recommendations and give information to the legislature concerning the affairs of state, including its complete financial condition.

(C) Reports and Information. Any department head shall provide the governor with reports and information, in writing or otherwise, when requested by him on any subject relative to
such department, excepting matters relating to investigations
of the governor's office.

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

(E) Capital Budget. The governor shall submit to 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.

(F) Pardon, Commutation, Reprieve, and Remission;
12 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 con-
victed 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 con-
victed 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. Members of such board shall serve a term concurrent
with that of the governor appointing them.

(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.

(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 appro-
priations for the year shall not exceed anticipated revenues
for the year.

(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 pro-
vided for by this constitution or by statute.

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

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

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

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

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

(L) 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.

Section 6. Powers and Duties of the Lieutenant Governor

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

Section 7. Powers and Duties of the Secretary of State

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 and shall prepare and certify the ballots
for all elections and promulgate all election returns; 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 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.

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 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.

Section 10. Powers and Duties of the Commissioner of

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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.

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.

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 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.

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.

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(b) Nothing in this Section shall be construed as changing the qualifications for the various officers involved, and all appointments must be of persons who otherwise would be eligible to hold offices to which appointed.

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.

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 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. 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.

(b) The legislature shall convene at noon on the third calendar day after the filing of any counter-declaration,
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which may be filed by such official at any time. Should two-thirds of the elected members of each house of the legislature fail to adopt a resolution within seventy-two hours declaring that probable justification for the declaration that inability exists, such officer shall continue or resume in office.

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

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

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

Section 21. Absences

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

Section 22. Reorganization

Section 22. Reallocation of the functions, powers, and duties of all departments, offices, agencies, and other instrumentalities of the executive branch except those functions, powers, duties, and departments allocated by
COMMITTEE PROPOSAL No. 5—

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

A PROPOSAL

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

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

ARTICLE IV. EXECUTIVE DEPARTMENT

Section 1. Public Service Commission

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

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

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

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

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

(2) If its decision is not rendered within six months from the filing date of any proposed rate schedule, it shall be deemed to be tentatively approved and, pending final approval, modification, or rejection may be put into effect subject to such protective bond or security requirements as may be provided by statute. If the commission disapproves the proposed schedule, in whole or in part, the carrier or utility may place or continue the schedule in effect under the bond or security, subject to any appeal and final action by a court of last resort, to cover any refund that may be finally directed. Refund claims therefore in the manner provided by statute shall be filed within one year after such final action.

(3) Any utility filing a proposed rate schedule shall within twenty days, give notice thereof by publication in the official state journal and in the official journal of each parish within the geographical area in which the schedule would become applicable. Any person affected by the proposed rate schedule may intervene and may, should the commission not render its decision within twelve months, appeal as if such decision had been rendered.

(E) Appeals. Appeals from the orders of the Public Service Commission must be filed with the district court, at the domicile of the Public Service Commission, with a direct appeal to the supreme court, as a matter of right.
Reprinted as Engrossed

Constitutional Convention of Louisiana of 1973
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1 COMMITTEE PROPOSAL No. 5—
2 Introduced by Delegate Stagg, Chairman, on behalf of the
3 Committee on Executive Department, and Delegates Alexander,
4 Asseff, Brien, Denney, Gravel, and Stovall:
5 A PROPOSAL
6 Making provisions for the Public Service Commission and
necessary provisions with respect thereto.
7 Be it adopted by the Constitutional Convention of Louisiana
of 1973:

ARTICLE IV. EXECUTIVE DEPARTMENT
Section 1. Public Service Commission
Section 1. (A) Composition; Term. There shall be a Public
Service Commission which shall consist of five members
elected at the time fixed for congressional elections from
separate districts as may be established by statute for over-
lapping terms of six years. The commission annually shall
 elect a chairman from one of its members.
(B) Powers and Duties. Except as otherwise provided by
this constitution the commission shall regulate all common
carriers and public utilities. It shall adopt and enforce
reasonable rules, regulations, and procedures necessary for
the discharge of its duties, and shall have such other powers
and perform such other duties as may be provided by statute.
(C) Limitation. The commission shall have no power to
regulate any class of common carrier or public utility owned,
operated, or regulated on the effective date of this constitu-
tion by the governing authority of any one or more political
subdivisions, except by the consent of a majority of the
electors voting in an election held for that purpose; provided,
however, that such political subdivision may reinvest itself
with such regulatory power in the same manner as it was
surrendered.

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1 (D) Decisions on Applications, Petitions, and Schedules.
2 (1) The commission shall render its final decision on ap-
3 plications, petitions, and proposed rate schedules within
4 twelve months from the date such application, petition, or
5 proposed schedule is filed.
6 (2) If a decision is not rendered within six months from
7 the filing date of any proposed rate schedule, it shall be
deemed to be tentatively approved.
9 (3) If such proposed schedule results in a rate increase,
it may be put into effect, subject to such protective bond or
security requirements as may be provided by law pending
final approval, modification, or rejection. If the commission
disapproves the proposed increase, in whole or in part, the
carrier or utility may place or continue the schedule in
effect under the bond or security, subject to any appeal and
final action by a court of last resort. Refund claims therefor
in the manner provided by statute shall be filed within one
year after such final action.
19 (4) Any utility filing a proposed rate schedule shall with-
in twenty days, give notice thereof by publication in the
official state journal and in the official journal of each
parish within the geographical area in which the schedule
would become applicable. Any person affected by the pro-
posed rate schedule may intervene.
25 (E) Appeals. Should the commission not render its deci-
sion within twelve months, an appeal may be taken, as if a
decision had been rendered. Appeals may be taken by any
party or intervenor and must be filed with the district court,
within the time provided by law, at the domicile of the Public
Service Commission, with a direct appeal to the Supreme
Court, as a matter of right.

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1 COMMITTEE PROPOSAL No. 6—
2 Introduced by Delegate Dennis, Chairman, on behalf of
3 the Committee on the Judiciary and Delegates Avant, Bel,
4 Bergeron, Burns, Deshotels, Drew, Gauthier, Kelly, Kilbourne,
5 Landry, Martin, Ours, Sandoz, Tate, Tobias and Vesich:
6 A PROPOSAL
7 Making provisions for the judiciary branch of government
8 and necessary provisions with respect thereto.
9 Be it adopted by the Constitutional Convention of Lou-
10 isiana of 1973:
11 ARTICLE V. JUDICIARY DEPARTMENT
12 Section 1. Judicial Power
13 Section 1. The judicial power shall be vested in a su-
14 preme court, courts of appeal, district courts, and such other
15 courts as this constitution may authorize.
16 Section 2. Needful Writs, Habeas Corpus, Orders and Pro-
17 cess
18 Section 2. A judge may issue a writ of habeas corpus
19 and all other needful writs, orders and process in aid of the
20 jurisdiction of his court. Exercise of this authority by a
21 judge of the supreme court or court of appeal is subject to
22 review by the whole court. The power of a court to punish
23 for contempt shall be limited by law.
24 Section 3. Supreme Court; Membership; Terms
25 Section 3. The supreme court shall be composed of a chief
26 justice and six associate justices, four of whom must con-
27 cur to render judgment. The term of a judge of the supreme
28 court shall be fourteen years.
29 Section 4. Supreme Court; Districts
30 Section 4. The state shall be divided into at least six
31 supreme court districts, with at least one judge elected from
32 each. The present districts and the number of judges as-

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1 signed to each are retained, subject to change by a two-
2 thirds vote of the elected members of each house of the
3 legislature.
4 Section 5. Supreme Court; Supervisory, Original, and Ap-
5 pellate Jurisdiction; Rule-Making Power; Assignment of
6 Judges
7 Section 5. (A) The supreme court has general supervi-
8 sory jurisdiction over all other courts. It may promulgate
9 procedural and administrative rules not in conflict with
10 law. It may assign a sitting or retired judge to another
11 court.
12 (B) The supreme court has exclusive original jurisdiction
13 of disciplinary proceedings involving members of the bar.
14 (C) In civil cases, the supreme court’s jurisdiction ex-
15 tends to both the law and the facts except as otherwise
16 provided in this constitution. In criminal matters, its ap-
17 pellate jurisdiction extends to questions of law only.
18 (D) The following cases shall be appealable to the su-
19 preme court:
20 (1) A case in which a state law has been declared un-
21 constitutional;
22 (2) A criminal case in which the penalty of death or im-
23 prisonment at hard labor may be imposed, or in which a
24 fine exceeding five hundred dollars or imprisonment exceed-
25 ing six months has been actually imposed.
26 (E) Subject to the provisions of Subsection (C), the su-
27 preme court has appellate jurisdiction over all other issues
28 involved in any civil action properly before it.
29 Section 6. Supreme Court; the Chief Justice
30 Section 6. (A) When a vacancy in the office of chief justice
31 occurs, the judge oldest in point of service on the court,
32 below the age of sixty-five years, shall succeed to the office.

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

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

Section 7. The supreme court shall have authority to select a judicial administrator, its clerks, and other personnel, and prescribe their duties.

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

Section 8. The state shall be divided into at least four circuits, with one court of appeal in each circuit. Each circuit 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. The term of a court of appeal judge shall be twelve years.

Section 9. Courts of Appeal; Circuits and Districts

Section 9. Each circuit shall be divided into at least three districts, with at least one judge elected from each. One or more judges may 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 a two-thirds vote of the elected members in each house of the legislature.

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 where 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 both the law and the facts.

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

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

Section 12. Courts of Appeal; Chief Judge; Duties

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

Section 13. Courts of Appeal; Clerks and Staff

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

Section 14. District Courts; Judicial Districts

Section 14. The state shall be divided into judicial districts, each composed of one or more parishes and served by one or more district judges.

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

Section 15. (A) The district courts, the civil and criminal district courts, and 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
or parish affected, may establish or merge judicial districts
or may merge a criminal and a civil district court in a
parish, subject to the limitations of Section 23 of this Article.
(B) The term of a district judge shall be six years. Terms
established for judgeships existing at the time of the adop-
tion of this constitution are retained; however, the legis-
lature by a majority vote of the elected members of each
civil house, with approval in a referendum in the parish affected,
may reduce the term for district judges in a parish to not
less than six years.
Section 16. District Courts; Original Jurisdiction
Section 16. (A) Unless otherwise provided or authorized in
this constitution, a district court shall have original jurisdic-
tion in all civil and criminal matters. It shall have exclu-
sive original jurisdiction of all felony cases involving the
title to immovable property; the right to office or other pub-
lic position; civil or political rights; probate and succes-
sion matters; the state, a political corporation, or a suc-
cession, as a party defendant, regardless of the amount in
dispute; and the appointment of receivers or liquidators to
corporations or partnerships.
(B) A civil district court shall have civil jurisdiction as
provided for in Subsection (A) and a criminal district court
shall have criminal jurisdiction as provided for in Subsec-
tion (A).
Section 17. District Courts; Chief Judge
Section 17. Each district court may elect from its members
a chief judge who shall exercise such administrative func-
tions as prescribed by rule of court.
Section 18. Juvenile Courts; Jurisdiction
Section 18. The jurisdiction of a juvenile court shall be as

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

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

Section 24. Judges; Election; Vacancy in Office

Section 24. (A) The election of judges shall be held 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 the vacancy occurs or the judgeship is created, 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 judge to the office, to serve at its pleasure, who shall be ineligible to be a candidate for election to the judgeship.

(C) All judges 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 their term or, if the last year of their term is not in the even-numbered year of a general judicial election, then through December thirty-first of the year next succeeding. The election for next term in the office will be held in a general judicial election of the year the term expires, as provided above.

Section 25. Retirement of Judges

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

(B) A judge or judicial administrator in office or retired at the time of the adoption of this constitution, shall not have diminished any retirement benefits or judicial ser-
the number of years served bears to twenty-five, whichever
is greater.
(4) Upon the death of a judge, in office or retired, the
surviving spouse, until remarriage, shall be entitled to one-
third of his annual salary as judge prior to death or
retirement, or one-half the retirement benefits he was re-
ceiving or entitled to receive at the time of his death, which-
ever is greater. If the judge is not survived by a spouse,
or if the spouse dies, his unmarried children shall be en-
titled to the benefits provided in this subsection until the
age of eighteen.
(5) Benefits provided herein shall be paid from the same
sources as was his compensation as judge. The legislature
and the political subdivisions shall provide for the payment
of these benefits.
(6) To receive the benefits provided in this subsection,
the judge shall contribute a total of six percent of his salary
to the paying authorities.
Section 26. Judges; Qualifications; Practice of Law Pro-
hibited
Section 26. A judge of the supreme court, court of appeal.
district court, or parish court shall have been admitted to
the practice of law for at least five years prior to his elec-
tion, shall have been domiciled in the respective circuit.
district, or parish for at least two years immediately pre-
ceding election, and shall not practice law.
Section 27. Judiciary Commission; Membership; Terms;
Vacancy; Grounds for Removal; Powers
Section 27. (A) The Judiciary Commission shall consist
of one court of appeal judge and two district court judges
selected by the supreme court; three attorneys admitted
to the practice of law for at least ten years who are not
judges, active or retired, nor public officials, selected by
the Louisiana Conference of Court of Appeal Judges’ Asso-
ciation or its successor; and three citizens, not lawyers,
judges active or retired, nor public officials, 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 ap-
pointed for a four-year term by the appointing authority
for the position for which the vacancy occurred.
(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 will-
ful misconduct relating to his official duty, willful and per-
sistent failure to perform his duty, persistent and public
conduct prejudicial to the administration of justice that brings
the judicial office into disrepute, or conduct while in office
which would constitute a felony, or conviction of a felony.
On recommendation of the Judiciary Commission, the su-
preme 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 recommenda-
tion of the Judiciary Commission, the supreme court may
retire involuntarily a judge for disability that seriously in-
terferes 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 pro-
viding for confidentiality and privilege of proceedings.
Section 28. Department of Justice; Composition; Attorney
General; Election and Assistants

Section 28. There shall be a department of justice consisting of an attorney general, a first and second 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.

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

Section 29. The attorney general and the first and second assistants shall have resided in this state and been admitted to the practice of law for at least five years preceding their selection. The attorney general shall attend to, and have charge of all legal matters in which the state has an interest, or to which the state is a party, with power and authority to institute and prosecute or to intervene in any and all suits or other proceedings, civil or criminal, as shall be necessary for the assertion or protection of the rights and interests of the state.

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

Section 30. District Attorney; Election; Qualifications; Assistants

Section 30. 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 his assistants and other personnel and prescribe their duties.

Section 31. Defense of Criminal Prosecution; Removal

Section 31. 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.

Section 32. Sheriff; Duties; Tax Collector

Section 32. 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.

Section 33. Clerks; Election; Powers and Duties; Deputies; Office Hours

Section 33. (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.

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

Section 34. In each parish, a coroner shall be elected for a term of four years with such qualifications and duties.
as may be prescribed by law.

Section 35. Vacancies

Section 35. Until filled by election as provided by law, when a vacancy occurs in the following offices, the duties of the office 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.

Section 36. Reduction of Salaries and Benefits Prohibited

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

Section 37. Orleans Parish, Officials; Continued

Section 37. Notwithstanding any provisions of Sections 32 and 33 of this Article to the contrary, the following officers in Orleans Parish are continued, subject to change by a majority vote of the elected members of each house of the legislature and by approval in a referendum in the parish: 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, all of which shall be elected for four-year terms with such duties and powers as provided by the legislature. Their terms of office, retirement benefits, or compensation shall not be reduced during their terms of office.

Section 38. Jurors; Qualifications; Selection

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

Section 39. Grand Jury

Section 39. There shall be a grand jury or grand juries in each parish whose duties and responsibilities shall be provided by law and whose qualifications shall be as provided in Section 38 of this Article. The secrecy of the proceedings, including the identity of the witnesses appearing, shall be provided for by law.

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COMMITTEE PROPOSAL No. 7—

Introduced by Delegate Aertker, Chairman, on behalf of
the Committee on Education and Welfare and Delegates
Armentor, Carmouche, Corne, Cowen, Flory, Grier, Haynes,
Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Rob-
inson, Segura, Silverberg, Sutherland, Thistlethwaite, Toca
and Wisham:

A PROPOSAL

Making provisions for education and necessary provisions
with respect thereto.

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

ARTICLE IX. EDUCATION

Section 1. Educational Goals

Section 1. The goal of the public educational system shall
be to provide at all stages of human development, learning
environments and experiences that are humane, just, and
designed to promote excellence in order that every individ-
ual may be afforded the opportunity to develop to his full
potential.

Section 2. Public Educational System

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

Section 3. State Board of Elementary and Secondary Ed-
ucation

Section 3. (A) Creation; function. There is created a body
corporate, known as the State Board of Elementary and
Secondary Education. The board shall supervise, control,
and have budgetary responsibility for all funds appropriated
or allocated by the state for all public elementary and sec-
ondary schools and special schools under its jurisdiction, as
provided by law. The board shall have such other specific
powers, duties, and responsibilities as are provided by law,
but shall have no control over the business affairs of par-
ish and municipal school boards or the selection or removal
of their officers and employees.

(B) Membership; terms. The board shall consist of seven
members who shall be appointed by the governor, with the
consent of the Senate, from the state at large, and an addi-
tional number of members equal to the number of congress-
sional districts into which the state is divided, one of whom
shall be elected from each of such districts, as provided by
law. All members shall serve overlapping terms of six years,
following the initial terms which shall be determined by the
governor or the legislature, as the case may be, in a manner
as to effectuate this purpose.

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

Section 4. State Superintendent of Public Elementary and
Secondary Education

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

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

(C) Functions. The powers, duties, responsibilities, and

salary of the state superintendent of public education shall

be prescribed by law.

(D) Vacancy. A vacancy in the office of state superinten-
dent of public education for any cause except expiration

of the term shall be filled by the governor for the re-

mainder of the unexpired term.

Section 5. Qualifications and Certification of Teachers

Section 5. The board shall prescribe and provide for the

qualifications to be met by teachers and for the certifica-
tion of teachers of public elementary and secondary and

special schools.

Section 6. Approval of Private Schools; Effect

Section 6. The board may approve private schools whose

sustained curriculum is of a quality equal to that prescribed

for similar public schools. The certificates issued by private

schools so approved shall carry the same privileges as

those issued by the state public schools.

Section 7. 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 re-

sponsibility for all public higher education and shall have

such other powers, duties, and responsibilities as are pro-

vided in this Section and by law.

(B) Board membership; terms. The members of the board

shall be appointed by the governor with the consent of the

Senate for overlapping terms of six years, following initial

terms which shall be fixed by law. Two of the members

shall be residents of each of the congressional districts into

which the state is divided, and one member shall be from

the state at large.

(C) Board members; per diem and expenses. The members

of the Board of Regents, Board of Supervisors of Louisi-
安娜 State University and Agricultural and Mechanical Col-

lege, Board of Trustees for State Colleges and Universi-
ties, and any other board created pursuant to this Article

shall serve without pay, but the legislature may fix the per

diem and expenses to be paid to them.

(D) Vacancies. A vacancy occurring prior to the expira-
tion of the term shall be filled for the remainder of the un-

expired term by appointment by the governor, with the con-
sent of the Senate.

(E) Powers of the board. (1) The board shall have coordi-

nating responsibilities as it relates to the elementary and

secondary educational curricula. (2) The board shall have

the following powers, duties, and responsibilities with re-

spect to all public institutions of higher education and post-

secondary vocational-technical training and career educa-

tion:

(a) To revise or eliminate any existing degree program,

department of instruction, division, or similar subdivision.

(b) To approve, disapprove, or modify any proposed de-

gree program, department of instruction, division, or similar

subdivision.

(c) To study the need for and feasibility of any new in-

stitution of post-secondary education, including branches of

institutions and conversion of two-year institutions to instit-

tutions offering longer courses of study. If the creation of

a new institution is proposed, or an additional management

board for an institution or group of institutions is proposed,

or a proposal is made to transfer an existing institution from

one board to another, the board shall report its findings and
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recommendations within one year to the legislature. Only
after this written report has been filed, or if no report is filed
within one year, the legislature may take affirmative ac-
tion on such a proposal by vote of two-thirds of the mem-
ership of each house.

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

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

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

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Section 8. Board of Trustees for State Colleges and Universi-
ties

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

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

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

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

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

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

Section 9. (A) Creation; Powers. There is created a body
corporate, known as the Board of Supervisors of Louisiana
State University and Agricultural and Mechanical College,
which subject to the powers vested in the Board of Regents,
shall supervise and manage the institutions and statewide
tagricultural and other programs administered through the
Louisiana State University and Agricultural and Mechanical College system.
(B) Membership; Terms. The members of the board shall
be appointed by the governor, with the consent of the
Senate, for overlapping terms of six years following initial
terms which shall be fixed by law. Two of the members
shall be residents of each of the congressional districts
into which the state is divided, and one member shall be
from the state at large.
(C) Vacancies. A vacancy occurring prior to the expiration
of the term shall be filled for the remainder of the unexpired term by appointment by the governor, with the
consent of the Senate.
Section 10. Minority Representation
An appropriate number of citizens from the predominant minority race of the state shall be included
on the State Board of Elementary and Secondary Education,
the Board of Regents, the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College,
the Board of Trustees for State Colleges and Universities,
and any other board created pursuant to this Article.
Section 11. Boards; Dual Membership Prohibited
Section 11. No person shall be eligible to simultaneously
serve on more than one board created by or pursuant to
this Article.
Section 12. Parish School Boards; Parish Superintendents
Section 12. (A) Parish School Boards. The legislature
shall create parish school boards and shall provide for the
election of the members of such boards.
(B) Parish Superintendents. Each parish board shall elect
a superintendent of parish schools. The State Board of
Elementary and Secondary Education shall fix the qualifi-
cations and prescribe the duties of the parish superinten-
dent, who need not be a resident of the parish in which
he serves.
Section 13. Recognition of Existing Boards and Systems;
Consolidation
Section 13. (A) Recognition of Boards and Systems. Parish
and city school board systems, in existence on the effective
date of this constitution, by virtue of special or local legis-
lative acts or previous constitutional provisions, are hereby
recognized, subject to control by and supervision of the
State Board of Elementary and Secondary Education and
the power of the legislature to enact laws affecting them.
(B) Consolidation. Two or more school systems may be
consolidated under procedures enacted by the legislature,
subject to approval of a majority of the qualified electors
voting in each system affected in an election called for
that purpose.
Section 14. Appropriations; Boards
The legislature shall appropriate funds for
the operating and administrative expenses of the boards
created pursuant to this Article.
Section 15. Appropriations; Higher Education
Section 15. Appropriations for the institutions of higher
education and post-secondary vocational-technical training
and career education shall be made to their respective man-
aging boards. The appropriations shall be administered by
the managing boards and used solely for the operations
of the institution for which designated in the appropriations.
Section 16. Funding; Elementary and Secondary Schools;
Apportionment
Section 16. (A) State Funds. State funds for the support of the public schools of elementary and secondary levels shall be derived from the sources and shall be apportioned to the parish and city school boards in the manner hereinafter set forth:

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

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

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

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

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

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

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

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

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

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

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

The proceeds thereof shall be used exclusively for the sup-
port of the public schools.

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

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

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

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

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

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

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 Legis-
lative Act No. 43 approved July 5, 1884.
Reprinted as Engrossed

Constitutional Convention of Louisiana of 1973

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1 COMMITTEE PROPOSAL No. 7—
2 Introduced by Delegate Aertker, Chairman, on behalf of the
3 Committee on Education and Welfare and Delegates Car-
4 mouche, Cowen, Flory, Hernandez, Landry, Segura, Silver-
5 berg, Thistlethwaite, Toca and Wisham:
6 A PROPOSAL
7 Making provisions for education and necessary provisions
8 with respect thereto.
9 Be it adopted by the Constitutional Convention of Louisi-
10 ana of 1973:
11 ARTICLE IX. EDUCATION
12 Section 1. Educational Goals
13 The goal of the public educational system shall
14 be to provide, at all stages of human development, learning
15 environments and experiences that are humane, just, and
16 designed to promote excellence in order that every individual
17 may be afforded the opportunity to develop to his full
18 potential.
19 Section 2. Public Educational System
20 The legislature shall provide for the education
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22 a public educational system consisting of all public schools
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24 by state funds, the funds of any political subdivision there-
25 of, or both.
26 Section 3. State Superintendent of Public Elementary and
27 Secondary Education
28 The term. There shall be a state superinten-
29 dent of public education for elementary and secondary ed-
30 ucation, who shall be appointed by the State Board of
31 Elementary and Secondary Education for a term not to
32 exceed four years.

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1 C. P. No. 7
2 (B) Qualifications. The state superintendent shall possess
3 the qualifications required of parish school superintendents
4 and such additional qualifications as may be fixed by law.
5 (C) Functions. The powers, duties, responsibilities, and
6 salary of the state superintendent of public education shall
7 be prescribed by law.
8 Section 4. State Board of Elementary and Secondary Edu-
9 cation
10 Section 4. (A) Creation; Function. There is created a body
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14 or allocated by the state for all public elementary and
15 secondary schools and special schools under its jurisdiction,
16 as provided by law. The board shall have such other specific
17 powers, duties, and responsibilities as are provided by law,
18 but shall have no control over the business affairs of
19 parish and municipal school boards or the selection or re-
20 moval of their officers and employees.
21 (B) Membership; Terms. The board shall consist of three
22 members who shall be appointed by the governor, with the
23 consent of the Senate from the state at large, and eight
24 members who shall be elected from single-member districts
25 to be determined by the legislature. All members shall serve
26 overlapping terms of six years, following the initial terms
27 which shall be determined by the governor or the legislature,
28 as the case may be, in a manner as to effectuate this
29 purpose.
30 (C) Vacancies. Vacancies occurring for any cause prior
31 to the expiration of the term shall be filled by appointment
32 by the governor for the remainder of the unexpired term.
33 Members shall serve without pay except for such per diem

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and expenses as shall be fixed by the legislature.

Section 5. Qualifications and Certification of Teachers

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

Section 6. Approval of Private Schools; Effect

Section 6. The board shall approve private elementary,
secondary, and proprietary schools whose sustained curricu-

lum is of a quality equal to that prescribed for similar public
schools. The certificates issued by private schools so approved
shall carry the same privileges as those issued by the state
public schools.

Section 7. Board of Regents

Section 7. (A) Board of Regents; establishment. There is
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The board shall plan, coordinate, and have budgetary re-

ponsibility for all public higher education and shall have
such other powers, duties, and responsibilities as are pro-
vided in this Section and by law.

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

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

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

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

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

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

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

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

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

It shall recommend priorities for capital construction and improvements.

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

Section 8. Board of Trustees for State Colleges and Universities

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

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

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

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

(C) Vacancies. A vacancy occurring prior to the expiration of the term shall be filled for the remainder of the unexpired term by appointment by the governor, with the consent of the Senate.
which shall be fixed by law. Two of the members shall be residents of each of the congressional districts into which the state is divided, and one member shall be from the state at large.

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

Section 10. Minority Representation

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

Section 11. Boards; Dual Membership Prohibited

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

Section 12. Parish School Boards; Parish Superintendents

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

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

Section 13. Recognition of Existing Boards and Systems; Consolidation

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

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

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

Section 14. Appropriations; Boards

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

Section 15. Appropriations; Higher Education

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

Section 16. Funding; Elementary and Secondary Education; Apportionment

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

First: After dedication of annual amounts required by this constitution to be deducted from the first moneys available to the State Severance Tax Fund, and after de-
duction of not to exceed five hundred thousand dollars per
annum to pay for the costs of collecting this tax and ad-
ministering the laws pertaining to the conservation of the
natural resources of the state, out of the first moneys com-
prising the residue then existing in the fund, the legislature
shall appropriate funds to supply free school books and
other materials of instruction prescribed by the State Board
of Elementary and Secondary Education to the children of
this state at the elementary and secondary levels. After July
first of each year, the state treasurer shall set up a fund for
the payment of the amounts set forth in Paragraph (A) of
this Section. When sufficient funds have accumulated in the
fund for the payment of the moneys required for the pur-
poses above mentioned including school books and materials
of instruction, then, before the tenth day of each month, the
state treasurer shall transfer to a fund in the state treasury
designated as the State Elementary and Secondary Educa-
tion Fund such balances as have accrued.

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

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

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

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

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

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

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

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

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

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

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reprinted as engrossed

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1 proceeds of the general ad valorem tax for municipal
2 purposes, such an amount as shall equal the rate of five
3 mills levied hereunder by the parish school board.
4 The provisions of Paragraph (C) First shall not apply to
5 municipalities which under constitutional or legislative
6 authority are actually operating, maintaining, and support-
7 ing a separate city system of public schools. In lieu of such
8 tax, however, the school board in each such municipality
9 shall levy an annual tax of five mills on the dollar on the
10 assessed valuation of all property within the municipality.
11 The proceeds thereof shall be used exclusively for the support
12 of the public schools.
13 Third: The Orleans Parish School Board shall levy annual-
14 ly a tax not to exceed thirteen mills on the dollar on the
15 assessed valuation of all property within the city of New
16 Orleans assessed for city taxation and shall certify the fact
17 to the governing authority of the city. The governing authority shall cause tax to be entered on the tax rolls of the
18 city and collected in the manner and under the conditions
19 and with the interest and penalties prescribed by law for
20 city taxes. The money thus collected shall be paid daily to
21 the Orleans Parish School Board.
22 Fourth: For giving additional support to the public ele-
23 mentary and secondary schools, any parish, school district,
24 or subschool district, or any municipality which supports a
25 separate city system of public schools may levy ad valorem
26 taxes for specific purposes, when authorized by a majority
27 of the electors voting in the parish, municipality, district, or
28 subdistrict, in an election called for the purpose. The amount,
29 duration, and purpose of such taxes shall be in accord with
30 any limitations imposed by the legislature. No such tax shall
31 be levied for a period longer than ten years, except that any
32 tax levied to pay the costs of bonds or other debts incurred
33 shall be levied and collected until the principal and interest
34 on the bonds or other debts have been paid.
35 Fifth: The legislature may provide for additional sources
36 of local support for elementary and secondary schools.
37 (D) Monroe, Bogalusa; Treatment as Parishes. For the
38 effects and purposes of the provisions of this entire Section,
39 the municipalities of Monroe, in Ouachita Parish, and Bog-
40 alusa in Washington Parish, and no other, shall be regarded
41 as, and treated upon the same basis and shall have the same
42 authority as though they were separate parishes instead of
43 municipalities.
44 (E) Ouachita Parish. The school board of Ouachita Parish
45 shall not be required to pay to the city of Monroe out of the
46 public funds any per capita for children residing without the
47 limits of said city and who may attend the schools main-
48 tained by the city of Monroe under its legislative charter.
49 Section 17. Tulane University
50 Section 17. The Tulane University of Louisiana, located
51 in New Orleans, is hereby recognized as created and to be
52 developed in accordance with provisions of the Legislative
53 Act No. 43 approved July 5, 1884.
First Enrollment

Constitutional Convention of Louisiana of 1973

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Committee Proposal Number 7

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

A Proposal

Making provisions for education and necessary provisions with respect thereto.

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

ARTICLE IX. EDUCATION

Preamble

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

Section 2. Public Educational System

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

Section 3. State Superintendent of Public Elementary and Secondary Education

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

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

Section 4. State Board of Elementary and Secondary Education

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

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

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

Section 6. Approval of Private Schools; Effect

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

Section 7. Board of Regents

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

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

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

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

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

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

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

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

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

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

(F) Powers not vested. Powers of management over public
institutions of higher education and post-secondary vocational-
technical training and career education not specifically vest-
ed 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 institu-
tions under the control of each or to any board created
pursuant to this Article.

Section 8. Board of Trustees for State Colleges
and Universities

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

(1) Supervision and management of all state colleges
and universities except those included under the manage-
ment 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 institu-
tions of vocational-technical training and career education
at post-secondary levels.

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

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

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

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

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

Section 14. Appropriations; Boards

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

Section 15. Appropriations; Higher Education

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

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

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

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provided by law.

Section 16. Funding; Elementary and Secondary
Education; Apportionment

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

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

(C) The local funds for the support of elementary and
secondary schools shall be derived from the following sources:
First: Each parish school board, the parish of Orleans
excepted, and each municipality or municipal school board
actually operating, maintaining or supporting a separate system
of public schools, shall levy annually an ad valorem maintenance
tax of five mills, or as much thereof as is necessary, on all
property subject to such taxation within the parish or city,
respectively.

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

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 Legis-
lative Act No. 43 approved July 5, 1884.
COMMITTEE PROPOSAL No. 8—

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

A PROPOSAL

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

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

ARTICLE VI. LOCAL GOVERNMENT

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

Section 1. (A) All parishes and their boundaries as established under existing law are recognized and ratified.

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

Section 2. Change of Parish Lines; Election

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

Section 3. New or Enlarged Parishes; Adjustment of Assets and Liabilities

Section 3. When a parish is enlarged or created from contiguous territory, it shall be entitled to a just proportion of the property and assets and shall be liable for a just proportion of the existing debts and liabilities of the parish or parishes from which the territory is taken.

Section 4. Change of Location of Parish Seat

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

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

Section 5. The legislature shall provide by general law for the incorporation, consolidation, merger, and government of municipalities. No 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 special law as long as such municipality continues to operate under such charter.

Section 6. Classification

Section 6. Except as provided in this constitution, the legislature may classify parishes or municipalities according to population or on any other reasonable basis related to the purpose of this classification, and legislation may be limited in its effect to any of such class or classes; provided, however, no statute which is applicable to fewer than six parishes or municipalities shall become operative in any such parish or municipality until approved by ordi-
Section 7. Existing Home Rule Charters and Plans of Government of Parishes and Municipalities Ratified

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

(B) Every other home rule charter adopted or authorized when this constitution is adopted shall remain in effect and may be amended, modified, or repealed as provided in the charter.

Section 8. Home Rule Charter

Section 8. (A) 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 may call an election for the purpose of electing such a commission.

(B) The governing authority of any such local governmental subdivision shall call an election to elect a commis-
fected the structure, organization and or the particular distrib-
ution and redistribution of the powers and functions of any
local governmental subdivision which operates under a home
rule charter. Each of them shall also enjoy such additional
powers and functions as are granted to local governmental
subdivisions by provisions of this constitution, including
Section 10 of this Article, unless the exercise of such powers
and functions is prohibited by its charter.

Section 9. Home Rule Parish: Incorporation of Cities,
Towns, and Villages

Section 9. When two-thirds of the electors as certified by
the registrar of voters of an unincorporated settlement in
any parish operating under a home rule charter or a home
rule plan of government sign and present to the governor a
petition and meet other necessary requirements as set
forth under the general laws providing for the incorpora-
tion of cities, towns, and villages, such cities, towns, and vil-
lages may be incorporated; provided, however, no such newly incorporated area shall include any property previously
included in any industrial area or district.

Section 10. Powers of Other Local Governmental Sub-
divisions

Section 10. (A) Any local governmental subdivision may
exercise and perform any power and function necessary, re-
quised, or proper for the management of its affairs not
ded to it by its charter, by this constitution, or by
general law, including but not limited to the power (1) to
legislate upon, regulate, conduct, and control all matters of
local governmental administration; (2) to define the powers,
duties, and qualifications of parochial or municipal employ-
ees; (3) to provide for the protection of the public health,
safety, morals, and welfare; (4) to create special districts;

Section 11. Limitations of Local Governmental Subdivi-
sions

Section 11. Local governmental subdivisions do not have
the power (1) to incur debt payable from ad valorem tax
receipts maturing more than forty years from the time it
is incurred; (2) to define and provide for the punishment of
a felony; or (3) to enact private or civil ordinances gov-
erning civil relationships.

Section 12. Local Officials

Section 12. The electors of each local governmental subdivi-
sion shall have the exclusive right to elect the members of
their governing authority and, if a plan, or form of govern-
ment or home rule charter so provides, their chief executive
officer at elections held in accordance with the election
laws of the state. Such officials shall not be subject to re-
moval by the legislature. The salaries of these officials shall
not be reduced during the terms for which they are elected.
Section 13. (A) Vacancies occasioned by death, resignation, or otherwise in the office of justice, juror, or district attorney, or any other local official elected within the boundaries of the local governmental subdivision, shall be filled by appointment by the governing authority of the local governmental subdivision, unless otherwise provided by the home rule charter or home rule plan of government of the affected local governmental subdivision. Vacancies in the membership of city or parish school boards shall be filled by appointment by the remaining members thereof.

A tie vote by the governing authority of the local governmental subdivision or school board shall be broken by its presiding officer regardless of the fact that he may already have voted as a member of the appointing body.

(B) If, at the time a vacancy occurs in an elective office for which appointment is provided in Paragraph A of this Section, the unexpired portion of the term of office is more than one year, a special election to fill the vacancy shall be called by the governing authority, and held without the necessity of a call by the governor, not more than six months nor less than three months, after first receipt of notice of the vacancy by the secretary of state, to be given as hereinafter provided, in the local governmental subdivision or special district thereof in which the vacancy occurred, and in such case the appointment provided for in Paragraph A of this Section shall be effective only until a successor is duly elected and qualified.

(C) Upon being informed of the occurrence of a vacancy in any of the offices specified in Paragraph A of this Section, the clerk or chief clerk of the district court in the parish where the vacancy occurred, and in the parish of Orleans the clerk or chief clerk of the criminal district court, shall, within twenty-four hours after being thus informed, notify the secretary of state in writing by registered or certified mail of the occurrence of the vacancy. Upon receipt of such notice, the secretary of state shall, within twenty-four hours after such receipt, notify in writing by registered or certified mail all election officials, including party committees and boards of supervisors of elections, having any duty to perform in connection with a special election to fill such vacancy, of the occurrence of the vacancy.

(D) Nothing in this Section shall be construed as changing the qualifications for the various offices involved and all appointments must be of persons who would otherwise be eligible to hold offices to which appointed.

(E) 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 subdivision.

(F) Vacancies occasioned by death, resignation, or otherwise in the office of sheriff, assessor, clerk of a district court, or coroner shall be filled by appointment by the governing authority of the parish at the time and in the manner provided in Paragraphs (B) and (C) of Section 14 of this Article.

(G) The provisions of this Section shall not apply to the office of judge of any state court of record or district attorney.
salaries of local public officials or for wages, hours, working conditions, pension and retirement benefits, vacation or sick leave benefits of political subdivision employees, or an increase in commission of or for local political subdivision offices, except a law providing for civil service, minimum wages, working conditions, and retirement benefits for firemen and 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.

Section 15. Appropriation to Political Subdivisions

Section 15. When the legislature appropriates funds to one or more political subdivisions and the legislature does not specify the purposes for which such funds shall be expended, or the amounts to be expended therefor, the expenditure of such funds shall be determined solely by the governing authority of the political subdivision or political subdivisions to which the funds are appropriated. The legislature may require a report concerning the allocation and expenditure of such funds.

Section 16. Creation of Special Districts; Authority

Section 16. The power of the legislature by general or special law to create or authorize the creation of special districts, boards, agencies, commissions, and authorities of every type, to define their powers, and subject to the limitations imposed in this constitution, to grant 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, and the power to reclaim property from the beds of lakes and streams, is hereby confirmed.

Section 17. Governing Authorities of Local Governmental Subdivisions; Controls Over Agencies They Create

Section 17. (A) In addition to any other powers granted by the legislature, the governing authority of a local governmental subdivision shall have the following powers over any agency heretofore or hereafter created by it: (1) to appoint and remove members of the governing body of the agency; (2) to exercise budgetary and fiscal control over the agency, including the power to modify or veto its operating budgets, or veto or reduce line items; or to substitute a different budget therefor; (3) to abolish the governing body of the agency and to substitute itself therefor, with authority to exercise all of its powers and functions; and (4) to abolish the agency if the obligations or indebtedness of the agency are not thereby impaired.

(B) No such agency shall have authority to levy a tax, impose any charge, or issue bonds unless the proposal therefor is first approved by the governing authority of the local governmental subdivision; provided, however, that after such original approval is granted no further approval shall be required.

(C) If the creation of the agency required the concurrence of two or more local governmental subdivisions, concurrence of all of them shall be required for the exercise of the above powers.

Section 18. Special Districts and 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 public agency, except school districts, situated and having...
Section 20. Acquisition of Property
jurisdiction entirely within the boundaries of such local governmental subdivision. Upon such merger or 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 public agency. No such action shall take effect unless a majority of the electors in such special district and a majority of the electors in the local governmental subdivision who vote in an election held for that purpose vote in favor thereof.

(B) If the special district or public agency which is abolished has any outstanding indebtedness, the authority provided for by this Section shall not be exercised unless provision is made for the assumption of such indebtedness by the governing authority or authorities of the local governmental subdivisions involved.

Section 19. Historical Preservation Districts
Section 19. (A) In order to promote the educational, cultural, economic, and general welfare of the public through the preservation and protection of buildings, sites, monuments, structures, areas and districts of historic or architectural interest or importance, each local governmental subdivision of the state, acting through a commission or otherwise, shall have the power and authority to establish, operate and maintain historic preservation areas and districts by the adoption of appropriate ordinances and laws, which is hereby declared to be for a public purpose.

(B) The governing authority of each local governmental subdivision shall have the power and authority of review to affirm, reverse or modify, in whole or in part, any action or decision of such commissions.

Section 21. Servitudes of Way; Acquisition by Prescription
Section 21. The public, represented by the various political subdivisions, may acquire servitudes of way by prescription in the manner prescribed by law.

Section 22. Prescription Against State and Political Subdivisions
Section 22. Prescription shall not run against the state or any political subdivision or special district thereof in any civil matter, unless otherwise provided in this constitution or expressly by general law.

Section 23. Zoning
Section 23. Local governmental subdivisions may enact land use regulations and zoning ordinances and create and classify therein residential, commercial, industrial, and other districts, and may regulate the preservation of the character of buildings, monuments, structures, and buildings and areas of historical importance. Local governmental subdivisions may create airport zones and regulate the heights of buildings, structures, and objects of natural growth in areas surrounding airports.

Section 24. Industrial Areas
Section 24. The legislature may authorize parishes to create industrial areas within their boundaries in accordance with such procedures and subject to such regulations as the legislature shall determine. Parish industrial areas shall not be subdivisions of the state.

Section 25. Assistance to Local Industry by Political Sub-
Section 25. (A) Subject to such restrictions as it may impose, the legislature may authorize any political subdivision, in order (i) to induce and encourage the location of or addition to industrial enterprises therein, or (ii) to provide for the establishment and furnishing of industrial plants for the conversion or processing of raw farm or agricultural products, or (iii) to provide movable or immovable property, or both, for pollution control facilities:

1. to issue bonds and use the funds derived from the sale thereof to acquire and improve industrial plant sites and other property necessary to the purposes thereof;
2. to acquire, through purchase, construction, or otherwise, and to improve, industrial plant buildings and industrial plant equipment, machinery furnishing, and appurtenances;
3. to sell, lease, or otherwise dispose of all or any part of the foregoing.

(B) It is hereby found and declared that the purposes designed to be accomplished herein are public and proper legal purposes and will be of public benefit to the political subdivision issuing the bonds.

Section 26. Intergovernmental Cooperation

Section 26. (A) Any political subdivision may exercise and perform any of its authorized powers and functions, including the financing, jointly or in cooperation with one or more political subdivisions, either within or without the state, the United States or agencies thereof, except as the legislature shall provide otherwise by law.

(B) Except as otherwise provided in this constitution, the legislature shall not by general or special law require political subdivisions to exercise or perform functions jointly or in cooperation with any other political subdivision, nor...
Limitations

Section 29. 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 this Section shall not apply to, nor affect, similar grants to such political subdivisions under other sections of this constitution which are self-operative.

Section 30. Parish Tax Limits; Increase, Withdrawal of Municipality from Parish Taxing Authority

Section 30. (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.

(B) Where 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 dedicated to the purpose or purposes set forth in the proposition.

(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 incorporated city or town, which has a population in excess of one thousand inhabitants according to the last census and which provides and maintains a system of street paving, shall not exceed one-half the tax levy for general purposes.

(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.

Section 31. Municipal Tax Limits; Increase

Section 31. (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 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.

(B) Where 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 dedicated to the purpose or purposes set forth in the proposition.

(C) This Section shall not apply to the city of New Orleans.

Section 32. Special Taxes; Ratified

Section 32. (A) Any special tax being levied by any political subdivision under prior laws or the constitution of this state when this constitution is adopted is hereby confirmed and ratified.

(B) For the purpose of acquiring, constructing, improv-
ing, maintaining and operating any work of public improve-
ment, any political subdivision may levy special taxes when
authorized by a majority of the electors who vote in an
election held for that purpose.

Section 33. Political Subdivisions; Exclusive Authority to
Levy and Collect Ad Valorem Taxes.

Section 33. Notwithstanding any provision contained in
Article ......., Section ...... of this constitution to the con-
trary, the power of taxation shall not be exercised by the
legislature to levy an ad valorem tax upon any property
in the state, and such power shall be exclusively vested
in political subdivisions to be exercised as provided in this
constitution.

Section 34. Local Governmental Subdivision; Occupational
License Tax

Section 34. Local governmental subdivisions may impose
an occupational license tax in an amount not greater than
that imposed by the state. 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 the elected
membership of each house of the legislature.

Section 35. Local Governmental Subdivisions; Sales Tax
Authorized

Section 35. (A) Except as otherwise authorized in a home
rule charter provided for in Sections 7 and 8 of this Article,
local governmental subdivisions and school districts are au-
thorized to 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; provided, however,
the rate thereof when combined with the rate of all other

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previously 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.

(B) No tax authorized in Paragraph (A) of this Section
shall become effective until a proposition for the imposi-
tion thereof is submitted to the electors of the affected
local governmental subdivision and approved by a majority
of the electors who vote in the election held for that pur-
pose.

(C) The legislature shall have the authority by general
law to exempt or exclude any goods or tangible personal
property or services from any sales and use tax levied
by a local governmental subdivision; provided, however, such
exemptions or exclusions shall also apply to state sales
and use taxes.

Section 36. Bonds of Political Subdivisions; General Ob-
ligations

Section 36. 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 princi-
al and interest and redemption premiums, if any, on such
bonds as they mature.

Section 37. Taxpayer Authorization of Ad Valorem Tax
Bonds of Political Subdivisions

Section 37. General obligation bonds may be issued only
after authorization by a vote of a majority of the electors

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who vote on the proposition at an election in the political subdivision issuing such bonds. Refunding bonds, 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.

Section 38. Limitations on Bonded Indebtedness of Political Subdivisions

Section 38. (A) General obligation bonds may be issued by any political subdivision for any single purpose which, including the existing bonds of such political subdivision incurred for the same purpose and payable solely from ad valorem taxes levied without limitation as to rate or amount, shall not exceed in the aggregate ten percent of the assessed valuation of property in the political subdivision, to be ascertained by the assessment roll for the political subdivision last completed prior to the delivery of such bonds, except that as to both parishwide school districts and other school districts, the limitation shall be twenty-five percent of the assessed valuation of property, and except as to general obligation industrial development bonds, such limitation shall be twenty percent of the assessed valuation of property in the political subdivision.

(B) Any municipality financing and operating its own schools and not located within a parishwide or other school district shall be regarded as and treated on the same basis for the purpose of debt limitation and shall have the same authority for all purposes of this Section as though it were such a school district.

(C) The legislature may increase the debt limitations established in this Section by general or special law passed by a two-thirds vote of the elected membership of each house.

(D) Bonds and other debt obligations payable from acreage taxes, sales and use taxes, excess revenues, special assessments, or other special revenues shall not be considered to be bonds payable solely from ad valorem taxes for all purposes of this Section.

Section 39. Limited Time for Contesting Bonds of Political Subdivisions

Section 39. (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 taxes and other revenues necessary to pay the same shall be conclusively presumed to be valid, and no court shall have authority to inquire into such matters.

(B) Every ordinance or resolution authorizing the issuance of bonds or other debt obligation by a political sub-
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and credit to the prompt payment of the principal and
interest thereof, shall levy or cause to be levied on all tax-
able property in the political subdivision ad valorem taxes,
without limitation as to rate or amount, fully sufficient to
make up any deficit in the other sources of revenue
pledged to the payment of the certificates.

Section 41. Revenue-Producing Property

Section 41. The legislature may authorize political subdi-
visions to issue bonds or other debt obligation for the pur-
pose of constructing, acquiring, extending, or improving
any revenue-producing public utility. The bonds or other
debt obligation 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; and shall not
be a charge upon the other income and revenues of the polit-
ic subdivision.

Section 42. Ports

Section 42. 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 func-
tions, structure and organization, and territorial jurisdiction,
are ratified and confirmed and shall continue to exist, ex-
cept that:

(A) The legislature may diminish, reduce, or withdraw
from any such commission or district, including the Board
of Commissioners of the Port of New Orleans, any of its
powers and functions and may affect the structure, organi-
ization, distribution, and redistribution of the powers and
functions of any such commission or district, including its
territorial jurisdiction, only by act passed by at least a two-
thirds vote of the elected membership of each house;

(B) The legislature may by law grant additional powers

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and functions to any such commission or district and may
create new port commissions or port, harbor, and terminal
districts by law; provided, however, in so doing the legisla-
ture shall not restrict or diminish the powers and functions,
structure and organization, or territorial jurisdiction of an
established deep-water port except by at least a two-
thirds vote of the elected membership of each house;
(C) (1) Notwithstanding the provision of Paragraphs (A)
and (B) of this Section, the legislature shall by law pro-
vide for a change in the method of selection and composition
of the Board of Commissioners of the Port of New Orleans
and define its territorial jurisdiction.
(2) After the exercise of authority as provided in sub-
paragraph (1) above, the legislature may only affect the
Board of Commissioners of the Port of New Orleans as pro-
vided in Paragraphs (A) and (B) of this Section, except
that no change in the territorial jurisdiction of said port
shall affect the territorial jurisdiction of any other existing
deep-water port.
(3) In the event the legislature does not exercise the au-
thority granted in subparagraph (1) above within ten years
after the adoption of this constitution, the composition and
territorial jurisdiction of said board shall not be changed ex-
cept in compliance with Paragraph (A) and (B) of this Sec-
tion.
Section 43. Levee Districts
Section 43. (A) Levee districts as now organized and
constituted shall continue to exist, except that:
(1) The legislature may provide for the consolidation, di-
vision, or reorganization of existing levee districts or create
new levee districts; provided, however, the members of the
boards of commissioners of such districts shall be appointed
or elected from residents of such district;
(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 provi-
sion shall be self-operative.
(B) No action taken hereunder shall impair the obligation
of any outstanding bonded indebtedness or of any other con-
tact of such levee district.
Section 44. District Taxes; Orleans Levee District Tax
and Refunding Bonds; Increase in Tax to Raise Additional
Funds
Section 44. (A) For the purpose of constructing and main-
taining levees, levee drainage, flood protection, hurricane
flood protection, and for all other purposes incidental thereto,
the governing authority of each district, may levy an-
ually a tax not to exceed five mills on the dollar, except
the Board of Levee Commissioners of the Orleans Levee Dis-
trict, which may levy annually a tax not to exceed two
and one-half mills on the dollar, on all taxable property sit-
uated within the alluvial portions of said district subject to
overflow.
(B) Should the necessity to raise additional funds arise
in any levee district for any of the purposes herein set
forth, or for any other purpose related to its authorized
powers and functions which may be specified by the legis-
lature, the tax herein authorized may be increased; pro-
vided, however, before taking effect, the necessity for the
increase and the rate thereof shall be submitted to the elec-
tors 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.

Section 45. Bond Issues

Section 45. (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 funding or payment of any outstanding indebtedness.

(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.

Section 46. Interstate Districts

Section 46. The legislature, with the concurrence of an adjoining state, may create levee districts composed of territory partly in each state, and may authorize the construction and maintenance of the levees wholly within another state.

Section 47. Cooperation with Federal Government

Section 47. 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 levee districts.

Section 48. Compensation for Property Used or Destroyed: Tax

Section 48. (A) Lands and improvements thereon hereafter actually used or destroyed for levees or levee drainage purposes shall be paid for at a price not to exceed the

1 assessed value for the preceding year; provided, if property used or destroyed for levees or levee drainage purposes from a landowner shall exceed more than one-third the value of that landowner's property and improvements,

2 the land and improvements thereon used or destroyed for such purposes shall be paid for at fair market value; and provided further, nothing contained in this Paragraph with respect to compensation for lands and improvements shall apply to batture or to property the control of which is vested in the state or any political subdivision thereof for the purpose of commerce.

3 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.

(C) Nothing contained in this Section shall prevent the appropriation of said property before payment.

Section 49. Supremacy of Constitution

Section 49. The provisions of this constitution shall be paramount and neither the legislature, nor any political subdivision, shall enact any laws or ordinances in conflict therewith.

Section 50. Terms Defined

Section 50. As used in this Article:

(1) "Deep-water port commissions and port, harbor, and terminal districts" means those ports which are capable of accommodating vessels of at least twenty-five feet of draft and engaged in foreign commerce;

(2) "Functions" means duty in the sense that it is complementary of the power (ability) conferred and as such means onus or obligation to execute the power granted;
(3) "General law" means a law of statewide concern which is uniformly applicable to every political subdivision in the entire state or which is uniformly applicable to all political subdivisions within the same class as established in accordance with the classification provisions of Section 6 of this Article;

(4) "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;

(5) "Governing authority" means the body which exercises the legislative functions of the political subdivision;

(6) "Local governmental subdivision" means any parish or municipality;

(7) "Municipality" means all incorporated cities, towns, and villages;

(8) "Political subdivision" means parishes and municipalities, and any other unit of local government authorized by law to perform governmental functions;

(9) "Powers" means ability or capacity, synonymous with inherent or basic authority, to indulge in a particular undertaking or to provide or perform a certain service;

(10) "Special law" means any law other than a general law;

(11) "Structure and organization" means the structure and organization and/or the particular distribution and redistribution of powers and functions and/or the supervision, control, and internal arrangement of the component parts of the political subdivision.

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CC-1002

**COMMITTEE PROPOSAL No. 9—**

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Armentor, Carmouche, Corne, Cowen, Flory, Grier, Haynes, Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Robinson, Segura, Silverberg, Sutherland, Thistlethwaite, Toca, and Wisham:

A PROPOSAL

Making provisions for human resources by providing for state and city civil service.

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

ARTICLE VII. HUMAN RESOURCES

Section 1. State and City Civil Service

Section 1. (A) Civil Service System; State; Cities.

(1) State Civil Service. "State civil service" means all offices and positions of trust or employment in the employ of the state, or any board, commission, department, independent agency, or other agency thereof, except as otherwise specifically provided in this constitution, and all offices and positions of trust or employment in the employ of joint state and federal agencies administering state or federal funds, or both; joint state and municipal agencies financed by state or municipal funds, or both, except municipal boards of health; joint state and parochial agencies financed by state or parochial funds, or both; irrespective of whether the pay for such offices and positions of trust or employment is to be paid with state, municipal, or parochial funds or with funds contributed jointly by the state and municipalities or parishes involved.

(2) City Civil Service. "City civil service" means all offices and positions of trust or employment in the employ of the city and every board, commission, department, or agency
thereof, except as otherwise specifically provided in this
constitution.

(B) State Civil Service Commission

(B) (1) Membership. A State Civil Service Commission is
created to be composed of five members, who are citizens
and qualified electors of the state. Three members of the
commission shall constitute a quorum. The five members shall
be appointed by the governor for overlapping terms of six
years as hereinafter provided. The domicile of the commis-
ion shall be in the city of Baton Rouge, Louisiana.

(2) Nominations. The presidents of Loyola University of
the South, Centenary College, Tulane University of Louisiana,
Louisiana College, and Dillard University each shall nominate
three persons, in the order of their preference, and from the
three persons so nominated by each, the governor shall ap-
point one to serve as a member of the commission.

(3) Vacancies. Vacancies for any cause shall be filled by
appointment in accordance with the procedure governing the
original appointment and from the same source. Within thirty
days after a vacancy occurs, the university president con-
cerned shall submit the required nominations. Within thirty
days thereafter, the governor shall make his appointment.
Should the governor fail to appoint within thirty days, the
nominee whose name is first on the list shall automatically
become a member of the commission.

If for any reason nominations are not submitted to the
governor by any of the college presidents herein named, within
the time herein designated, the vacancy on the commission
for the term or the unexpired term resulting from such failure
to nominate shall be filled by a majority vote of the other
members of the State Civil Service Commission.

(4) Transition. Each person who, on the effective date of
this constitution, is a member of the State Civil Service Com-
mission shall continue in such position for the remainder of
the term to which he was appointed. Within thirty days after
the expiration of the term of the commissioner nominated by
Louisiana State University and Agricultural and Mechanical
College, the president of Dillard University shall submit three
names to the governor for appointment to the commission
as herein provided. The initial term of this Dillard nominee
shall be six years.

(5) Removal. A member of the State Civil Service Com-
mision may be removed by the governor for just cause
after a copy of the charges against him has been served on
him and an opportunity for a public hearing thereon is
afforded by his appointing authority.

(6) Compensation. Members of the commission each shall
be compensated for each day devoted to the work of the
commission. The amount of compensation shall be deter-
mined by the legislature.

(C) City Civil Service Commission

(C) (1) Membership. A city civil service commission is
created for each city having a population exceeding four
hundred thousand. The city civil service commission shall
be composed of five members, who are citizens and qualified
electors of the city. Three members of the commission shall
constitute a quorum. The five members shall serve overlap-
ping terms of six years as hereinafter provided. The domi-
icle of the commission shall be in the city which it serves.

(2) Nominations. In the city of New Orleans, the presi-
dents of Tulane University of Louisiana, Loyola University
of the South, and Dillard University each shall nominate
three persons, in the order of their preference, and from
the three persons so nominated by each, the governing au-
authority of the city shall appoint one to serve as a member of the commission. One member shall be appointed by the governing authority of the city. One member shall be an employee within the classified service of the city, elected by classified city employees.

If for any reason nominations are not submitted to the governing authority of the city by any of the college presidents herein named within the time herein designated, the vacancy on the commission for the term or the unexpired term resulting from such failure to nominate shall be filled by a majority vote of the other members of the city civil service commission.

In other cities subject to the provisions of this Section three members of the commission shall be nominated by the presidents of any three universities mentioned in Paragraph (B) (2) in accordance with the procedure therein provided. Commissioners appointed by the governing authority of the city and the classified city employees shall be appointed in accordance with the procedure specified in Paragraph (C) (2).

(3) Vacancies. Vacancies for any cause shall be filled by appointment or election in accordance with the procedure for the original appointment and from the same source. Within thirty days after a vacancy occurs, the university president concerned shall submit the required nominations. Within thirty days thereafter, the governing authority of the city shall make the appointment. Should the governing authority of the city fail to appoint within the thirty days, the nominee whose name is first on the list shall automatically become a member of the commission.

The election of the member representing classified city employees shall be called by the governing authority and held at least sixty days prior to the expiration of that term. In the case of a vacancy prior to the expiration of a term in the office of the member representing classified employees, an election to fill the vacancy for the unexpired term shall be held within thirty days after the vacancy occurs.

(4) Transition. Each person who, on the effective date of this constitution, was nominated by Tulane University, Loyola University, or the governing authority of the city on the New Orleans City Civil Service Commission shall continue in such position for the remainder of the term to which he was appointed. Within thirty days after the effective date of this constitution, the president of Dillard University shall submit three names to the governing authority of the city for appointment to the commission as herein provided. The initial term of this appointee shall be three years. Within thirty days after the effective date of this constitution, the governing authority of the city shall call and hold an election for the member to represent classified city employees. The initial term of the classified employee shall be five years.

In other cities, each member serving on the effective date of this constitution, shall continue in office until the expiration of his term. The governing authorities of such cities shall provide for the election or appointment of additional members and for the implementation of this Section in accordance with provisions hereof.

(5) Removal. A member of the city civil service commission may be removed by the city governing authority for just cause after a copy of the charges against him has been served on him and an opportunity for a public hearing thereon is afforded by his appointing authority.

(6) Compensation. Members of the commission each shall be compensated for each day devoted to the work of the commission. The amount of compensation shall be determined by
the governing authority of the city.

(D) Departments; State; City

(D)(1) Department of State Civil Service. A Department
of State Civil Service is created in the state government.

(2) Department of City Civil Service. A department of
city civil service is created in the city government of each
city having a population exceeding four hundred thousand.

(E) Directors; State Service; City Service. The State Civil
Service Commission and the city civil service commission
shall appoint a director of civil service, who shall be the
administrative head of his respective department and who
shall be in the classified service. The director shall be ap-
pointed by the appropriate commission from a list of per-
sons determined to be eligible for the position on the basis
of merit, efficiency, and fitness, which shall be ascertained
by competitive examination, and such other factors as the
commission deems advisable. The director shall appoint per-
sonnel and exercise powers and duties to the extent prescribed
by the commission.

(F) Unclassified and Classified Service. The state civil
service and the city civil service are divided into the classi-
fied service and the unclassified service. The classified ser-
vice shall include all officers and employees in the state civil
service and the city civil service except:

(1) elected officers and persons appointed to fill vacancies
in elective offices; (2) heads of principal departments ap-
pointed by the governor, the mayor, or governing authority
of the city; (3) city attorneys; (4) members of state and city
boards, commissions, and agencies; (5) one person holding a
confidential position, or one principal assistant, or deputy to
any officer, board, commission, department, or agency men-
tioned in (1), (2), and (4), except the Department of State

Civil Service and the departments of city civil service; (6)
members of the military or naval forces; (7) the teaching
and professional staffs, and administrative officers of the
schools, colleges, and universities of the state, and bona fide
students of such institutions employed by any state agency;
(8) administrative officers and employees of courts of record,
of the legislature, of the offices of the governor, of the lieu-
tenant governor, of the attorney general, of the office of the
mayor of the several cities, of police juries, and of school
boards; (9) registrars of voters, the state tax collector for
the city of New Orleans, and one chief deputy selected by
each; (10) commissioners of elections and watchers; cus-
todians and deputy custodians of voting machines.

(G) Appointment and Promotion

(G)(1) Certification. Permanent appointments and pro-
motions in the classified state service and classified city ser-
vice shall be made after certification by the appropriate de-
partment of civil service under a general system based upon
merit, efficiency, length of service, and fitness, which shall
be ascertained by competitive examinations insofar as prac-
ticable, and employees and officers in the classified service
shall be employed from those eligible under such certification.
The number to be certified shall be not less than five; how-
ever, if more than one vacancy is to be filled, the name of
one additional eligible for each vacancy may be certified and
special and different lists may be established in the case of
reemployment and reinstatement. The commission shall adopt
rules for the method of certification of persons eligible for
appointment and promotion and shall provide for appoint-
ments defined as emergency and temporary appointments.

(2) Veterans. The Department of State Civil Service and
a department of city civil service shall accord a five-point
and if the ten-point preference is not being utilized by the veteran, either because of the veteran's physical or mental incapacity which precludes his appointment to a civil service job in his usual line of work or because of his death, the preference shall be available to his spouse, unremarried widow, or eligible parents as defined above, in the order specified, but all such preferences may be given only to persons who have attained marks on the tests which meet at least the minimum requirements imposed for each test and who have received at least the minimum rating required for eligibility.

(3) Layoffs Preference Employees; Reinstatement or Preferred Employment Lists. Whenever a position in the classified service is abolished or needs to be vacated because of stoppage of work from lack of funds, or other causes, the employee or employees in the class involved in the organization unit affected shall be laid off without pay by the appointing authority under such rules and regulations as to selection and priority as may from time to time be adopted by the commission. Provided, that preference employees (ex-members of the armed forces and their dependents as described in (R) of this Section) whose length of service and efficiency ratings are as good as or better than other competing employees shall be retained in preference to all other competing employees; and provided further, that when any or all of the functions of any state agency are transferred to or when any state agency is replaced by some other state agency, or state agencies, all preference employees in the classifications and performing the function or functions transferred or in the state agency which is replaced by some other state agency shall first be transferred to the replacing state agency, or state agencies, for employment in positions for which they are

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qualified, before such state agency, or state agencies, shall
appoint additional employees from eligible lists for such posi-
tions. The appointing authority shall give written notice to
the director of any proposed layoff a reasonable time before
the effective date thereof, and the director shall make such
orders relating thereto as he considers necessary to secure
compliance with the rules. The name of every regular em-
ployee so laid off shall be placed on the appropriate reemploy-
ment lists, and said employee shall also be eligible for rein-
statement and shall be reinstated in any position in the same
class in the same organization unit in which a vacancy exists.
If he cannot be reinstated as hereinabove required, the di-
rector shall, upon employee's request to be made within one
year from the time of his layoff or the time his position was
abolished, place his name on a reinstatement or preferred
reemployment list for the class of the position which was
abolished or from which the employee was laid off. The ap-
pointing authority of the organization unit, during the time
such employee's name remains on such lists is prohibited
from filling any vacancy in the class in which the employee
has reinstatement rights without first offering appointment
to, and appointing, if he accepts, the employee who has rein-
statement rights in such organization unit.

(H) Disciplinary Action. No person who has gained per-
manent civil service status in the classified state civil service
or the classified city civil service shall be subjected to disci-
plinary action except for just cause after a copy of the charges
against him have been served on him and an opportunity for
a public hearing is afforded by his appointing authority.
Only one penalty may be assessed for the same offense. No
classified employee shall be discriminated against by reason
of his political or religious beliefs, sex, or race.

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Any classified employee so discriminated against or sub-
jected to such disciplinary action shall have a right of appeal
to the appropriate civil service commission. The burden of
proof on appeal, as to the facts, shall be on the employer.
The appeal to the civil service commission shall be devolutive
unless otherwise determined by the commission. The rulings
of the commission are subject to review by the court of appeal
wherein each commission is located.

(I) Rules and Regulations. The State Civil Service Com-
mission and a city civil service commission are vested with
general rule-making powers and subpoena powers for the
administration of the classified civil service, including but
not limited to rules and regulations relating to employment,
promotion, demotion, suspension, reduction in pay, removal,
certification, work-test periods, uniform pay plans, classifi-
cation plans, employment conditions, compensation and dis-
bursements to employees, and generally to carry out and
effectuate the objectives and purposes of the merit system
of civil service as herein established. These rules and regu-
lations shall have the effect of law. Any matter affecting
wages and hours shall become effective and shall have the
force of law only after approval of the governor or the gov-
erning authority of the city.

(J) Political Activity. No member of any civil service
commission shall be a candidate for nomination or election
to any public office or hold any other public office or posi-
tion of public employment whatsoever, the classified employ-
ment of the employee elected to the city commission, the
office of notary public or a military or naval office, or dean
or member of the faculty of any educational institution ex-
cepted; nor shall any member of the commission be or have
been during a period of six months immediately preceding his
appointment a member of any local, state, or national committee of a political party, or an officer or member of a committee in any factional or political club or organization, and each commissioner shall take the oath of office before entering upon the duties of office, and such oath shall include a statement of belief in and desire to support the principles of the merit system.

No member of the State Civil Service Commission or a city civil service commission and no officer or employee in the classified service shall participate or engage in political activity or be a candidate for nomination or election to public office or be a member of any national, state, or local committee of a political party or faction or make or solicit contributions for any political party, faction, or candidate, nor take active part in the management of the affairs of a political party, faction, or candidate or any political campaign except to exercise his right as a citizen to privately express his opinion, to serve as a commissioner or as an official watcher at the polls, and to cast his vote as he desires.

No person shall solicit contributions for political purposes from any classified employee or official, nor use or attempt to use his position in city civil service to punish or coerce the political action of such person.

Political activity is defined as an effort made to insure the election of a nominee for political office or the support of a particular political party in an election. There shall be no prohibition against support of issues involving bonded indebtedness, tax referenda, or constitutional amendments, or the participation or membership in an organization which is not a political organization but which may from time to time express its opinion on a political issue.

(K) Violations; Appeals. The State Civil Service Commi-
Commission and to the Department of Civil Service for each succeeding fiscal year of a sum equal to not less than seven-tenths of one percent of the aggregate payroll of the state classified service for the twelve-month period ending on the first day of March preceding the next regular or fiscal session as certified to by the State Civil Service Commission. Each city of the state subject to the provisions of this Section shall make adequate annual appropriations to enable the civil service commission and the civil service department of the city to carry out efficiently and effectively the provisions of this Section.

(P) Acceptance of Act; Other Cities, City and Parish Governed Jointly. Any city, and any parish governed jointly with one or more cities under a plan of government, having a population exceeding ten thousand but not exceeding four hundred thousand, according to the last preceding decennial census of the United States for which the final report of population returns have been printed, published, and distributed by the director of the census may elect and determine to accept the provisions of this Section by a majority vote of its qualified electors voting at a general or special election for this purpose. This election shall be ordered and held by the city or city-parish, as the case may be, upon (a) the adoption of an ordinance by the governing body of the city of the parish governed jointly with one or more cities under a plan of government as the case may be, calling for such elections; or (b) the presentation to such governing body of a petition signed by qualified electors equal in number to five percent of the qualified registered voters of the city or city-parish, as the case may be, calling for such election.

If a majority of the legal votes cast in such election are in favor of the adoption of the provisions of this Section, then this Section and all the provisions thereof shall thereafter permanently apply to and govern the city or city-parish, as the case may be, in the same manner and to the same extent as if said Section and all its provisions had originally applied to such city or city-parish. In such instance, all officers and employees of the city or city-parish or any other subdivision of the state, as the case may be, except those coming within the provisions of Article VII, Section 1 of the Constitution of the State of Louisiana, who have acquired civil service status under a civil service system established by legislative act, city charter. or otherwise, shall retain such status and shall thereafter be subject to and governed by the provisions of this Section and the rules and regulations adopted under the authority of this Section. If a majority of the legal votes cast in such election are against the adoption of the provisions of this Section, the question of adopting the provisions of this Section shall not be resubmitted to the voters of the city or the city-parish, as the case may be, within one year thereafter.

(Q) City, Parish Civil Service System; Creation by Legislature. Nothing in this Section shall prevent the establishment by the legislature in one or more parishes of a civil service system applicable to any or all parish employees, including those hereinabove exempted from the state classified service, or the establishment by the legislature of a civil service system in one or more cities having a population of less than four hundred thousand, in any manner that may now or hereafter be provided by law.
Committee of mission whether and (1) commission Introduced to agency appointment (2) Education ment. (B) serve A Carmouche, the the nominate thereof, concerned and this be such the for Section health; constitution. original State the of member Section thirty funds, (A) the offices specifically the any and the this governor (B)(1) from any and the this governor for overlapping terms of this Section 1973: or other; parishes or boards of health; joint state and parochial agencies financed by state or parochial funds, or both; irrespective of whether the pay for such offices and positions of trust or employment is to be paid with state, municipal, or parochial funds or with funds contributed jointly by the state and municipalities or parishes involved.

(2) City Civil Service. “City civil service” means all offices and positions of trust or employment in the employ of the city and every board, commission, department, or agency thereof, except as otherwise specifically provided in this constitution.

(3) Vacancies. Vacancies for any cause shall be filled by appointment in accordance with the procedure governing the original appointment and from the same source. Within thirty days after a vacancy occurs, the university president concerned shall submit the required nominations. Within thirty days thereafter, the governor shall make his appointment. Should the governor fail to appoint within thirty days, the nominee whose name is first on the list shall automatically become a member of the commission.

If for any reason nominations are not submitted to the governor by any of the college presidents herein named, within the time herein designated, the vacancy on the commission for the term or the unexpired term resulting from such failure to nominate shall be filled by a majority vote of the other members of the State Civil Service Commission.

(4) Transition. Each person who, on the effective date of this constitution, is a member of the State Civil Service Com-
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mission shall continue in such position for the remainder of
the term to which he was appointed. Within thirty days
after the expiration of the term of the commissioner nom-
inated by Louisiana State University and Agricultural and
Mechanical College, the president of Dillard University shall
submit three names to the governor for appointment to the
commission as herein provided. The initial term of this
Dillard nominee shall be six years.

(5) Removal. A member of the State Civil Service Com-
mission may be removed by the governor for just cause
after a copy of the charges against him has been served on
him and an opportunity for a public hearing thereon is
afforded by his appointing authority.

(6) Compensation. Members of the commission each shall
be compensated for each day devoted to the work of the
commission. The amount of compensation shall be determined
by the legislature.

(C) City Civil Service Commission

(C)(1) Membership. A city civil service commission is
created for each city having a population exceeding four
hundred thousand. The city civil service commission shall
be composed of five members, who are citizens and qual-
fied electors of the city. Three members of the commission
shall constitute a quorum. The five members shall serve
overlapping terms of six years as hereinafter provided. The
domicile of the commission shall be in the city which it
serves.

(2) Nominations. In the city of New Orleans, the presidents
of Tulane University of Louisiana, Loyola University of the
South, and Dillard University each shall nominate three
persons, in the order of their preference, and from the three
persons so nominated by each, the governing authority of the

Page 3
held at least sixty days prior to the expiration of that term.

In the case of a vacancy prior to the expiration of a term in the office of the member representing classified employees, an election to fill the vacancy for the unexpired term shall be held within thirty days after the vacancy occurs.

(4) Transition. Each person who, on the effective date of this constitution, was nominated by Tulane University, Loyola University, or the governing authority of the city on the New Orleans City Civil Service Commission shall continue in such position for the remainder of the term to which he was appointed. Within thirty days after the effective date of this constitution, the president of Dillard University shall submit three names to the governing authority of the city for appointment to the commission as herein provided.

The initial term of this appointee shall be three years. Within thirty days after the effective date of this constitution, the governing authority of the city shall call and hold an election for the member to represent classified city employees. The initial term of the classified employee shall be five years.

In other cities, each member serving on the effective date of this constitution, shall continue in office until the expiration of his term. The governing authorities of such cities shall provide for the election or appointment of additional members and for the implementation of this Section in accordance with provisions hereof.

(5) Removal. A member of the city civil service commission may be removed by the city governing authority for just cause after a copy of the charges against him has been served on him and an opportunity for a public hearing thereon is afforded by his appointing authority.

(6) Compensation. Members of the commission each shall be compensated for each day devoted to the work of the commission. The amount of compensation shall be determined by the governing authority of the city.

(D) Departments; State; City

(D) (1) Department of State Civil Service. A Department of State Civil Service is created in the state government.

(2) Department of City Civil Service. A department of city civil service is created in the city government of each city having a population exceeding four hundred thousand.

(E) Directors; State Service; City Service. The State Civil Service Commission and the city civil service commission shall appoint a director of civil service, who shall be the administrative head of his respective department and who shall be in the classified service. The director shall be appointed by the appropriate commission from a list of persons determined to be eligible for the position on the basis of merit, efficiency, and fitness, which shall be ascertained by competitive examination, and such other factors as the commission deems advisable. The director shall appoint personnel and exercise powers and duties to the extent prescribed by the commission.

(F) Unclassified and Classified Service. The state civil service and the city civil service are divided into the classified service and the unclassified service. The classified service shall include all officers and employees in the state civil service and the city civil service except:

(1) elected officers and persons appointed to fill vacancies in elective offices; (2) heads of principal departments appointed by the governor, the mayor, or governing authority of the city; (3) city attorneys; (4) members of state and city boards, commissions, and agencies; (5) one private secretary for the president of each college or university, one
principal assistant or deputy, one attorney, and one person holding a confidential position to any officer, board, or commission mentioned in (1), (2) and (4), except the Department of State Civil Service and the departments of city civil service, provided no appointing authority shall be re- quired to fill any of these positions with unclassified em- ployees, but may assign the duties of any of them to a classified employee; (6) members of the military or naval forces; (7) the teaching, professional and administrative officers of all schools, colleges and universities of the state, and bona fide students of such institutions employed by any state agency; (8) officers and employees of the legislature and of the offices of the governor, lieutenant governor, attorney general, mayors of the several cities, and city attorneys, and the Board of Liquidation of the City Debt of New Orleans; (9) commissioners of elections and watch- ers; custodians and deputy custodians of voting machines; (10) all persons employed and deputies selected by sheriffs, clerks of court, police judges, assessors, coroners, recorders of mort- gages, registrars of conveyances, district attorneys, con- stables of city courts, school boards, and courts of record; (11) registrars of voters and one chief deputy for each; (12) persons employed to make or conduct a special inquiry, investigation, examination, or installation if the governor or governing body of the city certifies that such employment is temporary and that the work should not be performed by the employees in the classified service, and if the commission approves such certifications; (13) special counsel and special prosecutors of any appointing authority, notaries public, referees, receivers, and jurors; (14) patient or inmate help in state or city charitable, penal, or correctional insti- tutions; (15) persons temporarily retained or employed by a director of personnel for the purpose of conducting or assisting in examinations; (16) laborers and other workers employed and paid on an hourly, daily, or piecework basis, provided the inclusion of such persons in the unclassified service is requested by the appointing authority and approved by the appropriate commission; (17) persons employed to make or conduct a special inquiry, investiga- tion, or installation on behalf of the legislature or a com- mittee thereof; and such persons employed by or on behalf of any other agency of the state or a city, provided that inclusion of such persons in the unclassified service is approved by the appropriate commission; (18) independent contractors employed to render services on a contractual basis, including independent contractual professional service.

(G) Appointment and Promotion

(G) (1) Certification. Permanent appointments and pro- motions in the classified state service and classified city service shall be made after certification by the appropriate department of civil service under a general system based upon merit, efficiency, length of service, and fitness, which shall be ascertained by competitive examinations insofar as practicable, and employees and officers in the classified service shall be employed from those eligible under such certification. The number to be certified shall be not less than five; however, if more than one vacancy is to be filled, the name of one additional eligible for each vacancy may be certified and special and different lists may be established in the case of reemployment and reinstatement. The commission shall adopt rules for the method of certifi- cation of persons eligible for appointment and promotion and shall provide for appointments defined as emergency and
temporary appointments.

(2) Veterans. The Department of State Civil Service and a department of city civil service shall accord a five-point preference in original appointment to each person honorably discharged, or discharged under honorable conditions from the armed forces of the United States, after having served between the wartime dates of April 6, 1917 and November 11, 1918, both dates inclusive; or between September 16, 1940 and July 25, 1947, both dates inclusive; or between June 27, 1950 and January 31, 1955, both dates inclusive; or who served in the Viet Nam Theater between July 1, 1958 and the date the government of the United States declares to be the date of termination of service for members of the armed forces to receive credit for the award of the Viet Nam Service Medal, both dates inclusive; or who served in the peacetime campaigns or expeditions for which campaign badges are authorized. The Department of State Civil Service and a department of city civil service shall accord a ten-point preference in original appointment to each honorably discharged veteran who served either in peace or in war and who has one or more disabilities recognized by the Veterans Administration as service-connected; or to the spouse of each veteran who is in such poor physical condition as to preclude his or her appointment to a civil service job in his or her usual line of work or to the unremarried widow of each deceased veteran who served in a war period as defined above or in a peacetime campaign or expedition; or to the unremarried parents of any person who died in active wartime or peacetime service or who suffered total and permanent disabilities in active wartime or peacetime service; or the divorced or separated parents of any person who died in wartime or peacetime service or who became

totally and permanently disabled in wartime or peacetime service. However, only one ten-point preference shall be allowed in the original appointment to any of the persons enumerated above, and if the ten-point preference is not being utilized by the veteran, either because of the veteran's physical or mental incapacity which precludes his appointment to a civil service job in his usual line of work or because of his death, the preference shall be available to his spouse, unremarried widow, or eligible parents as defined above, in the order specified, but all such preferences may be given only to persons who have attained marks on the tests which meet at least the minimum requirements imposed for each test and who have received at least the minimum rating required for eligibility.

(3) Layoffs; Preference Employees; Reinstatement or Preferred Employment Lists. Whenever a position in the classified service is abolished or needs to be vacated because of stoppage of work from lack of funds, or other causes, the employee or employees in the class involved in the organization unit affected shall be laid off without pay by the appointing authority under such rules and regulations as to selection and priority as may from time to time be adopted by the commission. Provided, that preference employees (ex-members of the armed forces and their dependents as described in (B) of this Section) whose length of service and efficiency ratings are as good as or better than other competing employees shall be retained in preference to all other competing employees; and provided further, that when any or all of the functions of any state agency are transferred to or when any state agency is replaced by some other state agency, or state agencies, all preference employees in the classifications and performing the function
or functions transferred or in the state agency which is
replaced by some other state agency shall first be trans-
ferred 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 ap-
pointing 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 rel-
ating thereto as he considers necessary to secure compliance
with the rules. The name of every regular employee so laid
off shall be placed on the appropriate reemployment lists,
and said employee shall also be eligible for reinstatement and
shall be reinstated in any position in the same class in the
same organization unit in which a vacancy exists. If he
cannot be reinstated as hereinabove required, the director
shall, upon employee's request to be made within one year
from the time of his layoff or the time his position was
abolished, place his name on a reinstatement or preferred
reemployment list for the class of the position which was
abolished or from which the employee was laid off. The
appointing authority of the organization unit, during the
time such employee's name remains on such lists is prohibi-
ted from filling any vacancy in the class in which the employee
has reinstatement rights without first offering appointment
to, and appointing, if he accepts, the employee who has
reinstatement rights in such organization unit.

(II) Disciplinary Action. No person who has gained per-
nament civil service status in the classified state civil service
or the classified city civil service shall be subjected to dis-
iplinary action except for just cause after a copy of the
charges against him has been served on him and an oppor-
tunity for a public hearing is afforded by his appointing
authority. Only one penalty may be assessed for the same
offense. No classified employee shall be discriminated against
by reason of his political or religious beliefs, sex, or race.
Any classified employee so discriminated against or sub-
jected to such disciplinary action shall have a right of
appeal to the appropriate civil service commission. The
burden of proof on appeal, as to the facts, shall be on the
employer. The appeal to the civil service commission shall
be devolutive unless otherwise determined by the commis-
sion. The rulings of the commission are subject to review
by the court of appeal wherein each commission is located.

(I) Rules and Regulations. The State Civil Service Com-
m ission and a city civil service commission are vested with
general rule-making powers and subpoena powers for the
administration of the classified civil service, including but
not limited to rules and regulations relating to employment,
promotion, demotion, suspension, reduction in pay, removal,
certification, work-test periods, uniform pay plans, classi-
fication plans, employment conditions, compensation and
disbursements to employees, and generally to carry out and
effectuate the objectives and purposes of the merit system of
civil service as herein established. These rules and regula-
tions shall have the effect of law. Any matter affecting
wages and hours shall become effective and shall have the
force of law only after approval of the governor or the
governing authority of the city.

(J) Political Activity. No member of any civil service
commission shall be a candidate for nomination or election
to any public office or hold any other public office or posi-
tion of public employment whatsoever, the classified employ-
ment of the employee elected to the city commission, the
office of notary public or a military or naval office, or dean
or member of the faculty of any educational institution
excepted; nor shall any member of the commission be or
have been during a period of six months immediately pre-
ceeding his appointment a member of any local, state, or
national committee of a political party, or an officer or mem-
er of a committee in any factional or political club or
organization, and each commissioner shall take the oath of
office before entering upon the duties of office, and such
cath shall include a statement of belief in and desire to
support the principles of the merit system.
No member of the State Civil Service Commission or a
city civil service commission and no officer or employee in
the classified service shall participate or engage in political
activity or be a candidate for nomination or election to
public office or be a member of any national, state, or local
committee of a political party or faction or make or solicit
contributions for any political party, faction, or candidate,
nor take active part in the management of the affairs of a
political party, faction, or candidate or any political cam-
paign except to exercise his right as a citizen to privately
express his opinion, to serve as a commissioner or as an
official watcher at the polls, and to cast his vote as he
desires. No person shall solicit contributions for political
purposes from any classified employee or official, nor use
or attempt to use his position in state or city civil service
to punish or coerce the political action of such person.
Political activity is defined as an effort made to insure
the election of a nominee for political office or the support
of a particular political party in an election. There shall be
no prohibition against support of issues involving bonded
indebtedness, tax referenda, or constitutional amendments,
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1 inconsistent or in conflict with any general law.
2 (Q) Appropriations. Beginning with the regular session
3 that convenes the year 197_, the legislature of the state shall
4 then, and at each regular session thereafter, make an ap-
5 propriation to the State Civil Service Commission and to
6 the Department of Civil Service for each succeeding fiscal
7 year of a sum equal to not less than seven-tenths of one
8 percent of the aggregate payroll of the state classified ser-
9 vice for the twelve-month period ending on the first day of
10 March preceding the next regular session as certified to by
11 the State Civil Service Commission.
12 Each city of the state subject to the provisions of this
13 Section shall make adequate annual appropriations to en-
14 able the civil service commission and the civil service de-
15 partment of the city to carry out efficiently and effecti-
16 vely the provisions of this Section.
17 (P) Acceptance of Act; Other Cities, City and Parish
18 Governed Jointly. Any city, and any parish governed
19 jointly with one or more cities under a plan of government,
20 having a population exceeding ten thousand but not ex-
21 ceeding four hundred thousand, according to the last pre-
22 ceeding decennial census of the United States for which the
23 final report of population returns have been printed, pub-
24 lished, and distributed by the director of the census may
25 elect and determine to accept the provisions of this Section
26 by a majority vote of its qualified electors voting at a
27 general or special election for this purpose. This election
28 shall be ordered and held by the city or city-parish, as the
29 case may be, upon (a) the adoption of an ordinance by the
30 governing body of the city or the parish governed jointly with
31 one or more cities under a plan of government as the case
32 may be, calling for such elections; or (b) the presentation

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1 to such governing body of a petition signed by qualified
2 electors equal in number to five percent of the qualified
3 registered voters of the city or city-parish, as the case
4 may be, calling for such election.
5 If a majority of the legal votes cast in such election are in
6 favor of the adoption of the provisions of this Section, then
7 this Section and all the provisions thereof shall thereafter
8 permanently apply to and govern the city or city-parish, as
9 the case may be, in the same manner and to the same extent
10 as if said Section and all its provisions had orginally applied
11 to such city or city-parish. In such instance, all officers and
12 employees of the city or city-parish or any other subdivi-
13 sion of the state, as the case may be, except those coming
14 within the provisions of Article VII, Section 1 of the Con-
15 stitution of the State of Louisiana, who have acquired
16 civil service status under a civil service system established
17 by legislative act, city charter, or otherwise, shall retain
18 such status and shall thereafter be subject to and governed
19 by the provisions of this Section and the rules and regula-
20 tions adopted under the authority of this Section. If a ma-
21 jority of the legal votes cast in such election are against the
22 adoption of the provisions of this Section, the question of
23 adopting the provisions of this Section shall not be resub-
24 mitted to the voters of the city or the city-parish, as the
25 case may be, within one year thereafter.
26 (Q) City, Parish Civil Service System; Creation by Leg-
27 islature. Nothing in this Section shall prevent the establish-
28 ment by the legislature in one or more parishes of a civil
29 service system applicable to any or all parish employees,
30 including those hereinabove exempted from the state classi-
31 fied service, or the establishment by the legislature of a civil
32 service system in one or more cities having a population of

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ARTICLE VII. HUMAN RESOURCES

Section 1. State and City Civil Service

Section 1 (A) Civil Service System; State; Cities.

(1) State Civil Service. The state civil service includes all offices and positions of trust or employment in the employ of the state, or any instrumentality thereof, and any joint state and federal agency, joint state and parochial agency or joint state and municipal agency, irrespective of what funds are used to pay for such employment. It shall not include municipal boards of health or local governmental subdivisions.

(2) City Civil Service. The city civil service includes all offices and positions of trust or employment in the employ of each city in the state with over four hundred thousand population, and every instrumentality thereof. However, paid firemen and municipal policemen may be excluded if a majority of the electors in the city affected voting at an election held for the purpose consent thereto, provided said election shall be called by the governing authority of the city affected within one year after the effective date of this constitution.

(8) Classified and Unclassified Service. The state and city civil service is divided into the unclassified and
State nominees seven (6) the New city; the all of (1), the New state vacancy city coroners; assessors, Shreveport (5) each commission. one popultntion provided member New the No. first a elected according schools, voting quorum. the No. p.

Additional positions may be added and revoked by rules adopted by a commission.
(C) State Civil Service Commission; Appointment; Nomination. There shall be a State Civil Service Commission, domiciled in Baton Rouge, composed of seven members who are
electors of this state, four of whom constitute a quorum.
No more than one appointed member shall be from each congressional district.
(1) Appointment. The members shall be appointed by the governor, as hereinafter provided, for overlapping terms of six years.
(2) Nominations. The presidents of Centenary College at Shreveport, Louisiana; Dillard University at New Orleans, Louisiana; Louisiana College at Pineville, Louisiana; Loyola University of the South at New Orleans, Louisiana; Tulane University at New Orleans, Louisiana; and Xavier University at New Orleans, after giving due consideration to representation of all groups, each shall nominate three persons.
One member of the commission shall be appointed by the governor from the three persons nominated by each president.
One member of the commission shall be elected by the classified employees of the state from their number as provided by law.
A vacancy for any cause shall be filled by appointment or election in accordance with the procedure or law governing the original appointment or election, and from the same source.
Within thirty days after a vacancy occurs, the president concerned shall submit the required nominations. Within thirty days thereafter, the governor shall make his appointment.
Should the governor fail to appoint within thirty days, the nominee whose name is first on the list of nominees shall automatically become a member of the commission. Should one of the nominating authorities fail to submit nominees in the time required, or should one of the named institutions cease to exist, the governor shall make the appointment to the commission.
(D) City Civil Service Commission: Appointment; Nomination; Vacancies. There shall be a city civil service commission in each city having a population exceeding four hundred thousand. Each commission shall be composed of five members, who are qualified electors of the city,
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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. (1) New Orleans; Nomination and Appointment. In the city of New Orleans, the presidents of Loyola University, Loyola University of the South, St. Mary's Dominican College, Xavier University of Louisiana, and Tulane University of Louisiana, after giving due consideration to representation of all groups, each shall nominate three persons, and from the three persons so nominated by each, the governing authority of the city shall appoint one to serve as a member of the commission.

2. (2) Other Cities; Nomination and Appointment. In other cities subject to the provisions of this Section, the presidents of five institutions of higher education in the state, which five institutions shall be selected by the governing authority of the respective city, each shall nominate three persons, after giving due consideration to representation of all groups, and from the three persons so nominated by each, the governing authority of the city shall appoint one to serve as a member of the commission.

3. (3) Vacancies. Vacancies for any cause shall be filled by appointment in accordance with the procedure for the original appointment and from the same source. Within thirty days after a vacancy occurs, the university president concerned shall submit the required nominations. Within thirty days thereafter, the governing authority of the city shall make the appointment. Should the governing authority of the city fail to appoint within the thirty days, the nominee whose name is first on the list of nominees shall automatically become a member of the commission. Should one of the nominating authorities fail to submit nominees in the time required, or should one of the named institutions cease to exist, the governing authority of the city shall make the appointment to the commission.

4. (E) Removal. A member of the state or of a city civil service commission may be removed by the governor or the governing authority for cause after being served with written specifications of the charges against him, and an opportunity for a public hearing thereon is afforded by his appointing authority.

5. (F) Department of Civil Service; Directors.

6. (F) (1) State Department. There shall be a Department of State Civil Service in the executive branch of the state government.

7. (2) City Departments. There shall be a department of city civil service in each city having a population exceeding four hundred thousand.

8. (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.

9. (G) Appointments; Promotions. Permanent appointments and promotions in the classified state and city service shall be made only after certification by the appropriate department of civil service under a general system based upon merit, efficiency, fitness, and length of service, as ascertained by examination which, so far as practical, shall be competitive. The number to be certified shall not be less than three; however, if more than one vacancy is to be filled, the name of one additional eligible for each vacancy may be certified. Each commission shall adopt rules for the method of certification of persons eligible for appointment, promotion, re-employment, and reinstatement and shall provide for appoint-
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1. Persons defined as emergency and temporary appointments where certification is not required.

(H) Appeals. (1) Disciplinary Actions. No person who has gained permanent status in the classified state or city service shall be subjected to disciplinary action except for cause expressed in writing. Any classified employee subjected to such disciplinary action shall have the right of appeal to the appropriate commission. The burden of proof on appeal, as to the facts, shall be on the appointing authority.

(2) Discrimination. No classified employee shall be discriminated against by reason of his political or religious beliefs, sex, or race. Any classified employee so discriminated against shall have the right of appeal to the appropriate commission. The burden of proof on appeal, as to the facts, shall be on the employee.

(1) Prohibitions Against Political Activities. (1) No member of any civil service commission and no officer or employee in the classified service shall participate or engage in political activity; or be a candidate for nomination or election to public office except to seek election as the classified state employee serving on the State Civil Service Commission; or be a member of any national, state, or local committee of a political party or faction; or make or solicit contributions for any political party, faction, or candidate; or take active part in the management of the affairs of a political party, faction, or candidate or any political campaign, except to exercise his right as a citizen to express his opinion privately, to serve as a commissioner or official watcher at the polls and to cast his vote as he desires.

(2) No person shall solicit contributions for political purposes from any classified employee or official or use or attempt to use his position in the state or city service to punish or coerce the political action of such classified employee.

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3. Political activity is defined as an effort made to support or oppose the election of a candidate for political office or the support of a particular political party in an election. There shall be no prohibition against support of issues involving bonded indebtedness, tax referenda, or constitutional amendments.

(J) Rules; Investigations; Wages and Hours. (1) Rules. Each commission is vested with broad and general rule-making and subpoena powers for the administration and regulation of the classified service, including but not limited to the adoption of rules for the regulation of employment, promotion, demotion, suspension, reduction in pay, removal, certification, qualifications, political activities, and all other personnel matters and transactions the adoption of a uniform pay and classification plan, employment conditions, employee training and safety, compensation and disbursements to employees, and generally to carry out and effectuate the objectives and purposes of the merit system of civil service as herein established. Nothing contained herein shall be construed to prevent the legislature from supplementing these uniform pay plans for sworn, commissioned law enforcement officers of the Division of State Police, Department of Public Safety.

Veterans. The Department of State Civil Service and a department of city civil service shall accord a five-point preference in original appointment to each person honorably discharged, or discharged under honorable conditions from the armed forces of the United States, after having served between the wartime dates of April 6, 1917 and November 11, 1918, both dates inclusive; or between September 16, 1940 and July 25, 1947, both dates inclusive; or between June 27, 1950 and January 31, 1955, both dates inclusive; or who served in the Viet Nam Theater between July 1, 1958 and the date the government of the United States declares to be the date of termination of service for members of the armed forces to receive credit for
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1. the award of the Viet Nam Service Medal, both dates inclusive;
2. or who served in the peacetime campaigns or expeditions for
3. which campaign badges are authorized. The Department of State
4. Civil Service and a department of city civil service shall
5. accord a ten-point preference in original appointment to each
6. honorably discharged veteran who served either in peace or in
7. war and who has one or more disabilities recognized by the
8. Veterans Administration as service-connected; or to the spouse
9. of each veteran who is in such poor physical condition as to
10. preclude his or her appointment to a civil service job in his
11. or her usual line of work or to the unmarried widow of each
12. deceased veteran who served in a war period as defined above
13. or in a peacetime campaign or expedition; or to the un-
14. married parents of any person who died in active wartime or
15. peacetime service or who suffered total and permanent dis-
16. abilities in active wartime or peacetime service; or the
17. divorced or separated parents of any person who died in war-
18. time or peacetime service or who became totally and permanently
19. disabled in wartime or peacetime service. However, only one
20. ten-point preference shall be allowed in the original appoint-
21. ment to any of the persons enumerated above, and if the ten-
22. point preference is not being utilized by the veteran, either
23. because of the veteran's physical or mental incapacity which
24. precludes his appointment to a civil service job in his
25. usual line of work or because of his death, the preference
26. shall be available to his spouse, unmarried widow, or
27. eligible parents as defined above, in the order specified,
28. but all such preferences may be given only to persons who
29. have attained marks on the tests which meet at least the
30. minimum requirements imposed for each test and who have
31. received at least the minimum rating required for eligibility.

Layoffs; Preference Employees. Whenever a position in
33. the classified service is abolished or needs to be vacated
34. because of stoppage of work from lack of funds, or other
35. causes, preference employees (ex-members of the armed forces
36. and their dependents as described in this Section) whose
37. length of service and efficiency ratings are as good as or
38. better than other competing employees shall be retained in
39. preference to all other competing employees, provided that
40. when any or all of the functions of any state agency are
41. transferred to or when any state agency is replaced by some
42. other state agency, or state agencies, all preference employees
43. in the classifications and performing the function or functions
44. transferred or in the state agency which is replaced by some
45. other state agency shall first be transferred to the replacing
46. state agency, or state agencies, for employment in positions
47. for which they are qualified, before such state agency, or
48. state agencies, shall appoint additional employees from
49. eligible lists for such positions. The appointing authority
50. shall give written notice to the director of any proposed
51. layoff a reasonable time before the effective date thereof,
52. and the director shall make such orders relating thereto as
53. he considers necessary to secure compliance with the rules.
54. No rule, regulation, or practice of the commission, any
55. agency or department, or any officer of the state or any
56. political subdivision shall favor or discriminate against
57. any applicant or employee on the basis of his membership
58. or non-membership in any private organization; provided
59. that this shall not prohibit any state agency, department
60. or political subdivision from contracting with an employee
61. organization with respect to wages, hours, grievances,
62. working conditions or other conditions of employment in a
63. manner not inconsistent with this constitution or any civil
64. service law or valid rule or regulation of a commission.
65. Rules adopted pursuant hereto shall be published and
66. available to the public and have the effect of law. Each
67. commission may impose penalties for violation of its rules
68. by denotin, or suspension or discharge from position,
69. with attendant loss of pay.
70. (2) Investigations. Each commission is authorized to
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1. Investigate violations of the provisions of this Section and the rules, statutes, or ordinances adopted pursuant hereto.

2. (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.

3. (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.

4. (L) Appeal. Each commission shall have the exclusive power and authority to hear and decide all removal and disciplinary cases, with subpoena power and power to administer oaths. It may appoint a referee to take testimony, with subpoena power and power to administer oaths to witnesses. The decision of a commission shall be subject to review on any question of law or fact upon appeal to the court of appeal wherein such commission is located, upon application filed with such commission within thirty calendar days after its decision becomes final.

5. (N) 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.

6. (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.

7. (M) Acceptance of Act; Other Cities, Parishes, City and Parish Governed Jointly. Any city having a population exceeding ten thousand but not exceeding four hundred thousand, and any parish, or any parish governed jointly with one or more cities under a plan of government, having a population exceeding ten thousand, according to the last preceding decennial federal census for which the final report of population returns have been reported to the president of the United States, may elect to accept the provisions of this Section by a majority vote of its qualified electors voting at a general or special election for this purpose. The election shall be ordered and held by the city, the parish, or the city-parish, as the case may be, and shall be the same as for the election of officers of the city-parish, the city, or the parish, as the case may be, in the same manner and to the same extent as if said Section and all its provisions had originally applied to such city, parish, or city-parish. In such instance, all officers and employees of the city, the parish, or the city-parish, or any other subdivision of the state, as the case may be, who have acquired civil service status under a civil service system established by legislative act, city charter, or otherwise, shall retain such status and shall thereafter be subject to and governed by the provisions of this Section and the rules and regulations adopted under the authority of this Section.

8. If a majority of the votes cast in such election are against the adoption of the provisions of this Section, the question of adopting the provisions of this Section shall not be resubmitted to the voters of the city, the parish, or the city-parish, as the case may be, within one year thereafter.
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(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 civil service system applicable to any or all parish
employees, except teaching and professional staffs, and
administrative officers of schools, or the establishment by
the legislature, or by the respective city governing body,
of a civil service system in one or more cities having
a population of less than four hundred thousand, in any
manner now or hereafter provided by law, except that paid
firemen and paid municipal policemen, in a municipality
which operates a regularly paid fire and police department
and which has a population in excess of thirteen thousand,
in all parishes, and in all fire protection districts with
paid firemen, are hereby expressly excluded from such civil
service system. However, nothing in this Paragraph shall
permit inclusion in the local civil service of officials
and employees listed in Paragraph (B) of this Section.

No law enacted by the legislature after the effective date
of this constitution establishing a civil service system
applicable to one or more parishes or to one or more
municipalities having a population of less than four
hundred thousand shall be effective in any parish or in
any such municipality until approved by ordinance adopted
by the governing authority of the affected parish or
municipality.

Constitutional Convention of Louisiana of 1973
CC-1003

1 COMMITTEE PROPOSAL No. 10—

Introduced by Delegate Aertker, Chairman, on behalf of
the Committee on Education and Welfare, and Delegates
Armentor, Carmouche, Corne, Cowen, Flory, Grier, Haynes,
Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Rob-
inson, Segura, Silverberg, Sutherland, Thistlethwaite, Toca
and Wisham:

A PROPOSAL

Making provisions for human resources by providing for
municipal fire and police civil service.

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

ARTICLE VII. HUMAN RESOURCES

Section 1. Municipal Fire and Police Civil Service

Section 1. (A) Municipal Fire and Police Civil Service.

There shall be a classified civil service for fire and police
in municipalities which operate a regularly paid fire and
police department and which have a population of not less
than thirteen thousand according to the latest regular fed-
eral census for which the official figures have been made
public.

The service shall embrace the positions of employment,
the officers, and employees of the municipal fire and police
services.

(B) Definitions. The following words and phrases when
used in this Section shall have the following meaning un-
less the context clearly requires otherwise:

(1) "Allocation" means the official determination of the
class to which a position in the classified service belongs.

(2) "Appointing authority" means any official, officer,
board, commission, council, or person having the power to
make appointments to positions in the municipal fire and

Page 1
police service.

(3) "Appointment" means the designation of a person, by due authority, to become an employee in a position, and his induction into employment in the position.

(4) "Board" means the municipal fire and police civil service board.

(5) "Class" or "class of position" means a definitely recognized kind of employment in the classified service, designated to embrace positions that are so nearly alike in the essential character of their duties, responsibilities, and consequent qualification requirements, that they can fairly and equitably be treated alike under like conditions for all personnel purposes.

(6) "Classification plan" means all the classes of positions established for the classified service.

(7) "Classified service" means every appointive office and position of trust or employment in the municipal government which has as its primary duty one of the functions specifically set forth to be included in the classified service by the provisions of this Section, and excludes all elective and appointive offices and positions of trust or employment which have a primary duty specifically set forth to be included in the unclassified service by the provisions of this Section.

(8) "Demotion" means a change of an employee in the classified service from a position of one class to a position of a lower class which generally affords less responsibility and pay.

(9) "Department service" means employment in the public service offered and performed separately by the fire and police departments of the municipality.

(10) "Eligible" means a person whose name is on a list.

(11) "Employee" means a person legally occupying a position.

(12) "Employment list" or "lists" means a reinstatement employment list, a promotional employment list, a competitive employment list, and a reemployment list.

(13) "Position" means any office and employment in the municipal fire and police services, the duties of which call for services to be rendered by one person.

(14) "Promotion" means a change of an employee in the classified service from a position of one class to a position of a higher class which generally affords increased responsibilities and pay.

(15) "Promotion employment list" or "promotion list" means an employment list containing the names of eligible persons established from the results of promotion tests given for a particular class of positions which is not specifically required by this Section to be established from the results of a competitive test.

(16) "Promotion test" means a test for positions in a particular class which is not specifically required by this Section to be filled by competitive tests, admission to which is limited to regular employees of the next lower class, or the next lower classes when authorized by the rules, in the classified service.

(17) "Reemployment list" means an employment list for the entrance or lowest-ranking class in the classified service, or in any group of classes as may have been grouped in the classification plan, containing names of regular employees who have been laid off under the "layoff" provisions of this Section. This list shall not be applicable to persons who have resigned or have been discharged.

(18) "Regular employee" or "permanent employee" means
an employee who has been appointed to a position in the
classified service in accordance with this Section after com-
pleting his working test period.

(19) "Reinstatement employment list" or "reinstatement
list" means an employment list containing names of persons
eligible for reinstatement in positions of a class from which
they have been demoted for reasons other than disciplinary
action.

(20) "Seniority" means the total employment computed
for an employee beginning with the last date on which he
was regularly and permanently appointed and has worked
continuously to and including the date of computation. Time
during which an employee has served in the armed forces
of the United States subsequent to May 1, 1940, shall be
construed to mean continuous service and shall be included
in the computation of his seniority. Total seniority in the
departmental service, including positions of any and all
classes, or seniority in any one or more given classes, may
be computed for an employee; but in either case employ-
ment shall be continuous and unbroken by a resignation or
discharge of the respective employee. An employee who is
finally discharged or resigns from his position shall for-
feit all accumulated seniority. An employee who is sus-
pended and returns to his position immediately following
the expiration of his suspension shall not forfeit his seniority
accumulated to the date of his suspension, but he shall not
be given credit for the lost time at any future compensa-
tion.

(21) "Temporary appointment" means the appointment of
an employee for limited period of service without acquisi-
tion by the appointee of any continuing right to be re-
tained beyond the period.

(C) Municipal Fire and Police Civil Service Boards

(1) Composition. A municipal fire and police civil
service board is created in the municipal government. The
board shall be composed of five members who shall serve
without compensation. The board shall have a chairman,
vice chairman, and a secretary. The domicile of the board
shall be in the municipality it serves.

(2) Eligibility. To be eligible for appointment or to serve
as a member of a board a person shall be a citizen of
the United States of America, a resident of the municipality
in which he is to serve for at least five years next preced-
ing his appointment, and shall, at the time of his appoint-
ment, be a qualified voter of the municipality. Any employ-
ee while serving as a member of a board shall occupy
as a regular employee a position or office lower than that of
chief, assistant chief, district chief, or battalion chief of his
department. No member of a board shall have been, dur-
ing a period of six months immediately preceding his ap-
pointment, a member of any local, state, or national com-
mittee of a political party, or an officer or member of a
committee in any factional political club or organization. No
member of a board shall be a candidate for nomination or
election to any public office or hold any other public office
or position or public employment, except that of notary
public, a military or naval official office, or that of a mu-
nicipal fire or police department which is expressly re-
quired by the provisions of this Section.

(3) Membership. The members of the board shall be ap-
pointed by the governing body as follows:

(a) One shall be appointed by the governing body upon
its own nomination.

(b) Two members shall be appointed from a list of four
nominees, which shall be furnished within thirty days after
receiving such request by the executive head or a legally
chartered and established institution of higher education lo-
cated within the municipality; or, if there is no such insti-
tution in the municipality, by the executive head of any
such institution of the governing body’s choice within the
state.
(c) Two members shall be appointed who shall be first
nominated and elected by and from the regular employees of
the fire and police departments as follows:
One member shall be elected and appointed from the fire
department, and one member shall be elected and appointed
from the police department. The employee-nominee from
each department shall be elected by secret ballot of the
regular employees of his respective department at an elec-
tion to be called and held for that purpose by the chief of
the department. The chief of each department shall call
such an election within forty-five days after this Section
takes effect in the municipality by posting, for a fifteen-
day continuous period immediately preceding the election,
a notice thereof on the bulletin board of each station house
of his department; and shall officially notify the governing
body of the municipality within the ten-day period imme-
diately following the election, the name of the employee-
nominee so elected by the regular employees of his depart-
ment. The chief of the department shall vote in the election
only in the case of a tie vote.
(4) Term. The term of office for all members of the board
shall be for a period of three years when a municipality
adheres to the provisions of this Section. The first member
appointed by the governing body of the municipality upon
its own nomination shall serve for a period of two years:

the first employee members nominated and appointed as
provided above shall serve a term of one year. Each mem-
ber shall serve until his successor has been appointed and
qualified.
(5) Vacancies. Upon the term of office expiring for a
member of a board, or because of a vacancy in the office
of any member thereof, the governing body of a municip-
ality shall appoint a successor in the same manner as the
outgoing member was appointed; and such successive ap-
pointment shall be made within ninety days immediately
following the expiration or vacancy.
(6) Oath. Each member shall take the oath of office be-
fore entering upon the duties of his office. His oath shall
include a statement to uphold the constitution and laws of
Louisiana and of the United States; to administer faithfully
and impartially the provisions of this Section and the rules
adopted under the authority of this Section.
(7) Removal. Any member of a board shall be liable to
removal from office by judgment of the district court of
his domicile for high crimes and misdemeanors in office,
incompetency, corruption, favoritism, extortion, oppression in
office, gross misconduct, or habitual drunkenness. The dis-
trict attorney of the district wherein the board member re-
sides may institute such suit, and shall do so upon the
written request, specifying the charges, of twenty-five
citizens and taxpayers of the municipality of which the
board member is a resident. The district attorney shall asso-
ciate in the diligent prosecution of such suit any attorney
selected and employed by the citizens and taxpayers.
(8) Organization. The governing body of the municipali-
ity shall advise, within and not later than the expiration of
the ninety-day period provided for the appointment of the
board members, each appointee of his appointment and

term of office as a member of the municipal fire and
police civil service board; and, an official record thereof
shall be placed in the official minutes of the governing
body.

New members of the board shall meet within thirty days
after their appointment in their first official meeting; take
the oath of office; elect a chairman and vice chairman;
and transact any other business pertinent at that time.
The oath of office shall be administered by the city clerk
or by any other person having the legal authority to ad-
minister it.

A chairman and vice chairman shall be elected by the
members of the board. The term for which either the chair-
man or vice chairman shall serve as such, shall run con-
currently with that for which he was appointed a member
of the board; except the term of either office shall termi-
nate upon death of the incumbent, or his resignation from
the office or from the board or his removal from the
board.

At the discretion of the board, the office of secretary
shall be filled:

(a) By electing one of its members thereto;
(b) By appointing the city clerk or secretary-treasurer
of the municipality to fill such office ex officio;
(c) By employing and paying on a part-time basis any
other person a salary not to exceed twenty dollars per
month; or
(d) By requiring the state examiner to act in such capac-
ity. The board may terminate the term of office of any
person serving as its secretary at any time. No person
serving as secretary of a board, except a member thereof,
classified system.

(3) Advise and assist the employees in the classified service with reference to the maintenance, improvement, and administration of personnel matters related to any individual or group of employees.

(4) Make, at the direction of the mayor, commissioner of public safety, chief of either the fire or police department, or upon the written petition of any citizen for just cause, or upon its own motion, any investigation concerning the administration of personnel or the compliance with the provisions of this Section in the said municipal fire and police services; review, and modify or set aside upon its own motion, any of its actions, take any other action which it determines to be desirable or necessary in the public interest, or to carry out effectively the provisions and purposes of this Section.

(5) Conduct investigations and pass upon complaints by or against any officer or employee in the classified service for the purpose of demotion, reduction in position or abolition thereof, suspension or dismissal of the officer or employee, in accordance with the provisions of this Section.

(6) Hear and pass upon matters which the mayor, commissioner of public safety, the chiefs of the departments affected by this Section, and the state examiner of municipal fire and police civil service bring before it.

(7) Make, alter, amend, and promulgate rules necessary to carry out effectively the provisions of this Section.

(8) Adopt and maintain a classification plan. The classification plan shall be adopted and maintained by rules of the board.

(9) Make reports to the governing body, either upon its own motion or upon the official request of the governing body, regarding general or special matters of personnel administration and for the municipal fire and police services of the municipality, or with reference to any appropriation made by the governing body for the expenses incidental to the operation of the board.

(E) Rules. Each board may adopt and execute rules, regulations, and orders necessary or desirable effectively to carry out the provisions of this Section and shall do so when expressly required by this Section. No rule, regulation, or order shall be contrary to, or in violation of, any provisions, purpose, or intent of this Section or contrary to any other provisions of law. The board may amend or repeal any rule or part thereof in the same manner provided herein for the adoption of the rule. All rules shall be applicable to both the fire and police classified services, unless by express provisions therein, it is made applicable to only one of the services.

A board may adopt any rule, either in its proposed or revised form, after holding a public hearing at which any municipal officer, employee, private citizen, and the state examiner shall be given an opportunity to show cause why the proposed rule, amendment, or any part thereof should not be adopted. Before the board holds this public hearing, it shall furnish at least thirty days notice in advance of the date, time, and place thereof to the mayor, commissioner of public safety, and other municipal commissioner whom the rule may in any way affect, the chief and each station of the departmental service to be affected by the adoption of any such rule, and to the state examiner. A copy of all proposed rules to be discussed at any hearing shall be furnished with all notices. Each notice and copy of a proposed rule furnished the various stations of a re-
The office of state examiner is created. He shall be a resident and qualified voter of the state. He shall be a person who has had experience in the field of personnel administration. He and the deputy state examiner of the municipal fire and police civil service shall come within and be bound under and amenable to the classified service of the state as established and existing, except no pay plan thereunder shall be applicable to the said state examiner or deputy state examiner. The state examiner and deputy state examiner shall be subject to removal and other disciplinary action by the State Civil Service Commission only for a good and sufficient cause set forth in written charges filed with the commission by any one of the municipal fire and police civil service boards created by this Section or by any qualified elector of the state, and only after a public hearing by the state commission to be in accordance with rules to be adopted by the said commission.

The office of deputy state examiner of Municipal Fire and Police Civil Service is created, subject to the supervision and orders of the state examiner; he is authorized and empowered to exercise the authority and perform the duties of the state examiner as herein provided. He shall receive and be paid a salary in the amount fixed by the governor and shall be paid traveling time and living expenses while away from the place of his residence.

The State Civil Service Commission shall exercise no administrative control over the state examiner or deputy state examiner. Its functions and powers relating to this office shall consist solely of the right of appointment, hearing of charges for removal or other disciplinary action legally brought against the incumbents of these offices, and the ordering of their removal or the rendering of such other judgment of a disciplinary nature as it may deem proper after a hearing.

Vacancy. When a vacancy occurs in the office of the said state examiner or deputy state examiner, the State Civil Service Commission shall make a provisional appointment of any person it deems qualified to fill the vacancy until a competitive examination can be given by and under the directions of the State Civil Service Commission; and until a list of persons eligible for appointment to the office can be established. As soon as such list can be and is established, the State Civil Service Commission shall appoint one of the three persons ranking highest upon said eligible list to fill the office; and the person thus appointed shall serve a working test period of six months which shall be considered a portion of the examination. At the termination of such working test period, if successfully completed, the appointee shall become a regular employee as defined in the State Civil Service Law and subject and amenable thereto to the same extent as the original state examiner.
examiner as hereinbefore set forth and may be subjected to removal or other disciplinary action by the State Civil Service Commission only for a good and sufficient cause set forth in written charges filed with the commission by any one of the municipal fire and police civil service boards created by this act, or by any qualified elector of the state, and only after a public hearing by the state commission to be held in accordance with rules to be adopted by the State Civil Service Commission.

(G) State Examiner; Location; Salary; Duties

(G) (1) Location. The state examiner shall maintain a suitable office in the city of Baton Rouge. The officer charged by law with the custody of state buildings shall assign suitable office space to the examiner. The examiner shall appoint employees necessary for him to carry out his duties effectively. All of the employees appointed by the state examiner, except persons employed on a temporary basis to conduct or assist in giving examinations, shall be selected by him after certification to him by the State Department of Civil Service of names from eligible lists established by the State Department of Civil Service; and they shall, in all other respects, be covered by the provisions of existing civil service laws and rules and regulations legally adopted by the Department of State Civil Service.

(2) Salary. The state examiner shall serve on a full-time basis. He shall be paid a salary of not less than forty-two hundred dollars per year. He shall be paid for his traveling and living expenses while away from the city of Baton Rouge.

The state examiner shall take the oath of office and furnish bond for the faithful performance of his duties according to law in the sum of five thousand dollars. The premium of the bond shall be paid from the funds appropriated to the state examiner. The state examiner shall be ex officio a notary public for the state at large.

The state examiner may obtain on a contractual or fee basis the services which his office is unable to supply and which are necessary for his compliance with the provisions of this Section.

(3) Duties. The state examiner shall:

(a) Assist the various boards in an advisory capacity in the discharge of their duties.

(b) Prepare and submit a classification plan to each board for its approval, after consultation with the appointing and departmental authorities of the departmental service for which a plan is prepared and submitted, as provided in paragraph (K).

(c) Prepare and administer tests of fitness for original entrance and promotion to applicants for positions in the respective classified service of the municipalities; score the tests and furnish the results to the board for which the tests are given.

(d) Cooperate with the secretary of each board in maintaining a roster of all fire and police civil service employees in which shall be set forth the name of each employee, the class title of position held, the salary or other compensation, any change in class title, and any other necessary data.

(e) Act as secretary of any said board requesting such service.

(f) Assist and cooperate in an advisory manner with the various appointing authorities, department officers, and the classified employees, of the municipalities regarding the duties and obligations imposed upon them by the provisions of this Section.
Encourage employee training in the classified service and, when possible, attend the training courses or parts thereof.

Make annual or biennial reports regarding the work of his office to the governor.

The state examiner may delegate to the deputy state examiner such of the above duties as he may deem expedient.

Appropriations; Facilities for Board. The legislature shall make adequate annual appropriations to enable the state examiner and deputy state examiner to carry out effectively the duties imposed upon them by this Section. The governing body of the municipality shall make adequate annual appropriations to enable the board of the municipality to carry out effectively the duties imposed upon the board and shall furnish the board with office space, furnishings, equipment, and supplies and materials necessary for its operation.

(1) Classified and Unclassified Service

(1) (1) Classified Service. The classified service shall comprise every position, except those included in the unclassified service, to which the right of employee selection, appointment, supervision, and discharge is vested in the municipal government or with an officer or employee thereof, and which has as its primary duty and responsibility one of the following:

Fire

(a) The chief and assistant chief; the intradepartmental division, bureau, squad, platoon, and company officers of the fire department.

(b) Fire fighting.

(c) Fire preventions; inspection.

(d) Driving, tillering, and operation of fire apparatus.

(e) Operation and maintenance of radio, fire alarm, or signal system.

(f) Fire department instructors in employee training.

(g) Fire salvage and overhauling services; and first aid.

(h) Automotive or fire apparatus repairs, if such service is operated exclusively by and for either or both the fire or police department.

(i) Secretary to the chief. Departmental records clerk.

(2) Unclassified Service.

(a) All officers, employees, and positions of employment in the municipal government, not having as a principal duty one of the duties hereinabove provided in the classified service.

(b) Officers elected by popular vote and persons appointed to fill vacancies in elective offices.

(c) Secretaries, stenographers, and all clerical positions not specifically included in the classified service.

(d) Pound keepers, dogcatchers, janitors, porters, elevator operators, chefs, kitchen helpers and workers, mechanics' helpers, car washers, unskilled labor, special guards at schools, or any part-time, or temporary employee.

(e) Any position of employment, the duties of which are included in the classified service, to which the right of employee selection, appointment, supervision, and discharge vested in and with those other than the municipal government or an officer or employee thereof.

(J) Veterans; Reinstatement. Any regular and permanent employee who left a position of the departmental service, which now comes within the classified service, subsequent to May 1, 1940, and entered the armed forces of the United States shall be restored to his position and, thereafter, be
subject to the rights and jurisdiction of the classified service created by this Section if he makes application therefor to the appointing authority within sixty days from the date of his honorable discharge or discharge under honorable conditions, and is physically and mentally capable of performing the work of his position to the satisfaction of the appointing authority.

(K) Classification Plan; Allocation; Use

(K) (1) Classification Plan. Each board, as soon as practicable (not to exceed a period of eighteen months) after this Section takes effect in the municipality, shall adopt a classification plan for the fire and police services of the municipality. Each classification plan shall consist of classes to be designated either by standard titles, ranks, or a combination thereof, for all positions included in the classified service for each of the fire and police services. The classification plan may be divided into groups of classes.

The various classes of positions shall be arranged in each classification plan so as to show the principal and natural lines of promotion and demotion. The classification plan shall be adopted as rules of the board, in the manner provided by this Section for the adoption of rules. Rules creating the classification plan, future classifications, abolition of any classification, any amendment thereto, or revision thereof shall be adopted by a board only after consultation with the appointing authority, and the state examiner.

The original classification plan to be established when this Section takes effect in a municipality shall be prepared, after consultation with the appointing authority, and submitted to the board for its approval and adoption, by the state examiner. The board may amend or revise the classification plans before adopting them. The state examiner shall ad-
(4) Status of Incumbent. Every person employed in the municipal fire and police services for a continuous period of at least six calendar months immediately preceding the date that this Section takes effect in the municipality, who was regularly and permanently appointed to a position coming under the classified service, shall be inducted into and bound under the classified service, the provisions of this Section, and the rules adopted hereunder.

When any position is first allocated hereunder, or is reallocated to a different class to correct an error in its previous allocation, or because of a change in the duties of a position which has the effect of abolishing the position and creating a new position of another class, the employee and the position may continue to serve therein, with the status and all the rights and privileges he would have had under this Section if he had been originally appointed by examination and certification hereunder to a position of the class to which the position has been allocated or reallocated. Such employee, however, may be transferred without further tests of fitness or certification to any position of the class to which the position was previously allocated while held by the employee.

Any employee who feels himself aggrieved because of any allocation or change in classification affecting his position shall, upon his request, be heard by the board; and the board shall hear and decide the complaint in any manner deemed proper.

(L) Vacancies; Methods of Filling. Vacancies in positions in the classified service shall be filled by one of the following methods:

(1) Demotion
(2) Transfer
(3) Reinstatement
(4) Promotional appointment
(5) Competitive appointment
(6) Reemployment
(7) Temporary appointment.

A vacancy shall be considered filled under any of the methods specified above, and employment thereunder effective, as of the date on which the employee enters upon the duties thereof.

(M) Demotion. Demotions of regular employees shall be made by the appointing authority when it becomes necessary to reduce the number of employees in the classified service or in any class therein. Demotions from any class, except for disciplinary action or because of the abolition of an entire class in the classified service, shall be made by demoting employees from lowest to highest in point of total seniority earned in positions of the class plus that earned in any higher classes in the classified service. The names of regular employees demoted for any reason, except for disciplinary action, shall be recorded upon the reinstatement list for the class from which they are demoted in the order in which the demotions are made.

(N) Transfer. Any employee may be transferred from any position in the classified service to any other position of the same class within the classified service, at the pleasure of the appointing authority without notice to
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1 and confirmation by the board.

2 Any regular employee so transferred shall have the right
3 of appeal to his board upon the grounds (1) that his trans-
4 fer was made to a position not included within the class
5 to which his position was previously allocated, or (2) that
6 the position to which he has been transferred is not in-
7 cluded within the classified service, or (3) the transfer was
8 made deliberately to discriminate against him.

9 (O) Reinstatement; Reemployment

10 (O) (1) Each employee who, during or at the expiration
11 of his working test period of probation following his pro-
12 motion after being certified from an appropriate employ-
13 ment list, is rejected and refused permanent status in the
14 position and class to which he was promoted, shall be
15 automatically reinstated to the position from which he was
16 promoted without his name being placed upon any list.

17 (2) All employees whose names appear upon the rein-
18 statement list for a prospective class shall be reinstated
19 in a position thereof, in the reverse order from which
20 their names were placed upon the list, before any other
21 appointment is made therein.

22 (3) All employees whose names appear upon the reem-
23 ployment list for a class from which they laid off accord-
24 ing to the provisions of paragraph (U) shall be reemployed
25 in a position thereof, or offered such appointment, in the
26 reverse order from which their names were placed upon
27 the list for the class, before any other employment or ap-
28 pointment is made in it.

29 (4) Any regular employee who resigns from a position
30 in the classified service may, with the prior approval of
31 the board, be reemployed in a position of the class or in
32 a position of any lower class for which he is qualified,

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1 provided, that the reemployment is made within four years
2 of the date of resignation, and that no person whose name
3 appears upon either the reinstatement, employment, or re-
4 employment list for a class to which any such person is
5 reemployed is willing to accept an appointment therein.
6 Any person who is reemployed shall be physically fit to
7 perform the duties of the position to which he is appointed.
8 He shall furnish a favorable medical certificate to the ap-
9 pointing authority and the board after a recent exam-
10 ination by a practicing physician.

11 (P) Employment Lists; Establishment and Maintenance.
12 The board shall establish and maintain employment lists
13 containing names of persons eligible for appointment to
14 the various classes of positions in the classified service,
15 as follows:
16 (1) Names of regular employees who are demoted from
17 any class for a reason other than disciplinary action shall
18 be placed upon the reinstatement list for the class from
19 which they were demoted in the order in which the demo-
20 tions were made.

21 (2) Only the names of regular employees who have
22 been laid off in accordance with provision of paragraph
23 (U) shall be eligible for entry upon the reemployment
24 list. The names of such persons shall be entered upon
25 the reemployment list for the class from which they were
26 laid off in the order in which the layoffs were made.

27 (3) A name placed upon either the reinstatement or the
28 reemployment list shall remain thereon for a period of
29 four years. The board, however, may remove the name
30 of any person who refuses an offer of employment fol-
31 lowing a certification from either list.

32 (4) Names of persons attaining a passing score on a
promotion test shall be placed upon the promotion employ-
ment list for the class for which they were tested, from
highest to lowest, according to their total seniority in the
departmental service. The names of persons attaining a
passing score on a competitive test shall be placed upon
the competitive employment list for the class for which
they were tested, from highest to lowest, according to
their final test scores.

(5) Any person whose name is placed upon the com-
petitive employment list for the entrance or lowest-ranking
class in the classified service who has served in the armed
forces of the United States of America during the times
of war, and has been honorably discharged or discharged
under honorable conditions, shall have added to his final
test score a total of five points at the time of placing
his name upon the list. Proof of such service and dis-
charge shall be required by the board in any manner it
deems advisable.

(6) The minimum and maximum period for which a
name may remain upon a promotional and competitive em-
ployment list shall be twelve and eighteen months, respec-
tively, for each list.

(7) The employment list for which eligibles are obtained
from the results of tests given for that purpose shall be
reestablished in the manner further provided in this Section.

(8) When new names are to be placed upon a promo-
tional list for a given class, the remaining names thereon
shall be rearranged with the new names so that all names
appearing upon the list for the class shall rank, from
highest to lowest, according to total seniority in the de-
partmental service. When new names are to be placed
upon a competitive list for a given class, the remaining
names thereon shall be rearranged with the new names
so that all names appearing upon the list for the class
shall rank, from highest to lowest, according to their final
test scores.

(Q) Testing Procedure

(Q) (1) Tests; Eligibility Determination. The board shall
provide through the state examiner for tests to determine
the eligibility of applicants for entry upon the promotional
and competitive employment lists, as follows:

(a) Official notice of examination shall be posted on
the bulletin board in each station of the respective depart-
ment. The notice shall state (1) class of positions for
which tests will be given, (2) whether the tests will be
given on a promotional or competitive basis, and (3) the
final date on which applications for admission to the tests
will be received. The notice shall be posted for a con-
tinuous period of thirty days preceding the date for ad-
ministering the tests. In addition to the posted notice,
public notice for all tests to be given on a competitive
basis shall be published at least four times during the
thirty-day period in the official journal of the municipality
in which such tests are to be held. This notice of examina-
tion need not reveal the exact date on which tests shall
be administered, but all applicants shall be advised the
date, place, and time to report for an announced test at
least five days in advance thereof in any manner the
board may prescribe. Each person comprising a group of
candidates being tested at a given time for the same
class of employment shall be given the same test, and it
shall be administered in the same manner to each can-
didate. No questions shall be framed so as to elicit in-
formation concerning the political, factional, or religious
opinions or affiliations of any applicant.

(b) All tests shall be restricted to those matters which will fairly test the relative capacity and fitness of the candidates to discharge the duties characteristic of positions of the class to which they seek to be appointed. Tests may include written or oral questions, trials on the performance of work characteristic of the class, inquiries into facts relating to education, experience, or accomplishments in specialized lines of endeavor, or any combination of these and other elements duly related to the purpose of the tests.

(c) Seventy-five percent shall constitute a passing score for all tests administered under the provision of this Section.

(d) Promotional tests for positions in the various classes in the classified service, except those classes in which positions shall be filled only from the competitive list, may be held as the needs of the service require, but must be given at least one time during each successive period of eighteen months.

(e) Competitive tests shall be held only as the needs of the service require and shall be given for classes comprising only the following duties or positions:

(i) Chief of the departmental service.

(ii) The entrance or lowest-ranking class in the classified service.

(iii) The entrance or lowest-ranking class in any group of classes where the various classes have been divided into groups by the classification plan.

(iv) Operation, maintenance, and supervision of radio, fire alarm, police alarm, and other signal systems.

(v) Automotive or fire apparatus mechanics and repairmen.

(vi) Secretary to the chief.

(vii) Departmental records clerk.

(viii) For a position in any class in the classified service after reasonable efforts by preceding methods provided by this Section have failed to produce names of persons eligible for regular appointment thereto.

(f) All tests required by this Section shall be prepared, administered, and scored by the state examiner in accordance with the provisions of this Section. The results of the tests shall be furnished the board for which the tests have been held as soon as practicable after the tests have been administered. All test questions, answers, and papers shall at all times be kept in the custody of the state examiner, and shall be produced by him and exhibited by him at the domicile of any board upon its written request.

(g) The board for which any test is administered may, at any time, up to six months after receiving the results from the state examiner, receive and review any or all parts of the test and the methods used in its grading, in order to determine whether the test was a fair and reasonable one and was fairly graded. If, after the board reviews any test and consults with the state examiner, it concludes that any item or parts of the test were unfair or unreasonable or finds errors in the grading, it may, at its discretion, cause a regrading of the test, and, thereafter, correct or establish the appropriate employment list in accordance with the revised ratings. If the board finds that a fair rating can be determined only from an entire new test, it may cause a new test to be given to all persons taking the previous test and, establish a new employment list for the class from the results of such new test.
Admission requirements shall be determined by the board. The rules may provide for admission to be extended to applicants from any one or more of the next lower classes.

(b) Admission to competitive tests shall be open to all persons who meet the requirements provided by this Section and the rules.

c) Any applicant admitted to a test shall be a citizen of the United States of America and, if of legal age, shall be a qualified elector of the State of Louisiana.

d) Special requirements or qualifications for admission to tests, or for eligibility for appointment, such as age, education, physical requirements, etc., may be established by the rules adopted by the board, after consultation with the appointing authority. Any applicant must be, at the time of his appointment to a position in the classified service, of good health, good moral character, and of temperate and industrious habits.

e) The board may reject the application of any person for admission to tests of fitness, or refuse any applicant to be tested, or may cancel the eligibility of any eligible on any employment list, who

(i) Is found to lack any of the qualifications prescribed, or

which may be legally prescribed, as requirements for ad-

mission to the tests for the class for which he has applied;

(ii) Is physically unfit to perform effectively the duties of a position of the class;

(iii) Is addicted to the habitual use of drugs or intoxicating liquors to excess;

(iv) Has been adjudged guilty of a crime involving moral turpitude or infamous or notoriously disgraceful conduct;

(v) Has been dismissed from the respective service for delinquency or misconduct;

(vi) Has made a false statement of any material fact; or

(vii) Has practiced, or attempted to practice, deception or fraud in securing eligibility for appointment or attempting to do so.

Any such facts shall also be considered cause for removal of any employee. The board shall reject any application filed after the time fixed for closing receipt of applications as announced in the public notice of the tests.

(3) Working Tests. Every person appointed to a position in the classified service following the certification of his name from a promotional or a competitive employment list, except those appointed on a temporary basis, shall be tested by a working test while occupying the position before he may be confirmed as a regular and permanent employee in the position.

The period of the working test shall commence immediately upon appointment and shall continue for a period of not less than six months nor more than one year. Any employee who has served at least three but less than six months of his working test for any given position may be removed therefrom only with the prior approval of the board, and only upon the grounds that (1) he is unable or unwilling to perform satisfactorily the duties of the position to
which he has been appointed or (2) his habits and depend-
ability do not merit his continuance therein. Any such em-
ployee may appear before the board and present his case
before he is removed.

Upon any employee completing his working test, the ap-
pointing authority shall so advise the board and furnish
a signed statement to the respective employee of its con-
firmation and acceptance of the employee as a regular and
permanent employee in the respective position, or of its re-


deny to confirm the employee and the reasons therefor. If,
at the expiration of an employee's working test period, the
appointing authority fails to confirm or reject the employee,
such failure to act shall constitute a confirmation. Any em-
ployee who is rejected after serving a working test of six
months but not more than one year, may appeal to the board
only upon the grounds that he was not given a fair oppor-
tunity to prove his ability in the position.

The appointing authority may remove, and shall remove
upon the order of the board, any employee during his work-
ing test period who the board finds, after giving him notice
and an opportunity to be heard, was appointed as a result of
an error, misrepresentation, or fraud.

In any event where any employee is permitted under this
Section to appeal to the board, the decision of the board
shall be subject to the judicial review provided by this
Section and the appointing authority and employee shall
be governed accordingly.

(R) Certification; Appointment

(R) (1) Certification and Appointment. (a) Whenever the
appointing authority proposes to fill a vacancy in the
classified service, except by demotion, transfer, emergency
appointment, or by substitute employment not to exceed

thirty days, he shall request the board to certify names of
persons eligible for appointment to the vacant position. The
board shall thereupon certify in writing the names of eligible
persons from the appropriate employment list as provided
below. No such certification shall be valid for more than
thirty days following the date thereof. The appointing au-
thority shall, if he fills the vacancy, make the appointment
as provided below.

(b) The board shall first certify the name of the per-
son appearing upon the reinstatement list who is eligible for
the first reinstatement in the class of the vacant position.
The name of this person and all others appearing upon the
reinstatement list for the class shall be certified and offered
the appointment in the order provided by paragraph (P) be-
fore the vacancy is filled by any subsequent method pro-
vided by this Subsection. The appointing authority shall
appoint to the vacant position the first person so certified
to him who is willing to accept the appointment. If the posi-
tion is one of a class from which layoffs have been made as
provided by paragraph (U) the names of eligible persons
appearing upon the reemployment list for the class shall be
certified and offered the appointment in the order provided
by paragraph (P) before any other appointment is made
thereeto.

(c) In the event a vacancy cannot be filled by reinstate-
ment, or by reemployment as above provided, the board
shall next certify the names of persons upon the promotional
list, in the order in which they appear thereon, for the class
in which the vacancy is to be filled. The appointing au-
thority shall select and appoint to the first vacancy to be
filled the one person certified to him who has the greatest
seniority in the departmental service. Any remaining posi-
tions to be filled in the same class shall be filled by
appointing to each such successive vacancy the one of the
highest seniority in the departmental service. If any one or
more persons so certified should refuse the appointment, the
appointing authority shall then select and appoint one of
the persons certified by the board with the next highest
seniority in the departmental service. This procedure shall
be followed until the position has been filled by appoint-
ment of the one person who has the greatest seniority in
the departmental service, and who is willing to accept the
appointment, or until each person whose name appears upon
the list, has in this order been certified and offered the ap-
pointment for the vacancy.

(d) Certification and appointment from the competitive
list shall be limited to those conditions and classifications
for which the competitive test may be given as provided
by paragraph (Q). Upon the appointing authority's request
for the certification of eligible persons from which he may
fill a vacancy, and if the competitive list is the appro-
priate list from which the names of eligible persons shall
be certified, the board shall certify the names of the persons
upon that list, in the order in which they appear thereon,
for the class in which the vacancy is to be filled. The ap-
pointing authority shall select and appoint to the first va-
cancy to be filled, any one of the persons so certified to
him for the vacancy. If any one or more persons so cer-
tified should refuse the appointment, the appointing author-
ity shall then select and appoint any one of the remaining
persons certified by the board. This procedure shall be fol-
lowed until the position has been filled by appointment of
one of the persons certified from the list and willing to ac-
cept the appointment, or until each person whose name ap-

ears upon the list has in this manner been certified for
the vacancy.

(e) Appointment to any position in the classified service
from which the regular employee is away on an authorized
leave of absence shall be made in accordance with the pro-
visions of this Subsection.

(f) The appointing authority shall notify the board of the
filling of a vacancy as provided in paragraph (Y).

(2) Temporary Appointments. Temporary appointments
may be made to positions in the classified service without
the appointees acquiring any permanent status therein, as
follows:

(a) (i) When a vacancy is to be filled in a position of a
class for which the board is unable to certify names of per-
sons eligible for regular and permanent, or substitute ap-
pointment, the appointing authority may make a provi-
sional appointment of any person whom he deems qualified.
When practicable, the appointment should be made by the
provisional promotion of any employee of a lower class. A
provisional appointment shall not continue for more than
three months. No position in the classified service shall be
filled by one or more provisional appointments for a period
in excess of three consecutive months and successive like
periods shall not be permissible. The board may, however,
authorize the renewal of such appointment, or authorize
such successive appointments for a period not to exceed
three additional months whenever it has been impracticable
or impossible to establish a list of persons eligible for certi-
fication and appointment to a vacancy. Any provisional ap-
pointment, if not terminated sooner, shall terminate upon
the regular filling of the vacancy in any manner authorized
under this Section, and, in any event, within fifteen days
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1 after a certification from which a regular, or substitute ap-
2 pointment, as the case may be, can be made under the pro-
3 visions of this Section. A provisional appointment shall be
4 reported to the board within fifteen days following the
5 appointment.

6 (ii) During the times of war, and after the board con-
7 tinues to offer tests provided by this Section in an effort
8 to obtain persons eligible for regular and permanent appoint-
9 ment to a position of any class which has been permanently
10 vacated by the regular employee thereof, and it finds it im-
11 possible to establish a list of persons qualified for certifica-
12 tion and permanent appointment to the position in the
13 classified service, it may authorize the appointing author-
14 ity to fill the position with a provisional appointee until
15 the appropriate employment list can be established.

16 (iii) Provisional appointments may be made in any position
17 until a classification plan is prepared and adopted and for
18 such time thereafter as may be required for the preparation
19 and administration of tests and the establishment of em-
20 ployment lists from the results of the tests. But such special
21 authority shall be valid for a period of not more than
22 eighteen months immediately following the date that this
23 Section takes effect in the municipality.

24 (b) A substitute appointment may be made to any position
25 in the classified service (1) from which the regular and
26 permanent employee is away on an authorized leave of absence,
27 or (2) from which the regular employee is substituting for
28 some other regular employee who is authorized to be away
29 from his respective position. No position shall be filled by a
30 substitute appointee for a time beyond that for which the
31 regular and permanent incumbent is away on an authorized
32 leave. Whenever such appointment shall continue for not more

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than thirty days, the appointing authority may appoint
thereto any one whom he deems qualified. Substitute ap-
pointments made for a period exceeding thirty days shall
be made in the same manner as provided in paragraph (R)
for the filling of a vacancy by a regular and permanent
appointment. Any person employed on a substitute basis
shall, for the duration of the temporary employment, enjoy
the class title and be entitled to receive the rate of pay for
the class and position in which he is employed. The ap-
pointing authority shall notify the board within fifteen days
following any substitute appointment made for a period
to exceed thirty days, the name of the appointee, the class
of position filled, the period for which the appointment was
made and attach to the notification a signed copy of the
leave of absence granted the employee for whom the appointee
is substituting.

(c) Emergency appointments of any person may be made
at any time the need of the service requires because of any
local emergency of a temporary and special nature. No such
appointment shall be effective or continued for more than
ten days.

(S) Leaves of Absence. The board shall adopt rules to
provide for leaves of absence in the various classes of the
classified service. Such rules shall provide for annual vaca-
tion and sick leaves with pay, and special leaves with or
without pay. They may provide for special extended leaves
with or without pay or with reduced pay for employees
disabled through injury or illness arising out of their em-
ployment. The right to regulate the time at which any em-
ployee may take an annual leave, or any other leave which
is not beyond the control of the employee, shall be vested at
all times with the appointing authority.

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(T) Abolition of Positions. Whenever the appointing authority abolishes a position in the classified service and there is no position vacant in the respective class to which the regular employee of the abolished position may be transferred, the employee shall be transferred to any position of the same class which may be held by a provisional employee. If there is no such position he shall be transferred to another position in the respective class, and the holder of that position shall thereupon be demoted in the order provided by paragraph (M).

(U) Layoffs. If, for any reason, the lowest class in the classified service, or the lowest class in a respective group of classes, as grouped by the classification plan, should become overburdened with the number of persons holding positions therein, and a reduction of personnel becomes necessary, the reduction shall be made only by laying off persons without pay. The order of removal shall begin with the person youngest in point of his accumulated total service in the departmental service and shall continue upward until all persons to be removed have been laid off. Layoffs shall be made from positions only within the classes above set forth. The names of persons laid off, the date, the class of position held, and the order in which each person was laid off shall be reported to the board by the appointing authority. The board shall, thereupon, enter such information upon the reemployment list applicable for the class from which each person was removed.

(V) Corrective and Disciplinary Action

(V) (1) The tenure of persons who have been regularly and permanently inducted into positions of the classified service shall be during good behavior. However, the appointing authority may remove any employee from the serv-
(1) Inducing or attempting to induce by threats of coercion, any person holding a position in the classified service to resign his position, take a leave of absence from his duties, or waive any of his rights under the provisions of this Section, or of the rules.

(m) The development of any defect of physical condition which precludes the employee from properly performing the duties of his position, or the development of any physical condition that may endanger the health or lives of fellow employees.

(n) The willful violation of any provision of this Section or of any rule, regulation, or order hereunder.

(o) Any other act or failure to act which the board deems sufficient to show the offender to be an unsuitable or unfit person to be employed in the respective service.

(2) Unless the cause or condition justifies an employee being permanently removed from the service, disciplinary action may extend to suspension without pay for a period not exceeding the aggregate of ninety days in any period of twelve consecutive months, reduction in pay to the rate prevailing for the next lower class, reduction or demotion to a position of any lower class, and to the rate of pay prevailing therefor, or such other less drastic action that may be appropriate under the circumstances. Nothing contained herein shall prevent any employee who is physically unable to perform the duties of his position from exercising his rights of voluntary retirement under any applicable law.

(3) Although it is incumbent upon the appointing authority to initiate corrective or disciplinary action, the board may, and shall upon the written request of any qualified elector of the state which sets out the reasons therefor, make an investigation of the conduct and performance of any employee in the classified service and, thereupon may render such judgment and order action to be taken by the appointing authority. Such action shall be forthwith taken by the appointing authority.

(4) In every case of corrective or disciplinary action taken against a regular employee of the classified service, the appointing authority shall furnish the employee and the board a statement in writing of the action and the complete reasons therefor.

(W) Appeals by Employees. Any regular employee in the classified service who feels that he has been discharged or subject to any corrective or disciplinary action without just cause, may, within fifteen days after the action, demand in writing, a hearing and investigation by the board to determine the reasonableness of the action. The board shall grant the employee a hearing and investigation within thirty days after receipt of the written request.

All such hearings and investigation conducted by the board pursuant to the provisions of this Section shall be opened to the public. No hearing and investigation shall be held unless both the employee and the appointing authority have been advised at least ten days in advance of the date, time, and place thereof. If either the appointing authority or the employee fails to appear at the place, and on the day and at the hour fixed for the hearing, the board may decide the issue involved on the basis of the evidence adduced and confined to the question of whether the action taken against the employee was made in good faith for cause set forth in the provisions of this Section. Both the employee and the appointing authority shall be afforded an opportunity to appear before the board, either in person or with counsel, and present evidence to show that the action
was or was not taken in good faith for cause as set forth in the provisions of this Section. The board shall have complete charge of any such hearing and investigation, and may conduct it in any manner it deems advisable, without prejudice to any person or party thereto. The procedure followed shall be informal and not necessarily bound by the legalistic rules of evidence. The board shall not be required to have the testimony taken and transcribed, but either the employee or the appointing authority may, at their own expense, make the necessary arrangements therefor. In such cases the board may name any competent shorthand reporter as the official reporter. If the testimony is not taken or transcribed, then the board shall make a written finding of the fact. After such investigation the board may, if the evidence is conclusive, affirm the action of the appointing authority. If they find that the action was not taken in good faith for cause under the provisions of this Section, the board shall order the immediate reinstatement or reemployment of such person in the office, place, position, or employment from which he was removed, suspended, demoted, or discharged, which reinstatement shall, if the board so provides, be retroactive and entitle him to his regular pay from the time of removal, suspension, demotion, discharge, or other disciplinary action. The board may modify the order of removal, suspension, demotion, discharge, or other disciplinary action by directing a suspension without pay, for a given period. The decision of the board, together with its written finding of fact, if required, shall be certified, in writing, to the appointing authority and shall be forthwith enforced by the appointing authority.

Any employee under classified service and any appointing authority may appeal from any decision of the board, or

from any action taken by the board under the provisions of the Section which is prejudicial to the employee or appointing authority. This appeal shall be taken by serving the board, within thirty days after entry of its decision, a written notice of appeal, stating the grounds thereof and demanding that a certified transcript of the record, or written findings of fact, and all papers on file in the office of the board affecting or relating to such decision, be filed with the designated court. The board shall, within ten days after the filing of the notice of appeal, make, certify, and file the complete transcript, with the designated court, and that court shall thereupon proceed to hear and determine the appeal in a summary manner. This hearing shall be confined to the determination of whether the decision made by the board was made in good faith for cause under the provisions of this Section. No appeal to the court shall be taken except upon these grounds.

(X) Board Powers; Refusal to Testify. The board, and each of its members, shall have the same power and authority to administer oaths, subpoena witnesses, and compel the production of books and papers pertinent to any investigation or hearing authorized by this Section as is possessed by the district courts of Louisiana. Any person who (1) fails to appear in response to a subpoena, (2) fails to answer any question, except those which may incriminate him, (3) fails to produce any books or papers pertinent to any investigation or hearing, or (4) knowingly gives false testimony therein shall be subject to the penal sections of this Section. In case of contumacy or refusal to obey a subpoena issued to any person, the district court within the jurisdiction of which the investigation is being carried on, or within the jurisdiction of which the person guilty of
contumacy or refusal to obey is found, or resides, or transacts business, upon application of the board, shall have the requisite jurisdiction to issue to the person an order requiring him to appear before the board, its member or agent, and to produce the required evidence or give testimony touching the matter under consideration or in question. Any person failing to obey such order may be punished by the court for contempt.

Any officer or employee in the classified service who willfully refuses or fails to appear before any court, officer, board, body or person properly authorized to conduct any hearing or inquiry, or any employee or officer, who, having appeared, refuses to testify or answer any relevant question relating to the affairs of government of the municipality or the conduct of any municipal officer or employee, except upon the ground that his testimony or answers would incriminate him, shall, in addition to any other penalty to which he may be subject, forfeit his position, and shall not be eligible for appointment to any position in the classified service for a period of six years.

(Y) Municipal Officers and Employees; Duties. The appointing authority shall report to the board within fifteen days following any appointment or employment in a position in the classified service, unless otherwise provided, the name of the appointee, the title and character of his office or employment and the date the employee commenced work in the position. The appointing authority shall also report the date of and official action in, or knowledge of, any separation, promotion, demotion, suspension, layoff, reinstatement, or reemployment in the classified section.

(Z) Acts and Activities Prohibited

(Z) (1) Political Activities Prohibited. (a) Political activ-
office, or (e) take any part in the management or affairs
of any political party or in the political campaign of any
candidate for public office, except to privately express his
opinion and to cast his vote.

(v) No person elected to public office shall, while serving
in the elected office, be appointed to or hold any position
in the classified service.

(vi) No appointing authority, or agent or deputy thereof,
shall directly or indirectly demote, suspend, discharge, or
otherwise discipline, or threaten to demote, suspend, dis-
charge or otherwise discipline, or discriminate against any
person in the classified service for the purpose of influenc-
ing his vote, support, or other political activity in any
election or primary election. No appointing authority, or
agent, or deputy thereof, shall use his official authority
or influence, by threats, promises or other means, directly
or indirectly, to coerce the political action of any employee
in the classified service.

(b) The appointing authority shall discharge from the
service any employee whom he deems guilty of violating
any one or more of the provisions of this Section. The
board may, upon its own initiative, investigate any officer
or employee in the classified service whom it reasonably
believes guilty of violating any one or more of the pro-
visions of this Section. The board shall, within thirty days
after receiving the written charges, hold a public hearing
and investigation and determine whether such charges
are true and correct. If the board should find upon its
investigation of any employee that he has violated any
of the foregoing provisions, the board shall order the ap-
pointing authority to forthwith discharge the guilty em-
ployee from the service and the appointing authority shall

forthwith discharge the employee.

(c) Whoever violates this Section shall be subject to
the penalties provided in paragraph (A-2). In addition any
employee in the classified service who is discharged be-
cause of violating a foregoing provision shall not again
in the classified service for a period of six years from
the time of his discharge.

(2) Other Prohibited Acts. No person shall
(a) Make any false statement, certificate, mark, rating,
or report with regard to any test, certification, or appoint-
ment made under any provisions of this Section or commit
or attempt to commit any fraud preventing the impartial
execution of this Section and the rules.

(b) Directly or indirectly, give, render, pay, offer, solicit,
or accept any money, service, or other valuable considera-
tion for or on account of any appointment, proposed ap-
pointment, promotion, or proposed promotion to, or any
advantage in, a position in the classified service.

(c) Defeat, deceive, or obstruct any person in his right
to examination, eligibility, certification, or appointment
under this Section, or furnish to any person any special
or secret information for the purpose of affecting the rights
or prospects of any person with respect to employment
in the classified service.

(A-1) Legal Services. If this Section, or its enforce-
ment by the board is called into question in any judicial
proceeding, or if any person fails or refuses to comply
with the lawful orders or directions of the board, the
board may call upon the attorney general, or the chief
legal officer of the municipality, or may employ indepen-
dent counsel to represent it in sustaining this Section and
enforcing it. Nothing contained herein shall prevent any
municipal officer, employee, or private citizen from taking legal action in the courts to enforce the provisions of this Section or of any rule, order, or other lawful action of the board.

(A-2) Penalties. Whoever willfully violates any provision of this Section or of the rules shall be fined not more than five hundred dollars and shall, for a period of six years, be ineligible for appointment to or employment in any position of the classified service. If he is an officer or employee of the classified service he shall forfeit his office or position.

(A-3) Effect of Other Laws. This Section shall not be rendered ineffective by any general law affecting municipal employees or municipal departments in matters of classified civil service except that the applicability of this Section shall be subject to and governed by the provisions on state and city civil service of the constitution provided, however, that any city and any parish government jointly with one or more cities under a plan of government, having once elected to accept the provisions of state and city civil service of the constitution may subsequently elect and determine to accept the provisions of this Section by a majority vote of its qualified electors voting at a general or special election, ordered and held for this purpose by the city or parish authorities, as the case may be, in the manner set forth in the provisions on state and city civil service of the constitution, provided further, that no local election or elections pursuant to the provisions of state and city civil service, insofar as they apply to and affect this Section, and no local election or elections pursuant to this Section shall be held more often than once every four years, in any one city.
Constitutional Convention of Louisiana of 1973

COMMITTEE PROPOSAL No. 10—

1 Introduced by Delegate Aertker, Chairman, on behalf of
2 the Committee on Education and Welfare, and Delegates
3 Corne, Cowen, Flory, Grier, Landry, Leithman, Robinson,
4 Wattigny and Wisham:

A PROPOSAL

Making provisions for human resources by providing for
municipal fire and police civil service.

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

ARTICLE VII. HUMAN RESOURCES

Section 1. Municipal Fire and Police Civil Service

Section 1. (A) Municipal Fire and Police Civil Service.

There shall be a classified civil service for fire and police
in municipalities which operate a regularly paid fire and
police department and which have a population of not less
than thirteen thousand according to the latest regular fed-
eral census for which the official figures have been made
public.

The service shall embrace the positions of employment,
the officers, and employees of the municipal fire and police
services.

(B) Definitions. The following words and phrases when
used in this Section shall have the following meaning un-
less the context clearly requires otherwise:

(1) "Allocation" means the official determination of the
class to which a position in the classified service belongs.

(2) "Appointing authority" means any official, officer,
board, commission, council, or person having the power to
make appointments to positions in the municipal fire and
police service.

(3) "Appointment" means the designation of a person, by
due authority, to become an employee in a position, and his

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1 employment list, a promotional employment list, a competitive employment list, and a reemployment list.
2 (13) “Position” means any office and employment in the municipal fire and police services, the duties of which call for services to be rendered by one person.
3 (14) “Promotion” means a change of an employee in the classified service from a position of one class to a position of a higher class which generally affords increased responsibilities and pay.
4 (15) “Promotion employment list” or “promotion list” means an employment list containing the names of eligible persons established from the results of promotion tests given for a particular class of positions which is not specifically required by this Section to be established from the results of a competitive test.
5 (16) “Promotion test” means a test for positions in a particular class which is not specifically required by this Section to be filled by competitive tests, admission to which is limited to regular employees of the next lower class, or the next lower classes when authorized by the rules, in the classified service.
6 (17) “Reemployment list” means an employment list for the entrance or lowest-ranking class in the classified service, or in any group of classes as may have been grouped in the classification plan, containing names of regular employees who have been laid off under the “layoff” provisions of this Section. This list shall not be applicable to persons who have resigned or have been discharged.
7 (18) “Regular employee” or “permanent employee” means an employee who has been appointed to a position in the classified service in accordance with this Section after completing his working test period.

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1 (19) “Reinstatement employment list” or “reinstatement list” means an employment list containing names of persons eligible for reinstatement in positions of a class from which they have been demoted for reasons other than disciplinary action.
2 (20) “Seniority” means the total employment computed for an employee beginning with the last date on which he was regularly and permanently appointed and has worked continuously to and including the date of computation. Time during which an employee has served in the armed forces of the United States subsequent to May 1, 1940, shall be construed to mean continuous service and shall be included in the computation of his seniority. Total seniority in the departmental service, including positions of any and all classes, or seniority in any one or more given classes, may be computed for an employee; but in either case employment shall be continuous and unbroken by a resignation or discharge of the respective employee. An employee who is finally discharged or resigns from his position shall forfeit all accumulated seniority. An employee who is suspended and returns to his position immediately following the expiration of his suspension shall not forfeit his seniority accumulated to the date of his suspension, but he shall not be given credit for the lost time at any future compensation.

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board shall be composed of five members who shall serve without compensation. The board shall have a chairman, vice chairman, and a secretary. The domicile of the board shall be in the municipality it serves.

(2) Eligibility. To be eligible for appointment or to serve as a member of a board a person shall be a citizen of the United States of America, a resident of the municipality in which he is to serve for at least five years next preceding his appointment, and shall, at the time of his appointment, be a qualified voter of the municipality. Any employee while serving as a member of a board shall occupy as a regular employee a position or office lower than that of chief, assistant chief, district chief, or battalion chief of his department. No member of a board shall have been, during a period of six months immediately preceding his appointment, a member of any local, state, or national committee of a political party, or an officer or member of a committee in any factional political club or organization. No member of a board shall be a candidate for nomination or election to any public office or hold any other public office or position of public employment, except that of notary public, a military or naval official office, or that of a municipal fire or police department which is expressly required by the provisions of this Section.

(3) Membership. The members of the board shall be appointed by the governing body as follows:

(a) One shall be appointed by the governing body upon its own nomination.

(b) Two members shall be appointed from a list of four nominees, which shall be furnished within thirty days after receiving such request by the executive head or a legally chartered and established institution of higher education located within the municipality; or, if there is no such institution in the municipality, by the executive head of any such institution of the governing body's choice within the state.

(c) Two members shall be appointed who shall be first nominated and elected by and from the regular employees of the fire and police departments as follows:

One member shall be elected and appointed from the fire department, and one member shall be elected and appointed from the police department. The employee-nominee from each department shall be elected by secret ballot of the regular employees of his respective department at an election to be called and held for that purpose by the chief of the department. The chief of each department shall call such an election within forty-five days after this Section takes effect in the municipality by posting, for a fifteen-day continuous period immediately preceding the election, a notice thereof on the bulletin board of each station house of his department; and shall officially notify the governing body of the municipality within the ten-day period immediately following the election, the name of the employee-nominee so elected by the regular employees of his department. The chief of the department shall vote in the election only in the case of a tie vote.

(4) Term. The term of office for all members of the board shall be for a period of three years when a municipality adheres to the provisions of this Section. The first member of the board appointed by the governing body of the municipality upon its own nomination shall serve for a period of two years; the first employee members nominated and appointed as provided above shall serve a term of one year. Each member shall serve until his successor has been appointed and
(5) Vacancies. Upon the term of office expiring for a member of a board, or because of a vacancy in the office of any member thereof, the governing body of a municipality shall appoint a successor in the same manner as the outgoing member was appointed; and such successive appointment shall be made within ninety days immediately following the expiration or vacancy.

(6) Oath. Each member shall take the oath of office before entering upon the duties of his office. His oath shall include a statement to uphold the constitution and laws of Louisiana and of the United States; to administer faithfully and impartially the provisions of this Section and the rules adopted under the authority of this Section.

(7) Removal. Any member of a board shall be liable to removal from office by judgment of the district court of his domicile for high crimes and misdemeanors in office, incompetency, corruption, favoritism, extortion, oppression in office, gross misconduct, or habitual drunkenness. The district attorney of the district wherein the board member resides may institute such suit, and shall do so upon the written request, specifying the charges, of twenty-five citizens and taxpayers of the municipality of which the board member is a resident. The district attorney shall associate in the diligent prosecution of such suit any attorney selected and employed by the citizens and taxpayers.

(8) Organization. The governing body of the municipality shall advise, within and not later than the expiration of the ninety-day period provided for the appointment of the board members, each appointee of his appointment and term of office as a member of the municipal fire and police civil service board; and, an official record thereof shall be placed in the official minutes of the governing body.

New members of the board shall meet within thirty days after their appointment in their first official meeting; take the oath of office; elect a chairman and vice chairman; and transact any other business pertinent at that time.

The oath of office shall be administered by the city clerk or by any other person having the legal authority to administer it.

A chairman and vice chairman shall be elected by the members of the board. The term for which either the chairman or vice chairman shall serve as such, shall run concurrently with that for which he was appointed a member of the board; except the term of either office shall terminate upon death of the incumbent, or his resignation from the office or from the board or his removal from the board.

At the discretion of the board, the office of secretary shall be filled:

(a) By electing one of its members thereto;

(b) By appointing the city clerk or secretary-treasurer of the municipality to fill such office ex officio;

(c) By employing and paying on a part-time basis any other person a salary not to exceed twenty dollars per month; or

(d) By requiring the state examiner to act in such capacity. The board may terminate the term of office of any person serving as its secretary at any time. No person serving as secretary of a board, except a member thereof, shall have the right to vote in its proceedings. The secretary shall attend the meetings of the board; keep a record of its proceedings; attend to correspondence directed to
him, and other correspondence ordered by the chairman;  
2 perform other functions assigned to him by the board; and  
3 cooperate with the state examiner in a manner that will  
4 assist the examiner to carry out effectively the duties im-  
5 posed upon him by this Section or those functions which  
6 may be requested of him by the board.  
7 The board shall meet at any time after its original meet-  
8 ing upon the call of the chairman, who shall give all mem-  
9 bers of the board due notice thereof. The chairman of the  
10 board shall call, and the members of the board shall attend,  
11 one regular meeting of the board within each quarterly  
12 period of each calendar year. If a chairman fails or re-  
13 fuses to call such quarterly meeting of his board, the mem-  
14 bers of the board shall meet upon the written call of any  
15 two members mailed ten days in advance of the meeting.  
16 Four members of the board shall constitute a quorum, and  
17 the concurring votes of any three members comprising the  
18 quorum of the board shall be sufficient for the decision  
19 of all matters to be decided or transacted by it. Meetings  
20 of the boards shall be open to the public.  
21 (D) Board; Duties  
22 (D) (1) Represent the public interest in matters of per-  
23 sonnel administration in the fire and police services of the  
24 said municipal government.  
25 (2) Advise and assist the governing body, mayor, com-  
26 missioner of public safety, and the chiefs of the fire and  
27 police departments of the municipality, with reference to  
28 the maintenance and improvement of personnel standards  
29 and administration in the fire and police services, and the  
30 classified system.  
31 (3) Advise and assist the employees in the classified  
32 service with reference to the maintenance, improvement,
tion made by the governing body for the expenses incidental
to the operation of the board.

(E) Rules. Each board may adopt and execute rules, regu-
lations, and orders necessary or desirable effectively to carry
out the provisions of this Section and shall do so when
expressly required by this Section. No rule, regulation, or
order shall be contrary to, or in violation of, any provisions,
purpose, or intent of this Section or contrary to any other
provisions of law. The board may amend or repeal any
rule or part thereof in the same manner provided herein
for the adoption of the rule. All rules shall be applicable
to both the fire and police classified services, unless by
express provisions therein, it is made applicable to only
one of the services.

A board may adopt any rule, either in its proposed or
revised form, after holding a public hearing at which any
municipal officer, employee, private citizen, and the state
examiner shall be given an opportunity to show cause why
the proposed rule, amendment, or any part thereof should
not be adopted. Before the board holds this public hearing,
it shall furnish at least thirty days notice in advance of
the date, time, and place therefor to the mayor, commis-
sioner of public safety, and other municipal commissioner
whom the rule may in any way effect, the chief and each
station of the departmental service to be affected by the
adoption of any such rule, and to the state examiner. A
copy of all proposed rules to be discussed at any hearing
shall be furnished with all notices. Each notice and copy
of a proposed rule furnished the various stations of a re-
spective department shall be posted upon the bulletin board
of each station for a period of at least thirty days in
advance of the hearing.

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in the amount fixed by the governor and shall be paid
traveling time and living expenses while away from the
place of his residence.

(3) The State Civil Service Commission shall exercise
no administrative control over the state examiner or deputy
state examiner. Its functions and powers relating to this
office shall consist solely of the right of appointment, hearing
charges for removal or other disciplinary action
legally brought against the incumbents of these offices, and
the ordering of their removal or the rendering of such other
judgment of a disciplinary nature as it may deem proper
after a hearing.

(4) Vacancy. When a vacancy occurs in the office of
the said state examiner or deputy state examiner, the State
Civil Service Commission shall make a provisional appoint-
ment of any person it deems qualified to fill the vacancy
until a competitive examination can be given by and under
the directions of the State Civil Service Commission; and
until a list of persons eligible for appointment to the office
can be established. As soon as such list can be and is
established, the State Civil Service Commission shall ap-
point one of the three persons ranking highest upon said
eligible list to fill the office; and the person thus appointed
shall serve a working test period of six months which
shall be considered a portion of the examination. At the
termination of such working test period, if successfully com-
pleted, the appointee shall become a regular employee as
defined in the State Civil Service Law and subject and
amenable thereto to the same extent as the original state
examiner as hereinbefore set forth and may be subjected
to removal or other disciplinary action by the State
Civil Service Commission only for a good and sufficient
cause set forth in written charges filed with the commission
by any one of the municipal fire and police civil service
boards created by this act, or by any qualified elector
of the state, and only after a public hearing by the state
commission to be held in accordance with rules to be adopted
by the State Civil Service Commission.

(G) State Examiner; Location; Salary; Duties

(G) (1) Location. The state examiner shall maintain a
suitable office in the city of Baton Rouge. The officer
charged by law with the custody of state buildings shall
assign suitable office space to the examiner. The examiner
shall appoint employees necessary for him to carry out his
duties effectively. All of the employees appointed by the
state examiner, except persons employed on a temporary
basis to conduct or assist in giving examinations, shall be
selected by him after certification to him by the State
Department of Civil Service of names from eligible lists es-
blished by the State Department of Civil Service; and
they shall, in all other respects, be covered by the provi-
sions of existing civil service laws and rules and regulations
legally adopted by the Department of State Civil Service.

(2) Salary. The state examiner shall serve on a full-time
basis. He shall be paid a salary of not less than forty-two
hundred dollars per year. He shall be paid for his traveling
and living expenses while away from the city of Baton Rouge.
The state examiner shall take the oath of office and fur-
nish bond for the faithful performance of his duties accord-
ing to law in the sum of five thousand dollars. The pre-
mium of the bond shall be paid from the funds appropriated
to the state examiner. The state examiner shall be ex offi-
cio a notary public for the state at large.

The state examiner may obtain on a contractual or fee
basis the services which his office is unable to supply and which are necessary for his compliance with the provisions of this Section.

(3) Duties. The state examiner shall:

(a) Assist the various boards in an advisory capacity in the discharge of their duties.

(b) Prepare and submit a classification plan to each board for its approval, after consultation with the appointing and departmental authorities of the departmental service for which a plan is prepared and submitted, as provided in paragraph (K).

(c) Prepare and administer tests of fitness for original entrance and promotion to applicants for positions in the respective classified service of the municipalities; score the tests and furnish the results to the board for which the tests are given.

(d) Cooperate with the secretary of each board in maintaining a roster of all fire and police civil service employees in which shall be set forth the name of each employee, the class title of position held, the salary or other compensation, any change in class title, and any other necessary data.

(e) Act as secretary of any said board requesting such service.

(f) Assist and cooperate in an advisory manner with the various appointing authorities, department officers, and the classified employees, of the municipalities regarding the duties and obligations imposed upon them by the provisions of this Section.

(g) Encourage employee training in the classified service and, when possible, attend the training courses or parts thereof.

(h) Make annual or biennial reports regarding the work of his office to the governor.

(i) The state examiner may delegate to the deputy state examiner such of the above duties as he may deem expedient.

(H) Appropriations; Facilities for Board. The legislature shall make adequate annual appropriations to enable the state examiner and deputy state examiner to carry out effectively the duties imposed upon them by this Section. The governing body of the municipality shall make adequate annual appropriations to enable the board of the municipality to carry out effectively the duties imposed upon the board and shall furnish the board with office space, furnishings, equipment, and supplies and materials necessary for its operation.

(I) Classified and Unclassified Service

(1) Classified Service. The classified service shall comprise every position, except those included in the unclassified service, to which the right of employee selection, appointment, supervision, and discharge is vested in the municipal government or with an officer or employee thereof, and which has as its primary duty and responsibility one of the following:

Fire

(a) The chief and assistant chief; the intradepartmental division, bureau, squad, platoon, and company officers of the fire department.

(b) Fire fighting.

(c) Fire preventions; inspection.

(d) Driving, tillering, and operation of fire apparatus.

(e) Operation and maintenance of radio, fire alarm, or signal system.
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(f) Fire department instructors in employee training.
(g) Fire salvage and overhauling services; and first aid.
(h) Automotive or fire apparatus repairs, if such service
is operated exclusively by and for either or both the fire
or police department.
(i) Secretary to the chief. Departmental records clerk.
(2) Unclassified Service.
(a) All officers, employees, and positions of employment
in the municipal government, not having as a principal
duty one of the duties hereinabove provided in the classi-
ified service.
(b) Officers elected by popular vote and persons appoint-
ed to fill vacancies in elective offices.
(c) Secretaries, stenographers, and all clerical positions not
specifically included in the classified service.
(d) Pound keepers, dogcatchers, janitors, porters, elevator
operators, chefs, kitchen helpers and workers, mechanics'
helpers, car washers, unskilled labor, special guards at
schools, or any part-time, or temporary employee.
(e) Any position of employment, the duties of which are
included in the classified service, to which the right of em-
ployee selection, appointment, supervision, and discharge
vested in and with those other than the municipal govern-
ment or an officer or employee thereof.
(J) Veterans; Reinstatement. Any regular and permanent
employee who left a position of the departmental service,
which now comes within the classified service, subsequent
to May 1, 1940, and entered the armed forces of the United
States shall be restored to his position and, thereafter, be
subject to the rights and jurisdiction of the classified ser-
vice created by this Section if he makes application there-
for to the appointing authority within sixty days from the
date of his honorable discharge or discharge under honor-
able conditions, and is physically and mentally capable of
performing the work of his position to the satisfaction of
the appointing authority.
(K) Classification Plan; Allocation; Use
(K) (1) Classification Plan. Each board, as soon as practi-
ticable (not to exceed a period of eighteen months) after
this Section takes effect in the municipality, shall adopt a
classification plan for the fire and police services of the
municipality. Each classification plan shall consist of clas-
ses to be designated either by standard titles, ranks, or
a combination thereof, for all positions included in the
classified service for each of the fire and police services.
The classification plan may be divided into groups of classes.
The various classes of positions shall be arranged in each
classification plan so as to show the principal and natural
lines of promotion and demotion. The classification plan
shall be adopted as rules of the board, in the manner pro-
vided by this Section for the adoption of rules. Rules creat-
ing the classification plan, future classifications, abolition
of any classification, any amendment thereto, or revision
thereof shall be adopted by a board only after consultation
with the appointing authority, and the state examiner.
The original classification plan to be established when this
Section takes effect in a municipality shall be prepared, after
consultation with the appointing authority, and submitted
to the board for its approval and adoption, by the state
examiner. The board may amend or revise the classification
plans before adopting them. The state examiner shall ad-
vice and assist the board in all future classifications when
requested to do so.
(2) Allocation of Positions. The board, or chairman there-
of subject to the subsequent approval of the board, as soon as practicable (not exceeding forty-five days) after the adoption of a classification plan, after consultation with the appointing authorities concerned, shall allocate each position in the classified service to its appropriate class; and thereafter shall likewise allocate each new position created in the service, and, when for the benefit of the service, re-allocate positions from class to class.

Whenever the duties of a position are so changed by the appointing authority that the position in effect becomes one of a different class from that to which it is allocated, the change shall operate to abolish the position and to create a new position of the different class.

Whenever the board finds any change in the duties of any position in the classified service was brought about by the appointing authority to effect a reduction in the classification of any employee because of political, religious, or discriminatory reasons, or without just cause, it shall refuse to recognize any such action, and shall order the appointing authority to continue the employee in the position and class with all rights and privileges.

(3) Use of Class Titles. The title of each class shall be the official title of every position allocated to the class, for all purposes having to do with the position as such, and shall be used to the exclusion of all other titles on all payrolls, budget estimates, and official records and reports pertaining to the position, except that any abbreviation or code symbol by the board may be used to designate a position of a class. Any other title satisfactory to the appointing authority may be used in official correspondence and in any other connection not having to do with the personnel processes covered by this Section. No employee shall be ap-

pointed, employed, or paid under any title other than that of the class to which the position occupied by him is allocated.

(4) Status of Incumbent. Every person employed in the municipal fire and police services for a continuous period of at least six calendar months immediately preceding the date that this Section takes effect in the municipality, who was regularly and permanently appointed to a position coming under the classified service, shall be inducted into and bound under the classified service, the provisions of this Section, and the rules adopted hereunder.

When any position is first allocated hereunder, or is re-allocated to a different class to correct an error in its previous allocation, or because of a change in the duties of a position which has the effect of abolishing the position and creating a new position of another class, the employee and the position may continue to serve therein, with the status and all the rights and privileges he would have had under this Section if he had been originally appointed by examination and certification hereunder to a position of the class to which the position has been allocated or re-allocated. Such employee, however, may be transferred without further tests of fitness or certification to any position of the class to which the position was previously allocated while held by the employee.

Any employee who feels himself aggrieved because of any allocation or change in classification affecting his position shall, upon his request, be heard thereon by the board; and the board shall hear and decide the complaint in any manner deemed proper.

(L) Vacancies; Methods of Filling. Vacancies in positions in the classified service shall be filled by one of the follow-
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ing methods:
1 (1) Demotion
2 (2) Transfer
3 (3) Reinstatement
4 (4) Promotional appointment
5 (5) Competitive appointment
6 (6) Reemployment
7 (7) Temporary appointment.
8 A vacancy shall be considered filled under any of the methods specified above, and employment thereunder effective, as of the date on which the employee enters upon the duties thereof.
9 (M) Demotion. Demotions of regular employees shall be made by the appointing authority when it becomes necessary to reduce the number of employees in the classified service or in any class therein. Demotions from any class, except for disciplinary action or because of the abolition of an entire class in the classified service, shall be made by demoting employees from lowest to highest in point of total seniority earned in positions of the class plus that earned in any higher classes in the classified service. The names of regular employees demoted for any reason, except for disciplinary action, shall be recorded upon the reinstatement list for the class from which they are demoted in the order in which the demotions are made.
10 (N) Transfer. Any employee may be transferred from any position in the classified service to any other position of the same class within the classified service, at the pleasure of the appointing authority without notice to and confirmation by the board.
11 Any regular employee so transferred shall have the right of appeal to his board upon the grounds (1) that his trans-...
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1. Employment list for a class to which any such person is reemployed is willing to accept an appointment therein.
2. Any person who is reemployed shall be physically fit to perform the duties of the position to which he is appointed.
3. He shall furnish a favorable medical certificate to the appointing authority and the board after a recent examination by a practicing physician.

(P) Employment Lists; Establishment and Maintenance.

The board shall establish and maintain employment lists containing names of persons eligible for appointment to the various classes of positions in the classified service, as follows:

1. Names of regular employees who are demoted from any class for a reason other than disciplinary action shall be placed upon the reinstatement list for the class from which they were demoted in the order in which the demotions were made.

2. Only the names of regular employees who have been laid off in accordance with provision of paragraph (U) shall be eligible for entry upon the reemployment list. The names of such persons shall be entered upon the reemployment list for the class from which they were laid off in the order in which the layoffs were made.

3. A name placed upon either the reinstatement or the reemployment list shall remain thereon for a period of four years. The board, however, may remove the name of any person who refuses an offer of employment following a certification from either list.

4. Names of persons attaining a passing score on a promotion test shall be placed upon the promotion employment list for the class for which they were tested, from highest to lowest, according to their total seniority in the departmental service. The names of persons attaining a passing score on a competitive test shall be placed upon the competitive employment list for the class for which they were tested, from highest to lowest, according to their final test scores.

5. Any person whose name is placed upon the competitive employment list for the entrance or lowest-ranking class in the classified service who has served in the armed forces of the United States of America during the times of war, and has been honorably discharged or discharged under honorable conditions, shall have added to his final test score a total of five points at the time of placing his name upon the list. Proof of such service and discharge shall be required by the board in any manner it deems advisable.

6. The minimum and maximum period for which a name may remain upon a promotional and competitive employment list shall be twelve and eighteen months, respectively, for each list.

7. The employment list for which eligibles are obtained from the results of tests given for that purpose shall be reestablished in the manner further provided in this Section.

8. When new names are to be placed upon a promotion list for a given class, the remaining names thereon shall be rearranged with the new names so that all names appearing upon the list for the class shall rank, from highest to lowest, according to total seniority in the departmental service. When new names are to be placed upon a competitive list for a given class, the remaining names thereon shall be rearranged with the new names so that all names appearing upon the list for the class shall rank, from highest to lowest, according to their final test scores.

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test scores.

(Q) Testing Procedure

(Q) (1) Tests; Eligibility Determination. The board shall provide through the state examiner for tests to determine the eligibility of applicants for entry upon the promotional and competitive employment lists, as follows:

(a) Official notice of examination shall be posted on the bulletin board in each station of the respective department. The notice shall state (1) class of positions for which tests will be given, (2) whether the tests will be given on a promotional or competitive basis, and (3) the final date on which applications for admission to the tests will be received. The notice shall be posted for a continuous period of thirty days preceding the date for administering the tests. In addition to the posted notice, public notice for all tests to be given on a competitive basis shall be published at least four times during the thirty-day period in the official journal of the municipality in which such tests are to be held. This notice of examination need not reveal the exact date on which tests shall be administered, but all applicants shall be advised the date, place, and time to report for an announced test at least five days in advance thereof in any manner the board may prescribe. Each person comprising a group of candidates being tested at a given time for the same class of employment shall be given the same test, and it shall be administered in the same manner to each candidate. No questions shall be framed so as to elicit information concerning the political, factional, or religious opinions or affiliations of any applicant.

(b) All tests shall be restricted to those matters which will fairly test the relative capacity and fitness of the candidates to discharge the duties characteristic of positions of the class to which they seek to be appointed. Tests may include written or oral questions, trials on the performance of work characteristic of the class, inquiries into facts relating to education, experience, or accomplishments in specialized lines of endeavor, or any combination of these and other elements duly related to the purpose of the tests.

(c) Seventy-five percent shall constitute a passing score for all tests administered under the provision of this Section.

(d) Promotional tests for positions in the various classes in the classified service, except those classes in which positions shall be filled only from the competitive list, may be held as the needs of the service require, but must be given at least one time during each successive period of eighteen months.

(e) Competitive tests shall be held only as the needs of the service require and shall be given for classes comprising only the following duties or positions:

(i) Chief of the departmental service.

(ii) The entrance or lowest-ranking class in the classified service.

(iii) The entrance or lowest-ranking class in any group of classes where the various classes have been divided into groups by the classification plan.

(iv) Operation, maintenance, and supervision of radio fire alarm, police alarm, and other signal systems.

(v) Automotive or fire apparatus mechanics and repairmen.

(vi) Secretary to the chief.

(vii) Departmental records clerk.

(viii) For a position in any class in the classified ser-
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vice after reasonable efforts by preceding methods provided
by this Section have failed to produce names of persons
eligible for regular appointment thereto.

(f) All tests required by this Section shall be prepared,
administered, and scored by the state examiner in accor-
dance with the provisions of this Section. The results of
the tests shall be furnished the board for which the tests
have been held as soon as practicable after the tests have
been administered. All test questions, answers, and papers
shall at all times be kept in the custody of the state
examiner, and shall be produced by him and exhibited
by him at the domicile of any board upon its written
request.

(g) The board for which any test is administered may,
at any time, up to six months after receiving the results
from the state examiner, receive and review any or all
parts of the test and the methods used in its grading,
in order to determine whether the test was a fair and
reasonable one and was fairly graded. If, after the board
reviews any test and consults with the state examiner,
it concludes that any item or parts of the test were un-
fair or unreasonable or finds errors in the grading, it may,
at its discretion, cause a regrading of the test, and, there-
upon, correct or establish the appropriate employment list
in accordance with the revised ratings. If the board finds
that a fair rating can be determined only from an entire
new test, it may cause a new test to be given to all persons
taking the previous test and, establish a new employ-
ment list for the class from the results of such new test.

(h) Each applicant who makes a passing score on a
test administered under the provisions of this Section shall
be advised, in any manner the board prescribes, of his
final grade and relative standing on the list appropriate
for the class for which he was tested.

(ii) Admission to Tests. Admission to tests shall be as
follows:

(a) Admission to a promotional test shall be limited to
regular employees of the class next lower from that for
which they are to be examined. However, the rules may
provide for admission to be extended to applicants from
any one or more of the next lower classes.

(b) Admission to competitive tests shall be open to all
persons who meet the requirements provided by this Section
and the rules.

(c) Any applicant admitted to a test shall be a citizen
of the United States of America and, if of legal age, shall
be a qualified elector of the State of Louisiana.

(d) Special requirements or qualifications for admission
to tests, or for eligibility for appointment, such as age,
education, physical requirements, etc., may be established
by the rules adopted by the board, after consultation with
the appointing authority. Any applicant must be, at the
time of his appointment to a position in the classified
service, of good health, good moral character, and of tem-
perate and industrious habits.

(e) The board may reject the application of any person
for admission to tests of fitness, or refuse any applicant
who,

(i) Is found to lack any of the qualifications prescribed, or
which may be legally prescribed, as requirements for ad-
mission to the tests for the class for which he has applied;
(ii) Is physically unfit to perform effectively the duties
of a position of the class;
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(iii) Is addicted to the habitual use of drugs or intoxicating liquors to excess;

(iv) Has been adjudged guilty of a crime involving moral turpitude or infamous or notoriously disgraceful conduct;

(v) Has been dismissed from the respective service for delinquency or misconduct;

(vi) Has made a false statement of any material fact; or

(vii) Has practiced, or attempted to practice, deception or fraud in securing eligibility for appointment or attempting to do so.

Any such facts shall also be considered cause for removal of any employee. The board shall reject any application filed after the time fixed for closing receipt of applications as announced in the public notice of the tests.

(3) Working Tests. Every person appointed to a position in the classified service following the certification of his name from a promotional or a competitive employment list, except those appointed on a temporary basis, shall be tested by a working test while occupying the position before he may be confirmed as a regular and permanent employee in the position.

The period of the working test shall commence immediately upon appointment and shall continue for a period of not less than six months nor more than one year. Any employee who has served at least three but less than six months of his working test for any given position may be removed therefrom only with the prior approval of the board, and only upon the grounds that (1) he is unable or unwilling to perform satisfactorily the duties of the position to which he has been appointed or (2) his habits and dependability do not merit his continuance therein. Any such employee may appear before the board and present his case before he is removed.

Upon any employee completing his working test, the appointing authority shall so advise the board and furnish a signed statement to the respective employee of its confirmation and acceptance of the employee as a regular and permanent employee in the respective position, or of its refusal to confirm the employee and the reasons therefor. If, at the expiration of an employee's working test period, the appointing authority fails to confirm or reject the employee, such failure to act shall constitute a confirmation. Any employee who is rejected after serving a working test of six months but not more than one year, may appeal to the board only upon the grounds that he was not given a fair opportunity to prove his ability in the position.

The appointing authority may remove, and shall remove upon the order of the board, any employee during his working test period who the board finds, after giving him notice and an opportunity to be heard, was appointed as a result of an error, misrepresentation, or fraud.

In any event where any employee is permitted under this Section to appeal to the board, the decision of the board shall be subject to the judicial review provided by this Section and the appointing authority and employee shall be governed accordingly.

(R) Certification; Appointment

(R) (1) Certification and Appointment. (a) Whenever the appointing authority proposes to fill a vacancy in the classified service, except by demotion, transfer, emergency appointment, or by substitute employment not to exceed thirty days, he shall request the board to certify names of persons eligible for appointment to the vacant position. The board shall thereupon certify in writing the names of eligible
persons from the appropriate employment list as provided below. No such certification shall be valid for more than thirty days following the date thereof. The appointing authority shall, if he fills the vacancy, make the appointment as provided below.

(b) The board shall first certify the name of the person appearing upon the reinstatement list who is eligible for the first reinstatement in the class of the vacant position. The name of this person and all others appearing upon the reinstatement list for the class shall be certified and offered the appointment in the order provided by paragraph (P) before the vacancy is filled by any subsequent method provided by this Subsection. The appointing authority shall appoint to the vacant position the first person so certified to him who is willing to accept the appointment. If the position is one of a class from which layoffs have been made as provided by paragraph (U) the names of eligible persons appearing upon the reemployment list for the class shall be certified and offered the appointment in the order provided by paragraph (P) before any other appointment is made thereto.

c. In the event a vacancy cannot be filled by reinstatement, or by reemployment as above provided, the board shall next certify the names of persons upon the promotional list, in the order in which they appear thereon, for the class in which the vacancy is to be filled. The appointing authority shall select and appoint to the first vacancy to be filled the one person certified to him who has the greatest seniority in the departmental service. Any remaining positions to be filled in the same class shall be filled by appointing to each such successive vacancy the one of the remaining persons certified therefor who has the next highest seniority in the departmental service. This procedure shall be followed until the position has been filled by appointment of the one person who has the greatest seniority in the departmental service, and who is willing to accept the appointment, or until each person whose name appears upon the list, has in this order been certified and offered the appointment for the vacancy.

(d) Certification and appointment from the competitive list shall be limited to those conditions and classifications for which the competitive test may be given as provided by paragraph (Q). Upon the appointing authority's request for the certification of eligible persons from which he may fill a vacancy, and if the competitive list is the appropriate list from which the names of eligible persons shall be certified, the board shall certify the names of the persons upon that list, in the order in which they appear thereon, for the class in which the vacancy is to be filled. The appointing authority shall select and appoint to the first vacancy to be filled, any one of the persons so certified to him for the vacancy. If any one or more persons so certified should refuse the appointment, the appointing authority shall then select and appoint any one of the remaining persons certified by the board. This procedure shall be followed until the position has been filled by appointment of one of the persons certified from the list and willing to accept the appointment, or until each person whose name appears upon the list has in this manner been certified for the vacancy.
(e) Appointment to any position in the classified service from which the regular employee is away on an authorized leave of absence shall be made in accordance with the provisions of this Subsection.

(f) The appointing authority shall notify the board of the filling of a vacancy as provided in paragraph (Y).

(ii) During the times of war, and after the board continues to offer tests provided by this Section in an effort to obtain persons eligible for regular and permanent appointment to a position of any class which has been permanently vacated by the regular employee thereof, and it finds it impossible to establish a list of persons qualified for certification and permanent appointment to the position in the classified service, it may authorize the appointing authority to fill the position with a provisional appointee until the appropriate employment list can be established.

(a) (i) When a vacancy is to be filled in a position of a class for which the board is unable to certify names of persons eligible for regular and permanent, or substitute appointment, the appointing authority may make a provisional appointment of any person whom he deems qualified. When practicable, the appointment should be made by the provisional promotion of any employee of a lower class. A provisional appointment shall not continue for more than three months. No position in the classified service shall be filled by one or more provisional appointments for a period in excess of three consecutive months and successive like periods shall not be permissible. The board may, however, authorize the renewal of such appointment, or authorize such successive appointments for a period not to exceed three additional months whenever it has been impracticable or impossible to establish a list of persons eligible for certification and appointment to a vacancy. Any provisional appointment, if not terminated sooner, shall terminate upon the regular filling of the vacancy in any manner authorized under this Section, and, in any event, within fifteen days after a certification from which a regular, or substitute appointment, as the case may be, can be made under the provisions of this Section. A provisional appointment shall be reported to the board within fifteen days following the appointment.

(ii) Provisional appointments may be made in any position until a classification plan is prepared and adopted and for such time thereafter as may be required for the preparation and administration of tests and the establishment of employment lists from the results of the tests. But such special authority shall be valid for a period of not more than eighteen months immediately following the date that this Section takes effect in the municipality.

(b) A substitute appointment may be made to any position in the classified service (1) from which the regular and permanent employee is away on an authorized leave of absence, or (2) from which the regular employee is substituting for some other regular employee who is authorized to be away from his respective position. No position shall be filled by a substitute appointee for a time beyond that for which the regular and permanent incumbent is away on an authorized leave. Whenever such appointment shall continue for not more than thirty days, the appointing authority may appoint thereto any one whom he deems qualified. Substitute ap-

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pointments made for a period exceeding thirty days shall be made in the same manner as provided in paragraph (R) for the filling of a vacancy by a regular and permanent appointment. Any person employed on a substitute basis shall, for the duration of the temporary employment, enjoy the class title and be entitled to receive the rate of pay for the class and position in which he is employed. The appointing authority shall notify the board within fifteen days following any substitute appointment made for a period to exceed thirty days, the name of the appointee, the class of position filled, the period for which the appointment was made and attach to the notification a signed copy of the leave of absence granted the employee for whom the appointee is substituting.

(c) Emergency appointments of any person may be made at any time the need of the service requires because of any local emergency of a temporary and special nature. No such appointment shall be effective or continued for more than ten days.

(S) Leaves of Absence. The board shall adopt rules to provide for leaves of absence in the various classes of the classified service. Such rules shall provide for annual vacation and sick leaves with pay, and special leaves with or without pay. They may provide for special extended leaves with or without pay or with reduced pay for employees disabled through injury or illness arising out of their employment. The right to regulate the time at which any employee may take an annual leave, or any other leave which is not beyond the control of the employee, shall be vested at all times with the appointing authority.

(T) Abolition of Positions. Whenever the appointing authority abolishes a position in the classified service and

there is no position vacant in the respective class to which the regular employee of the abolished position may be transferred, the employee shall be transferred to any position of the same class which may be held by a provisional employee. If there is no such position he shall be transferred to another position in the respective class, and the holder of that position shall thereupon be demoted in the order provided by paragraph (M).

(U) Layoffs. If, for any reason, the lowest class in the classified service, or the lowest class in a respective group of classes, as grouped by the classification plan, should become overburdened with the number of persons holding positions therein, and a reduction of personnel becomes necessary, the reduction shall be made only by laying off persons without pay. The order of removal shall begin with the person youngest in point of his accumulated total service in the departmental service and shall continue upward until all persons to be removed have been laid off. Layoffs shall be made from positions only within the classes above set forth. The names of persons laid off, the date, the class of position held, and the order in which each person was laid off shall be reported to the board by the appointing authority. The board shall, thereupon, enter such information upon the reemployment list applicable for the class from which each person was removed.

(V) Corrective and Disciplinary Action

(V) (1) The tenure of persons who have been regularly and permanently inducted into positions of the classified service shall be during good behavior. However, the appointing authority may remove any employee from the service, or take such disciplinary action as the circumstances warrant in the manner provided below for any one of the
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following reasons:

(a) Unwillingness or failure to perform the duties of his position in a satisfactory manner.
(b) The deliberate omission of any act that it was his duty to perform.
(c) The commission or omission of any act to the prejudice of the departmental service or contrary to the public interest or policy.
(d) Insubordination.
(e) Conduct of a discourteous or wantonly offensive nature toward the public; any municipal officer or employee; and, any dishonest, disgraceful, or immoral conduct.
(f) Drinking vinous or spirituous liquors while on duty or reporting for duty while under the influence of liquor.
(g) The use of intoxicating liquors, or habit-forming drug, liquid, or preparation to an extent which precludes the employee from performing the duties of his position in a safe or satisfactory manner.
(h) The conviction of a felony.
(i) Falsely making a statement of any material fact in his application for admission to any test for securing eligibility or appointment to any position in the classified service, or, practicing or attempting to practice fraud or deception in any test.
(j) Using or promising to use his influence or official authority to secure any appointment to a position within the classified service as a reward or return for partisan or political services.
(k) Soliciting or receiving any money or valuable thing from any person for any political party or political purpose.
(l) Inducing or attempting to induce by treats of coercion, any person holding a position in the classified service to resign his position, take a leave of absence from his duties, or waive any of his rights under the provisions of this Section, or of the rules.
(m) The development of any defect of physical condition which precludes the employee from properly performing the duties of his position, or the development of any physical condition that may endanger the health or lives of fellow employees.
(n) The willful violation of any provision of this Section or of any rule, regulation, or order hereunder.
(o) Any other act or failure to act which the board deems sufficient to show the offender to be an unsuitable or unfit person to be employed in the respective service.
(2) Unless the cause or condition justifies an employee being permanently removed from the service, disciplinary action may extend to suspension without pay for a period not exceeding the aggregate of ninety days in any period of twelve consecutive months, reduction in pay to the rate prevailing for the next lower class, reduction or demotion to a position of any lower class, and to the rate of pay prevailing therefor, or such other less drastic action that may be appropriate under the circumstances. Nothing contained herein shall prevent any employee who is physically unable to perform the duties of his position from exercising his rights of voluntary retirement under any applicable law.
(3) Although it is incumbent upon the appointing authority to initiate corrective or disciplinary action, the board may, and shall upon the written request of any qualified elector of the state which sets out the reasons therefor, make an investigation of the conduct and performance of any employee in the classified service and, thereupon may render such judgment and order action to be taken by the
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appointing authority. Such action shall be forthwith taken by the appointing authority.

(4) In every case of corrective or disciplinary action taken against a regular employee of the classified service, the appointing authority shall furnish the employee and the board a statement in writing of the action and the complete reasons therefor.

(W) Appeals by Employees. Any regular employee in the classified service who feels that he has been discharged or subject to any corrective or disciplinary action without just cause, may, within fifteen days after the action, demand in writing, a hearing and investigation by the board to determine the reasonableness of the action. The board shall grant the employee a hearing and investigation within thirty days after receipt of the written request.

All such hearings and investigations conducted by the board pursuant to the provisions of this Section shall be opened to the public. No hearing and investigation shall be held unless both the employee and the appointing authority have been advised at least ten days in advance of the date, time, and place therefor. If either the appointing authority or the employee fails to appear at the place, and on the day and at the hour fixed for the hearing, the board may decide the issue involved on the basis of the evidence adduced and confined to the question of whether the action taken against the employee was made in good faith for cause set forth in the provisions of this Section. Both the employee and the appointing authority shall be afforded an opportunity to appear before the board, either in person or with counsel, and present evidence to show that the action was or was not taken in good faith for cause as set forth in the provisions of this Section. The board shall have com-

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plete charge of any such hearing and investigation, and may conduct it in any manner it deems advisable, without prejudice to any person or party thereto. The procedure followed shall be informal and not necessarily bound by the plactic rules of evidence. The board shall not be required to have the testimony taken and transcribed, but either the employee or the appointing authority may, at their own expense, make the necessary arrangements therefor. In such cases the board may name any competent shorthand reporter as the official reporter. If the testimony is not taken or transcribed, then the board shall make a written finding of the fact. After such investigation the board may, if the evidence is conclusive, affirm the action of the appointing authority. If they find that the action was not taken in good faith for cause under the provisions of this Section, the board shall order the immediate reinstatement or reemployment of such person in the office, place, position, or employment from which he was removed, suspended, demoted, or discharged, which reinstatement shall, if the board so provides, be retroactive and entitle him to his regular pay from the time of removal, suspension, demotion, discharge, or other disciplinary action. The board may modify the order of removal, suspension, demotion, discharge, or other disciplinary action by directing a suspension without pay, for a given period. The decision of the board, together with its written finding of fact, if required, shall be certified, in writing, to the appointing authority and shall be forthwith enforced by the appointing authority.

Any employee under classified service and any appointing authority may appeal from any decision of the board, or from any action taken by the board under the provisions of the Section which is prejudicial to the employee or appoint-
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1 ing authority. This appeal shall be taken by serving the
2 board, within thirty days after entry of its decision, a
3 written notice of appeal, stating the grounds thereof and de-
4 manding that a certified transcript of the record, or written
5 findings of fact, and all papers on file in the office of the
6 board affecting or relating to such decision, be filed with
7 the designated court. The board shall, within ten days after
8 the filing of the notice of appeal, make, certify, and file
9 the complete transcript, with the designated court, and that
10 court shall thereupon proceed to hear and determine the
11 appeal in a summary manner. This hearing shall be con-
12 fined to the determination of whether the decision made by
13 the board was made in good faith for cause under the
14 provisions of this Section. No appeal to the court shall be
15 taken except upon these grounds.
16 (X) Board Powers; Refusal to Testify. The board, and
17 each of its members, shall have the same power and au-
18 thority to administer oaths, subpoena witnesses, and com-
19 pel the production of books and papers pertinent to any in-
20 vestigation or hearing authorized by this Section as is pos-
21 sessed by the district courts of Louisiana. Any person who
22 (1) fails to appear in response to a subpoena, (2) fails to
23 answer any question, except those which may incriminate
24 him, (3) fails to produce any books or papers pertinent
25 to any investigation or hearing, or (4) knowingly gives
26 false testimony therein shall be subject to the penal sections
27 of this Section. In case of contumacy or refusal to obey a
28 subpoena issued to any person, the district court within the
29 jurisdiction of which the investigation is being carried on,
30 or within the jurisdiction of which the person guilty of
31 contumacy or refusal to obey is found, or resides, or trans-
32 acts business, upon application of the board, shall have the

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1 requisite jurisdiction to issue to the person an order re-
2 quiring him to appear before the board, its member or
3 agent, and to produce the required evidence or give testi-
4 mony touching the matter under consideration or in ques-
5 tion. Any person failing to obey such order may be punished
6 by the court for contempt.
7 Any officer or employee in the classified service who
8 willfully refuses or fails to appear before any court, officer,
9 board, body or person properly authorized to conduct any
10 hearing or inquiry, or any employee or officer, who, having
11 appeared, refuses to testify or answer any relevant question
12 relating to the affairs of government of the municipality or
13 the conduct of any municipal officer or employee, except
14 upon the ground that his testimony or answers would in-
15 criminate him, shall, in addition to any other penalty to
16 which he may be subject, forfeit his position, and shall not
17 be eligible for appointment to any position in the classified
18 service for a period of six years.
19 (Y) Municipal Officers and Employees; Duties. The ap-
20 pointing authority shall report to the board within fift
21 teen days following any appointment or employment in a
22 position in the classified service, unless otherwise pro-
23 vided, the name of the appointee, the title and character of
24 his office or employment and the date the employee com-
25 menced work in the position. The appointing authority shall
26 also report the date of and official action in, or knowledge
27 of, any separation, promotion, demotion, suspension, lay-
28 off, reinstatement, or reemployment in the classified section.
29 (Z) Acts and Activities Prohibited
30 (Z) (1) Political Activities Prohibited. (a) Political activ-
31 ities by and extending to employees of the classified service
32 are hereby prohibited as follows:

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(i) No person shall seek or attempt to use any political endorsement in connection with any appointment to a position in the classified service.

(ii) No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position in the classified service, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for any consideration.

(iii) No employee in the classified service shall, directly or indirectly, pay, or promise to pay, any assessment, subscription, or contribution for any political organization or purpose, or solicit or take part in soliciting any such assessment, subscription, or contribution. No person shall solicit any such assessment, subscription, or contribution of any employee in classified service. The prohibitions of this Subsection shall not be construed as applying to membership dues paid, or contributions made, to nonpolitical employee organizations, pension funds, civic enterprises, the Louisiana Civil Service League, or any similar nonpolitical and nonpartisan organization.

(iv) No employee in the classified service shall (a) be a member of any national, state, or local committee of a political party, (b) be an officer or member of a committee of any factional, political club or organization, (c) be a candidate for nomination or election to public office, (d) make any political speech or public political statement in behalf of any candidate seeking to be elected to public office, or (e) take any part in the management or affairs of any political party or in the political campaign of any candidate for public office, except to privately express his opinion and to cast his vote.

(v) No person elected to public office shall, while serving in the elected office, be appointed to or hold any position in the classified service.

(vi) No appointing authority, or agent or deputy thereof, shall directly or indirectly demote, suspend, discharge, or otherwise discipline, or threaten to demote, suspend, discharge or otherwise discipline, or discriminate against any person in the classified service for the purpose of influencing his vote, support, or other political activity in any election or primary election. No appointing authority, or agent, or deputy thereof, shall use his official authority or influence, by threats, promises or other means, directly or indirectly, to coerce the political action of any employee in the classified service.

(b) The appointing authority shall discharge from the service any employee whom he deems guilty of violating any one or more of the provisions of this Section. The board may, upon its own initiative, investigate any officer or employee in the classified service whom it reasonably believes guilty of violating any one or more of the provisions of this Section. The board shall, within thirty days after receiving the written charges, hold a public hearing and investigation and determine whether such charges are true and correct. If the board should find upon its investigation of any employee that he has violated any of the foregoing provisions, the board shall order the appointing authority to forthwith discharge the guilty employee from the service and the appointing authority shall forthwith discharge the employee.

(c) Whoever violates this Section shall be subject to
the penalties provided in paragraph (A-2). In addition any employee in the classified service who is discharged because of violating a foregoing provision shall not again in the classified service for a period of six years from the time of his discharge.

(2) Other Prohibited Acts. No person shall

(a) Make any false statement, certificate, mark, rating, or report with regard to any test, certification, or appointment made under any provisions of this Section or commit or attempt to commit any fraud preventing the impartial execution of this Section and the rules.

(b) Directly or indirectly, give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for or on account of any appointment, proposed appointment, promotion, or proposed promotion to, or any advantage in, a position in the classified service.

(c) Defeat, deceive, or obstruct any person in his right to examination, eligibility, certification, or appointment under this Section, or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to employment in the classified service.

(A-1) Legal Services. If this Section, or its enforcement by the board is called into question in any judicial proceeding, or if any person fails or refuses to comply with the lawful orders or directions of the board, the board may call upon the attorney general, or the chief, legal officer of the municipality, or may employ independent counsel to represent it in sustaining this Section and enforcing it. Nothing contained herein shall prevent any municipal officer, employee, or private citizen from taking legal action in the courts to enforce the provisions of this Section or of any rule, order, or other lawful action of the board.

(A-2) Penalties. Whoever willfully violates any provision of this Section or of the rules shall be fined not more than five hundred dollars and shall, for a period of six years, be ineligible for appointment to or employment in any position of the classified service. If he is an officer or employee of the classified service he shall forfeit his office or position.

(A-3) Effect of Other Laws. This Section shall not be rendered ineffective by any general law affecting municipal employees or municipal departments in matters of classified civil service except that the applicability of this Section shall be subject to and governed by the provisions on state and city civil service of the constitution provided, however, that any city and any parish government jointly with one or more cities under a plan of government, having once elected to accept the provisions of state and city civil service of the constitution may subsequently elect and determine to accept the provisions of this Section by a majority vote of its qualified electors voting at a general or special election, ordered and held for this purpose by the city or parish authorities, as the case may be, in the manner set forth in the provisions on state and city civil service of the constitution, provided further, that no local election or elections pursuant to the provisions of state and city civil service, insofar as they apply to and affect this Section, and no local election or elections pursuant to this Section shall be held more often than once every four years, in any one city.

(A-4) Provisions Self-Operative. The provisions hereof are self-executing and self-operative and the officials design-
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1. Section 1. Municipal Fire and Police Civil Service

2. (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 police department and all parishes and all fire protection districts which operate a regularly paid fire department. Permanent appointments and promotions in municipal fire and police civil service shall be made only after certification by the applicable Municipal Fire and Police Civil Service Board under a general system based upon merit, efficiency, fitness, and length of service as provided in Article XIV, Section 15.1 of the 1921 Constitution, subject to change by law enacted upon the favorable vote of two-thirds of the elected members of each house of the legislature. Except as may be inconsistent with the provisions of this Section, the provisions of Article XIV, Section 15.1 of the Constitution of 1921, are hereby retained and continued in force and effect as statutes. The legislature upon the favorable vote of two-thirds of the elected membership of each house may amend or otherwise modify any of

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1. Constitutional Convention of Louisiana of 1973

2. CONSTITUTIONAL CONVENTION NUMBER 10

3. Introduced by Delegate Acker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Corcoran, Dower, Grier, Landry, Leithman, Rachal, Robinson, Wattigny, and Wisham

A PROPOSAL

4. Making provisions for human resources by providing for municipal fire and police civil service.

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

6. ARTICLE VII. HUMAN RESOURCES

7. Section 1. Municipal Fire and Police Civil Service

8. 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 police department and all parishes and all fire protection districts which operate a regularly paid fire department. Permanent appointments and promotions in municipal fire and police civil service shall be made only after certification by the applicable Municipal Fire and Police Civil Service Board under a general system based upon merit, efficiency, fitness, and length of service as provided in Article XIV, Section 15.1 of the 1921 Constitution, subject to change by law enacted upon the favorable vote of two-thirds of the elected members of each house of the legislature. Except as may be inconsistent with the provisions of this Section, the provisions of Article XIV, Section 15.1 of the Constitution of 1921, are hereby retained and continued in force and effect as statutes. The legislature upon the favorable vote of two-thirds of the elected membership of each house may amend or otherwise modify any of
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said provisions of Article XIV, Section 15.1 of the 1921 Constitution except that the legislature may not abolish
the system of classified civil service for such firemen
and municipal policemen or make it inapplicable to any
municipality which has a population in excess of thirteen
thousand according to the latest decennial census of the
United States or to any parish or fire protection district
having a regularly paid fire department. However, in
municipalities with a population in excess of four hundred
thousand paid firemen and municipal policemen shall be includ-
ed if a majority of the electors in the city affected voting
at an election held for the purpose consent thereto, said
election shall be called by the governing authority of the
city affected within one year after the effective date of
this constitution.

Nothing in Article VII, Section 1 of this constitution
authorizing cities or other political subdivisions to be placed
under the provisions of said article whether by election, act
of the legislature, or ordinance of the local governing author-
ity shall be construed as authorizing the inclusion therein of
firemen and policemen in any municipality having a population
in excess of thirteen thousand and less than four hundred
thousand and which operates a regularly paid fire and municipal
police department or in any parish or fire protection district
which operates a regularly paid fire department, which said
firemen and policemen are hereby expressly excluded from any
such system.

(B) Prohibitions Against Political Activities. Article
XIV, Section 15.1 (34) of the 1921 Constitution is retained
and continued in force and effect.

COMMITTEE PROPOSAL No. 11—

Introduced by Delegate Aertker, Chairman, on behalf of
the Committee on Education and Welfare, and Delegates
Armentor, Carmouche, Corne, Cowen, Flory, Grier, Haynes,
Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Rob-
inson, Segura, Silverberg, Sutherland, Thistlethwaite, Toca
and Wisham:

A PROPOSAL

Making provisions for human resources by providing for re-
tirement and survivors' benefits.

Be it adopted by the Constitutional Convention of Loui-
siana of 1973:

Article VII, Section 1. Retirement and Survivors' Benefits

Section 1. (A) Retirement System; Public School Em-
ployees. The legislature shall provide for the retirement of
teachers and other employees of the public schools through
the establishment of a retirement system or systems for
public school employees. Membership in such retirement sys-
tem or systems shall be a contractual relationship, the
accrued benefits of which shall not be diminished nor im-
paired, and the state shall guarantee any benefits pay-
able to a member of the system or to his lawful beneficiary
at his death or retirement.

(B) Retirement System; State Officers and Employees.
The legislature shall provide for the retirement of officers
and employees of the State of Louisiana or its political cor-
porations and political subdivisions, including persons em-
ployed jointly by state and federal agencies other than the
military service, through the establishment of a retirement
system or systems. Membership in any retirement system of
the state or of a political corporation thereof shall be a con-
tractual relationship, the accrued benefits of which shall not

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be diminished nor impaired.

(C) Financial Security for Surviving Spouses and Children of Law Enforcement Officers in Certain Cases. (1) It is hereby declared to be the public policy of this state, under its police power, to provide for the financial security of surviving spouses and dependent children of law enforcement officers where such officers suffer death as a result of injury sustained in the course of the performance of official duties or ensuing from any activity while on or off duty engaged in the protection of life or property.

(2) Law enforcement officers, within the meaning of this Section, shall include: all sheriffs and deputy sheriffs in the state employed on a full-time basis; all members of the state police thus employed; those municipal police officers to whom state compensation is or may be paid as provided by law; all enforcement personnel of the Louisiana Wildlife and Fisheries Commission; capitol security police; guards at state-owned hospitals; security officers on the campuses of state-owned colleges and universities; guards at state penal institutions; enforcement personnel of dock boards and levee boards, and other state employees whose primary responsibility is the full-time protection of state property; provided, however, that honorary law enforcement officers, all state probation and parole officers, including juvenile probation and parole officers shall not be construed or interpreted to be such law enforcement officers within the purview of this act.

(3) In any case in which a law enforcement officer, as defined by this Section, suffers death, under the conditions described in Paragraph (A), the legislature shall appropriate the sum of ten thousand dollars, which shall be paid to the surviving spouse of such law enforcement officer, and in addition thereto, should such law enforcement officer be survived by minor children, the legislature shall appropriate the sum of five thousand dollars for each of the said minor children, which sum shall be paid to the duly appointed and qualified tutor or other legal representative of said child.

(4) No such payment shall be made until a judgment of a court of competent jurisdiction has become final and such judgment has decreed that the law enforcement officer did suffer death as a result of the conditions described in Paragraph (A) above.

(5) Suit shall be instituted by the attorney general against the legislative auditor in the district court of the parish in which the state capitol is situated in any case where it appears that such a law enforcement officer has suffered death in the circumstances provided by this Section and jurisdiction over such suit is hereby conferred on said court. Any judgment rendered by such court shall be subject to appeal as in other civil matters.

(6) Such suit may be instituted under the laws applicable to declaratory judgments and any such suit shall be regarded as presenting a justiciable controversy between the attorney general and the legislative auditor.

(7) This Section shall be self-operative and no further or additional legislation shall be required to place the provisions hereof in effect.

(D) Retirement Systems; Notice of Intention to Propose Amendments or Change; Publication. No proposal to amend or effect any change in existing laws or provisions of the constitution relating to any retirement system in this state shall be introduced into the legislature unless notice of intention to introduce such proposal shall have been pub-
COMMITTEE PROPOSAL No. 11—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Carmouche, Corne, Cowen, Flory, Graham, Grier, Haynes, Hernandez, E. Landry, Leithman, Morris, Rachal, Riecke, Segura, Sutherland, Thistlethwaite, Toca, Wattigny and Wisham:

A PROPOSAL

Making provisions for human resources by providing for retirement and survivors' benefits.

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

Article VII, Section 1. Retirement and Survivors' 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, the accrued benefits of which shall not be diminished or impaired, and the state guarantees all benefits payable to a member of the system or to his lawful beneficiary at his death or retirement.

(B) Retirement System; State Officers and Employees. The legislature shall provide for the retirement of officers and employees of the State of Louisiana, its agencies and political subdivisions, including persons employed jointly by state and federal agencies other than the military service, through the establishment of a retirement system or systems.

Membership in any retirement system of the state or of a political subdivision thereof shall be a contractual relationship between the employee and employer, the accrued benefits of which shall not be diminished or impaired, and the state or
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1 political subdivision shall guarantee any benefits payable to
2 a member of the system or to his lawful beneficiary at his
3 death or retirement.

(C) Financial Security for Surviving Spouses and Children
4 of Law Enforcement Officers in Certain Cases. (1) It is
5 hereby declared to be the public policy of this state, under
6 its police power, to provide for the financial security of
7 surviving spouses and dependent children of law enforcement
8 officers where such officers suffer death as a result of in-
9 jury sustained in the course of the performance of official
10 duties or ensuing from any activity while on or off duty en-
11 gaged in the protection of life or property.

(2) Law enforcement officers, within the meaning of this
13 Section, shall include: all sheriffs and deputy sheriffs in the
14 state employed on a full-time basis; all members of the state
15 police thus employed; those municipal police officers to whom
16 state compensation is or may be paid as provided by law;
17 all enforcement personnel of the Louisiana Wildlife and
18 Fisheries Commission; capitol security police; guards at
19 state-owned hospitals; security officers on the campuses of
20 state-owned colleges and universities; guards at state penal
21 institutions; enforcement personnel of dock boards and levee
22 boards; persons on the payroll of the state or of any political
23 subdivision of the state in training to become a law enforce-
24 ment officer as defined in this subsection, and other state
25 employees whose primary responsibility is the full-time pro-
26 tection of state property; provided, however, that honorary
27 law enforcement officers, all state probation and parole offi-
28 cers, including juvenile probation and parole officers shall
29 not be construed or interpreted to be such law enforcement
30 officers within the purview of this subsection.

(3) In any case in which a law enforcement officer, as
defined by this Section, suffers death, under the conditions
32 described in Paragraph (A), the legislature shall appropriate
33 the sum of ten thousand dollars, which shall be paid to the
34 surviving spouse of such law enforcement officer, and in addi-
35 tion thereto, should such law enforcement officer be survived
36 by minor children, the legislature shall appropriate the sum
37 of five thousand dollars for each of the said minor children,
38 which sum shall be paid to the duly appointed and qualified
39 tutor or other legal representative of said child.

(4) No such payment shall be made until a judgment of a
40 court of competent jurisdiction has become final and such
41 judgment has decreed that the law enforcement officer did
42 suffer death as a result of the conditions described in Para-
43 graph (A) above.

(5) Suit shall be instituted by the attorney general against
45 the legislative auditor in the district court of the parish in
46 which the state capitol is situated in any case where it ap-
47 pears that such a law enforcement officer has suffered death
48 in the circumstances provided by this Section and jurisdic-
49 tion over such suit is hereby conferred on said court. Any
50 judgment rendered by such court shall be subject to appeal
51 as in other civil matters.

(6) Such suit may be instituted under the laws applicable
53 to declaratory judgments and any such suit shall be regarded
54 as presenting a justifiable controversy between the attorney
55 general and the legislative auditor.

(7) This Section shall be self-operative and no further or
57 additional legislation shall be required to place the provisions
58 hereof in effect.

(D) Retirement Systems; Notice of Intention to Propose
59 Amendments or Change; Publication. No proposal to amend
60 or effect any change in existing laws or provisions of the

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1 Constitutional Convention of Louisiana of 1973
2 COMMITTEE PROPOSAL NUMBER 11
3 introduced by Delegate Aertker, Chairman, on behalf of the
4 Committee on Education and Welfare, and Delegates Carmouche,
5 Corne, Cowen, Flory, Graham, Grier, Haynes, Hernandez, E.
6 Landry, Leithman, Morris, Rachal, Riecke, Segura, Sutherland,
7 Thistlethwaite, Toca, Wattigny and Wisham
8
9 A PROPOSAL
10
11 Making provisions for human resources by providing for retire-
12 ment and survivors' benefits.
13 Be it adopted by the Constitutional Convention of Louisiana
14 of 1973:
15
16 ARTICLE VII. HUMAN RESOURCES
17 Section 1. Retirement and Survivor's Benefits
18 Section 1. (A) Retirement System; Public School Employees.
19 The legislature shall provide for the retirement of teachers
20 and other employees of the public educational system through the estab-
21 lishment of a retirement system or systems for employees of the public
22 educational system. Membership in such retirement system or systems
23 shall be a contractual relationship between the employee and employer,
24 and the state guarantees all benefits payable to a member of the sys-
25 tem or to his lawful beneficiary at his death or retirement.
26 (B) Retirement System; State Officers and Employees. The
27 legislature shall enact laws providing for the retirement of officers
28 and employees of the State of Louisiana, its agencies and political
29 subdivisions, including persons employed jointly by state and
30 federal agencies other than the military service, through the
31 establishment of a retirement system or systems. Membership in any
32 retirement system of the state or of a political subdivision
33 thereof shall be a contractual relationship between the employee
34 and employer, and the state shall guarantee any benefits payable
35 to a member of the system or to his lawful beneficiary at his
(C) Compensation for Surviving Spouses and Children of Law Enforcement Officers and Firemen. The legislature shall establish a system, including the expenditure of public funds, for compensating the surviving spouses and dependent children of law enforcement officers, firemen, and personnel, as may be defined by law, who suffer death or who suffered death before the effective date of this constitution, but not earlier than July 1, 1972, as a result of injury sustained in the performance of official duties or while engaged in the protection of life or property while on or off duty.

(D) Retirement Systems; Notice of Intention to Propose Amendments or Change; Publication. No proposal to amend or effect any change in existing laws or provisions of the constitution relating to any retirement system in this state shall be introduced into the legislature unless notice of intention to introduce such proposal shall have been published, without cost to the state, in the official state journal on two separate days, the last day of which is at least thirty days prior to the introduction of such a bill into the legislature. The notice shall state the substance of the contemplated law or proposal to amend the constitution. Every such bill shall contain a recital that the notice has been given.

COMMITTEE PROPOSAL No. 12—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Armentor, Carmouche, Corne, Cowen, Flory, Grier, Haynes, Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Robinson, Segura, Silverberg, Sutherland, Thistlethwaite, Toca and Wisham:

A PROPOSAL

Making provisions for human resources by prohibiting the leasing of convicts and the employment of convicts in competition with private enterprise and by providing for reimbursement to parishes for expenses incurred resulting from crimes committed in penal institutions.

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

ARTICLE VII, SECTION 1. PENAL INSTITUTIONS AND CONVICT LABOR

Section 1. (A) State Penal Institutions; Reimbursement of Parish Expense. In parishes in which are located penal institutions of the State of Louisiana, the expenses incurred by the parish arising from crimes committed in such institutions or by the inmates or employees thereof shall be reimbursed by the state.

(B) Convict Labor. No convict sentenced to the state penitentiary shall ever be leased, or hired to any person or persons, or corporation, private or public, or quasipublic. No convict sentenced to the state penitentiary shall ever be employed in any enterprise in competition with private enterprise.
First Enrollment

CC-1005

Constitutional Convention of Louisiana of 1973

COMMITTEE PROPOSAL NUMBER 12

Introduced by Delegate Aetker, Chairman, on behalf of
the Committee on Education and Welfare, and Delegates
Armentor, Carmouche, Corne, Cowen, Flory, Grier, Haynes,
Hernandez, Landry, Leithman, Lennox, Rachal, Riecke,
Robinson, Segura, Silverberg, Sutherland, Thistlethwaite,
Toca, and Wisham

A PROPOSAL

Making provisions for human resources by prohibiting the
leasing of convicts and the employment of convicts
in competition with private enterprise and by pro-
viding for reimbursement to parishes for expenses
incurred resulting from crimes committed in penal
institutions.

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

ARTICLE VII. HUMAN RESOURCES

Section 1. Penal Institutions

Section 1 (A). State Penal Institutions; Reimbursement
of Parish Expense. In parishes in which are located penal
institutions of the State of Louisiana, the expenses incurred
by the parish arising from crimes committed in such institutions
or by the inmates thereof shall be reimbursed by the state.
Committee Proposal No. 14—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Armentor, Carmouche, Corne, Cowen, Flory, Grier, Haynes, Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Robinson, Segura, Silverberg, Sutherland, Thistlethwaite, Toca and Wisham:

A PROPOSAL

Making provisions for human resources through a system of economic security, social welfare, unemployment compensation, and public health.

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

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


COMMITTEE PROPOSAL No. 15—

1. Introduced by Delegate Rayburn, Chairman, on behalf of the Committee on Revenue, Finance and Taxation, and Delegates Alario, Badeaux, Brown, Champagne, Chehardy, Cornroy, De Blieux, Edwards, Fontenot, Lowe, McDaniel, Maubert, Mire, Newton, Nunez, Planchard, Roemer, Schmitt, Slay, Smith, Triche and Winchester:

A PROPOSAL

2. Relative to the tax structure of the state and to public finance.

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

ARTICLE XI. REVENUE AND FINANCE

4. Section 1. Power to Tax; Public Purpose

5. Section 1. The power of taxation shall be vested in the legislature, shall never be surrendered, suspended, or contracted away, and shall be imposed for public purposes only.

6. Section 2. Power to Tax; Limitation

7. Section 2. The levy of a new tax and any increase in an existing tax and any repeal of an existing exemption from a tax shall require the favorable vote of two-thirds of the members elected to each house of the legislature, as evidenced by a recorded vote. A like vote shall be necessary for the adoption of amendments to bills proposing the same and to reports of conference committees.

8. Section 3. Collection and Refund of Taxes

9. Section 3. The collection of taxes shall not be restrained, and procedures shall be provided for the recovery of illegal taxes paid.

10. Section 4. Limitations on Taxing Power; Graduated Rates, Severance Tax, and Subdivisions of the State

11. Section 4. (A) Equal and uniform taxes may be levied upon net incomes, and such taxes may be graduated according to the amount of net income; however, the state individual income tax rate on the first ten thousand dollars of taxable income for single return or twenty thousand dollars of taxable income for joint return shall not exceed two percent.

12. (B) Taxes may be levied on natural resources severed from the soil or water, to be paid proportionately by the owners thereof at the time of severance. Natural resources may be classified for the purpose of taxation, and such taxes may be predicated upon either the quantity or value of the products at the time and place of severance. No further or additional tax or license shall be levied or imposed upon oil, gas, or sulphur leases or rights, nor shall any additional value be added to the assessment of land by reason of the presence of oil, gas, or sulphur therein or their production therefrom. Likewise, severance taxes shall be the only tax on timber; however, standing timber shall be and remain liable equally with the land on which it stands for ad valorem taxes levied on said land.

13. (C) Political subdivisions of the state shall not levy taxes on income, natural resources severed from soil or water, or motor fuel. Any occupational license taxes levied by a political subdivision shall not be greater than those imposed by the state, and the total amount of any occupational license tax levied by a parish shall be reduced by the amount of any municipal occupational license tax levied.

14. (D) Three-fourths of the timber severance tax, one-third of the sulphur severance tax, one-fifth of the severance tax on all other natural resources severed from the soil or water, and one-tenth of the royalties from mineral leases on state-owned property shall be remitted to the governing authority of the parish in which severance occurs or in which produc-
Section 5. Annual Motor Vehicle License Tax

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 6. Forestry

Forestry shall be practiced in this state, and the legislature shall enact laws therefor.

Section 7. State Debt; Full Faith and Credit Obligations

The state shall have no power to contract, directly or through any state board, agency, or commission, the incurring of debt or the issuance of bonds except upon the affirmative vote of two-thirds of the members elected to each house of the legislature, and then only if the funds are to be used to repel invasion; suppress insurrection; provide relief from natural catastrophes; refund outstanding indebtedness, but only to obtain a lower effective rate of interest; or make capital improvements, but only in accordance with a comprehensive capital budget, which the legislature shall adopt.

If the purpose is to make capital improvements, the nature, location, and if more than one project, the amount allocated to each and the order of priority shall be stated in the comprehensive capital budget which the legislature adopts.

The full faith and credit of the state shall be pledged to the repayment of all bonds or other evidences of indebtedness issued by the state directly or through any state board, agency, or commission.

(D) The legislature, by two-thirds affirmative vote of the members elected to each house thereof, may propose a statewide public referendum for the incurrence of debt for any purpose for which the legislature is not herein authorized to incur debt.

Section 8. State Debt; Interim Emergency Board

(A) The Interim Emergency Board hereby is created and shall be composed of the governor, the state treasurer, the legislative auditor, the chairman of the Senate Finance Committee, and the chairman of the House Appropriations Committee, or their designees.

(B) During the interim between sessions of the legislature, whenever it is determined by majority vote of the Interim Emergency Board that an emergency exists, and then only for a purpose for which the legislature may appropriate funds, after having obtained, as provided by law, the written consent of two-thirds of all members elected to each house of the legislature, the Interim Emergency Board may appropriate from the State General Fund, or borrow upon the full faith and credit of the state an amount to care for an emergency, which is an event or occurrence not reasonably anticipated by the legislature.

(C) The aggregate of indebtedness outstanding at any one time and the amount appropriated from the State General Fund for the current fiscal year under the authority of this section shall not exceed one-tenth of one percent of total state revenue receipts for the previous fiscal year.

(D) Each fiscal year, as a first priority, there hereby is allocated from the State General Fund an amount sufficient

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to pay any indebtedness incurred during the preceding fiscal year under the authority of this Section.

Section 9. State Debt; Maximum Debt Service Expense for All Purposes

Section 9. The legislature shall enact no law authorizing the incurrence of state debt, whether contracted directly by the state or indirectly through a state board, agency, or commission, if incurrence of the indebtedness would result in total annual debt service requirements on all state obligations, whether outstanding or authorized and unissued, exceeding an amount equal to fifteen percent of the average total revenues from state sources available for debt service for the preceding three years.

Section 10. State Debt; Political Subdivisions of the State; Issuance and Sale of Obligations; State Bond Commission; Approval Required

Section 10. (A) The State Bond Commission hereby is created and its membership and authority shall be determined by the legislature.

(B) No bonds or other obligations shall be issued or sold by the state, directly or through any state board, agency, or commission, or by any political subdivision of the state, unless prior written approval of the State Bond Commission is obtained.

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 grants or donations or other forms of assistance when the terms and conditions thereof require otherwise, and except money received by trade or professional associations.
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1 in federal programs.
2 (E) No appropriation shall be made under the head or
3 title of contingent, nor shall an appropriation be made ex-
4 cept for public purposes.
5 Section 13. Management of State Funds; Budgets
6 Section 13. (A) The governor shall submit to the legisla-
7 ture, at a time fixed by law, a budget estimate for the next
8 fiscal year setting forth all proposed state expenditures and
9 anticipated state revenues, and shall submit a general appro-
10 priation bill to authorize the proposed ordinary operating ex-
11 penditures and, if necessary, a bill or bills containing recom-
12 mendations in the budget for new or additional revenues.
13 (B) The governor shall submit to each regular session of
14 the legislature a proposed five-year capital outlay program
15 with a request for implementation of the first year of the
16 five-year program. All capital outlay projects approved by
17 the legislature shall be made a part of the comprehensive
18 state capital budget which shall be adopted by the legislature.
19 Section 14. Management of State Funds; Public Record
20 Section 14. All reports and records of the collection, ex-
21 penditure, investment, and use of state moneys and all re-
22 ports and records relating to state obligations shall be
23 matters of public record, except returns of taxpayers and
24 matters pertaining thereto.
25 Section 15. Management of State Funds; Investment
26 Section 15. All money available for investment in the cus-
27 tody of the state treasurer shall be invested as provided by
28 law.
29 Section 16. Management of State Funds; Loan or Pledge
30 of Public Credit; Relief of Destitute; Donation; Transfer of
31 Property; Leasing of Health Institutions
32 Section 16. (A) The funds, credit, property or things of

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Section 18. The legislature may enact legislation to enable the state, its agencies, boards, and commissions, and political subdivisions of the state and their agencies to comply with federal laws and regulations in order to secure federal participation in the cost of capital improvement projects.
upon net incomes, and such taxes may be graduated according to the amount of net income; however, the state individual income tax rate on the first ten thousand dollars of taxable income for single return or twenty thousand dollars of taxable income for joint return shall not exceed two percent.

(B) Taxes may be levied on natural resources severed from the soil or water, to be paid proportionately by the owners thereof at the time of severance. Natural resources may be classified for the purpose of taxation, and such taxes may be predicated upon either the quantity or value of the products at the time and place of severance. No further or additional tax or license shall be levied or imposed upon oil, gas, or sulphur leases or rights, nor shall any additional value be added to the assessment of land by reason of the presence of oil, gas, or sulphur therein or their production therefrom.

However sulphur in place shall be assessed for ad valorem taxation to the person, firm or corporation having the right to mine or produce the same in the Parish where located, at no more than twice the total assessed value of the physical property subject to taxation excluding the assessed value of sulphur above ground, in such parish as is used in sulphur operations. Likewise, severance taxes shall be the only tax on timber; however, standing timber shall be and remain liable equally with the land on which it stands for ad valorem taxes levied on said land.

(C) Political subdivisions of the state shall not levy severance taxes, income taxes or taxes on motor fuel.

(D) Three-fourths of the timber severance tax, one-third of the sulphur severance tax, one-fifth of the severance tax on all other natural resources severed from the soil or water, and one-tenth of the royalties from mineral leases on state-owned property shall be remitted to the governing authority of the parish in which severance occurs or in which production is had, but the amount of severance tax on sulphur so remitted shall not exceed one hundred thousand dollars to any parish for any year, and the amount of severance tax on all natural resources severed from the soil or water so remitted shall not exceed two hundred thousand dollars to any parish for any year.

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 6. Forestry

Section 6. Forestry shall be practiced in this state, and the legislature shall enact laws therefor.

Section 7. State Debt; Full Faith and Credit Obligations

Section 7. (A) Unless otherwise authorized by this constitution, the state shall have no power to contract, directly or through any state board, agency, or commission, the incurring of debt or the issuance of bonds except upon the affirmative vote of two-thirds of the members elected to each house of the legislature, and then only if the funds are to be used to repel invasion; suppress insurrection; provide relief from natural catastrophes; refund outstanding indebtedness, but only to obtain a lower effective rate of interest; or make capital improvements, but only in accordance with a comprehensive capital budget, which the legislature shall adopt.

(B) If the purpose is to make capital improvements, the nature, location, and if more than one project, the amount allocated to each and the order of priority shall be stated in
the comprehensive capital budget which the legislature adopts.

2. (C) The full faith and credit of the state shall be pledged
to the repayment of all bonds or other evidences of indebted-
ness issued by the state directly or through any state board,
agency, or commission.

6. (D) The legislature, by two-thirds affirmative vote of the
members elected to each house thereof, may propose a state-
wide public referendum for the incurrence of debt for any
purpose for which the legislature is not herein authorized
to incur debt.

11. Section 8. State Debt; Interim Emergency Board
12. Section 8. (A) The Interim Emergency Board hereby is
created and shall be composed of the governor, the state trea-
surer, the legislative auditor, the chairman of the Senate
Finance Committee, and the chairman of the House Approp-
riations Committee, or their designees.

17. (B) During the interim between sessions of the legislature,
whenever it is determined by majority vote of the Interim
Emergency Board that an emergency exists, and then only
for a purpose for which the legislature may appropriate funds,
after having obtained, as provided by law, the written con-
sent of two-thirds of all members elected to each house of
the legislature, the Interim Emergency Board may appro-
priate from the State General Fund, or borrow upon the full
faith and credit of the state an amount to care for an emer-
gency, which is an event or occurrence not reasonably antici-
pated by the legislature.

28. (C) The aggregate of indebtedness outstanding at any one
time and the amount appropriated from the State General
Fund for the current fiscal year under the authority of this
Section shall not exceed one-tenth of one percent of total
state revenue receipts for the previous fiscal year.

(D) Each fiscal year, as a first priority, there hereby is
allocated from the State General Fund an amount sufficient
to pay any indebtedness incurred during the preceding fiscal
year under the authority of this Section.

5. Section 9. State Debt; Maximum Debt Service Expense for
All Purposes
7. Section 9. The legislature shall enact no law authorizing
the incurrence of state debt, whether contracted directly by
the state or indirectly through a state board, agency, or com-
mission, if incurrence of the indebtedness would result in
total annual debt service requirements on all state obliga-
tions, whether outstanding or authorized and unissued, ex-
ceeding an amount equal to fifteen percent of the average
total revenues from state sources available for debt service
for the preceding three years.

10. Section 10. State Debt; Political Subdivisions of the State;
Issuance and Sale of Obligations; State Bond Commission;
Approval Required
19. Section 10. (A) The State Bond Commission hereby is
created and its membership and authority shall be deter-
mined by the legislature.

22. (B) No bonds or other obligations shall be issued or sold
by the state, directly or through any state board, agency, or
commission, or by any political subdivision of the state, un-
less prior written approval of the State Bond Commission is
obtained.

27. (C) Limited Time for Contesting State Bonds. Bonds,
notes, certificates, or other evidence of indebtedness (here-
after referred to collectively as "bonds") shall not be invalid
for any irregularity or defect in the proceedings or the issu-
ance and sale thereof, and shall be incontestible in the hands
of a bona fide purchaser or holder thereof. The issuing agency,
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 re-
quire otherwise, shall be credited to a special fund designated
as the Bond Security and Redemption Fund. In each fiscal
year there hereby is allocated from the Bond Security and
Redemption Fund an amount sufficient to pay all obligations,
including but not necessarily limited to principal, interest,
premiums, sinking or reserve fund requirements, which are
secured by the full faith and credit of the state and which
become due and payable within the current fiscal year.

Thereafter, all money remaining in the Bond Security and
Redemption Fund shall be credited to the State General Fund.

Section 12. Expenditure of State Funds

Section 12. (A) Money shall be drawn from the state
treasury only pursuant to an appropriation made in accor-
dance with law.

(B) Total appropriations made by the legislature for any
fiscal year shall not be greater than the anticipated revenues
of the state.

(C) The legislature shall provide for the publication of a
regular statement of receipts and expenditures of all state
money at intervals of not more than one year.

(D) Except as otherwise provided in this constitution, no
appropriation shall allocate to any object the proceeds of
any particular tax or a part or percentage thereof except
when required by the federal government for participation
in federal programs.
Reprinted as Engrossed

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1 (E) No appropriation shall be made except for public
2 purposes.
3 4 Section 13. Management of State Funds; Budgets
5 6 Section 13. (A) The governor shall submit to the legisla-
7 ture, at a time fixed by law, a budget estimate for the next
8 fiscal year setting forth all proposed state expenditures and
9 anticipated state revenues, and shall submit a general appro-
10 priation bill to authorize the proposed ordinary operating ex-
11 penditures and, if necessary, a bill or bills containing recom-
12 mendations in the budget for new or additional revenues.
13 (B) The governor shall submit to each regular session of
14 the legislature a proposed five-year capital outlay program
15 with a request for implementation of the first year of the
16 five-year program. All capital outlay projects approved by
17 the legislature shall be made a part of the comprehensive
18 state capital budget which shall be adopted by the legislature.
19 20 Section 14. Management of State Funds; Public Record
21 22 Section 14. All reports and records of the collection, ex-
23 penditure, investment, and use of state moneys and all re-
24 ports and records relating to state obligations shall be
25 matters of public record, except returns of taxpayers and
26 matters pertaining thereto.
27 28 Section 15. Management of State Funds; Investment
29 30 Section 15. All money available for investment in the cus-
31 tody of the state treasurer shall be invested as provided by
32 law.
33 34 Section 16. Management of State Funds; Prohibition of
35 Loan, Pledge, or Donation of Public Property; Exception
36 for Public Purpose
37 38 Section 16. (A) The funds, credit, property or things of
39 value of the state, or of any political corporation thereof,
40 shall not be loaned, pledged, or donated to or for any person

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Section 18. The legislature may enact legislation to enable the state, its agencies, boards, and commissions, and political subdivisions of the state and their agencies to comply with federal laws and regulations in order to secure federal participation in the cost of capital improvement projects.

ARTICLE XI. REVENUE AND FINANCE

Section 1. Power to Tax; Public Purpose

Section 1. Except as otherwise provided in this constitution, the power of taxation shall be vested in the legislature, shall never be surrendered, suspended, or contracted away, and shall be imposed for public purposes only.

Section 2. Power to Tax; Limitation

Section 2. The levy of a new tax or any increase in an existing tax or any repeal of an existing exemption from a tax shall require the favorable vote of two-thirds of the members elected to each house of the legislature.

Section 3. Collection of Taxes; Process to Restrain; 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
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Section 4. (A) Equal and uniform taxes may be levied upon net incomes, and such taxes may be graduated according to the amount of net income; however, the state individual and joint income tax schedule of rates shall never exceed the rates presently set forth in Title 47, Section 32 of the Louisiana Revised Statutes. Federal income taxes paid shall be allowed as a deductible item in computing state income taxes paid during the same period.

(B) Taxes may be levied on natural resources severed from the soil or water, to be paid proportionately by the owners thereof at the time of severance. Natural resources may be classified for the purpose of taxation, and such taxes may be predicated upon either the quantity or value of the products at the time and place of severance. No further or additional tax or license shall be levied or imposed upon oil, gas, or sulphur leases or rights, nor shall any additional value be added to the assessment of land by reason of the presence of oil, gas, or sulphur therein or their production therefrom. However sulphur in place shall be assessed for ad valorem taxation to the person, firm or corporation having the right to mine or produce the same in the Parish where located, at no more than twice the total assessed value of the physical property subject to taxation excluding the assessed value of sulphur above ground, in such parish as is used in sulphur operations. Likewise, severance taxes shall be the only tax on timber; however, standing timber shall be and remain liable equally with the land on which it stands for ad valorem taxes levied on said land.

(C) Political subdivisions of the state shall not levy severance taxes, income taxes or taxes on motor fuel.

(D) Three-fourths of the timber severance tax, one-third of the sulphur severance tax, one-fifth of the severance tax on all other natural resources severed from the soil or water, and one-tenth of the royalties from mineral leases on state-owned property shall be remitted to the governing authority of the parish in which severance occurs or in which production is had, but the amount of severance tax on sulphur so remitted shall not exceed one hundred thousand dollars to any parish for any year, and the amount of severance tax on all other natural resources except timber severed from the soil or water so remitted shall not exceed five hundred thousand dollars to any parish for any year.

Section 5. Annual Motor Vehicle License Tax

Section 5. The legislature shall impose an annual license tax of three dollars on automobiles for private use, and on other motor vehicles, an annual license tax based upon horsepower, carrying capacity, or weight, any or all. No parish or municipality may impose any license fee on motor vehicles.

Section 7. State Debt; Full Faith and Credit Obligations

Section 7. (A) Unless otherwise authorized by this constitution, the state shall have no power, directly or indirectly, or through any state board, agency, commission or otherwise, to incur debt or to issue bonds except upon the affirmative vote of two-thirds of the members elected to each house of the legislature, and then only if the funds are to be used to repel invasion; suppress insurrection; provide relief from natural catastrophes; refund outstanding indebtedness at the same or at a lower effective rate of interest; or make capital improvements, but only in accordance with a comprehensive capital budget, which the legislature shall adopt. Legislative approval may be obtained only during open session except as otherwise provided in this constitution.

(B) If the purpose is to make capital improvements, the nature, location, and if more than one project, the amount allocated to each and the order of priority shall be stated in the comprehensive capital budget which the legislature adopts.

(C) The full faith and credit of the state shall be pledged to the repayment of all bonds or other evidences of
indebtedness issued by the state directly or through any
state board, agency, or commission.
(D) The legislature, by two-thirds affirmative vote
of the members elected to each house thereof, may propose
a statewide public referendum for the Incurrence of debt for
any purpose for which the legislature is not herein authorized
5 to incur debt.
(E) Nothing contained in this Section shall apply to any
levee district, any political subdivision or local public agency
unless the full faith and credit of the state is pledged to the
payment of the bonds of such levee district or political subdivision.

Section B. State Debt; Interim Emergency Board
Section B. (A) The Interim Emergency Board hereby is created
and shall be composed of the governor, the lieutenant governor,
the state treasurer, the presiding officers of both houses of the
legislature, the chairman of the Senate Finance Committee, and
the chairman of the House Appropriations Committee, or their
designees.

(B) During the interim between sessions of the legis-
lature, whenever it is determined by majority vote of the
Interim Emergency Board that an emergency exists, and then
only for a purpose for which the legislature may appropriate
funds, after having obtained, as provided by law, the written
consent of two-thirds of all members elected to each house of
the legislature, the Interim Emergency Board may appropriate
from the State General Fund, or borrow upon the full faith and
credit of the state an amount to care for an emergency, which
is an event or occurrence not reasonably anticipated by the
legislature.
(C) The aggregate of indebtedness outstanding at
any one time and the amount appropriated from the State
General Fund for the current fiscal year under the author-
ity of this Section shall not exceed one-tenth of one
percent of total state revenue receipts for the previous
fiscal year.

(D) Each fiscal year, as a first priority, there
hereby is allocated from the State General Fund an amount
sufficient to pay any indebtedness incurred during the
preceding fiscal year under the authority of this Section.

Section 10. State Debt; Political Subdivisions of the
State; Issuance and Sale of Obligations; State Bond
Commission; Approval Required
Section 10. (A) The State Bond Commission hereby is
created and its membership and authority shall be determined
by the legislature.

(B) No bonds or other obligations shall be issued or
sold by the state, directly or through any state board,
agency, or commission, or by any political subdivision of
the state, unless prior written approval of the State Bond
Commission is obtained.

(C) Limited Time for Contesting State Bonds. Bonds,
notes, certificates, or other evidence of indebtedness of the state
(hereafter referred to collectively as "bonds") shall not
be invalid for any irregularity or defect in the proceedings
or the issuance and sale thereof, and shall be incontestible
in the hands of a bona fide purchaser or holder thereof. The
issuing agency, after authorizing the issuance of bonds by
resolution, shall publish once in the official journal of the
state as provided by law a notice of intention to issue the bonds
and a description thereof and the security therefor and for a
period of thirty days only after such publication any person in
interest shall have the right to contest the legality of said
resolution and any provision therein of the bonds to be issued
pursuant thereto and the provisions securing the bonds and the
validity of all other provisions and proceedings in connec-
tion with the authorization and issuance of the bonds.

If such action or proceedings shall not have been instituted
within the said 30 day period, no one shall have any right
of action to contest the validity of the bonds or the
provisions of the resolution pursuant to which the bonds
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1 were issued or the security of the bonds or the validity
2 of any other provisions or proceedings in connection with
3 the authorization and issuance of the bonds and all the
4 bonds conclusively shall be presumed to be legal, and no court
5 thereafter shall have authority to inquire into such matters.
6
7 Section 11. Collection of State Funds; Bond Security
8 and Redemption Fund
9
10 Section 11. All money received by the state or by
11 any state board, agency, or commission, immediately upon
12 receipt, shall be deposited in the state treasury, except
13 money received as the result of grants or donations or other
14 forms of assistance when the terms and conditions thereof
15 or of agreements pertaining thereto require otherwise, and
16 except money received by trade or professional associations,
17 the employment security administration fund or its
18 successor, retirement system funds and except money received
19 by state agencies operating under authority of this constitution
20 preponderantly from fees and charges for the shipment of goods
21 in international maritime trade and commerce.
22
23 Subject to contractual obligations existing at the
24 time this constitution is adopted, all state money
25 deposited in the state treasury, except money received as
26 the result of grants or donations or other forms of assistance
27 when the terms and conditions thereof or of agreements pertain-
28 ing thereto require otherwise, shall be credited to a special
29 fund designated as the Bond Security and Redemption Fund. In
30 each fiscal year there hereby is allocated from the Bond
31 Security and Redemption Fund an amount sufficient to pay all
32 obligations, including but not necessarily limited to principal,
33 interest, premiums, sinking or reserve fund requirements, which
34 are secured by the full faith and credit of the state and which
35 become due and payable within the current fiscal year. Thereafter,
36 except as otherwise provided by law, all money remaining in the
37 Bond Security and Redemption Fund shall be credited to the State
38 General Fund.

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1 Nothing contained in this Section shall apply to any levee
2 district or to any political subdivision unless the full
3 faith and credit of the state is pledged to the payment of
4 the bonds of such levee district or political subdivision.
5
6 Section 12. Expenditure of State Funds
7
8 Section 12. (A) Except as otherwise provided in this
9 constitution, money shall be drawn from the state
10 treasury only pursuant to an appropriation made in accor-
11 dance with law.
12
13 (B) Total appropriations made by the legislature for
14 any fiscal year shall not be greater than the anticipated
15 revenues of the state.
16
17 (C) The legislature shall provide for the publication of
18 a regular statement of receipts and expenditures of all state
19 money at intervals of not more than one year.
20
21 (D) No appropriation shall be made except for public
22 purposes.
23
24 Section 13. Management of State Funds; Budgets
25
26 Section 13. (A) The governor shall submit to the
27 legislature, at a time fixed by law, a budget estimate for
28 the next fiscal year setting forth all proposed state expen-
29 ditures and anticipated state revenues, and shall cause to be
30 submitted a general appropriation bill to authorize the proposed
31 ordinary operating expenditures and, if necessary, a bill or bills
32 containing recommendations for new or additional revenues.
33
34 (B) The governor shall submit to each regular session
35 of the legislature a proposed five-year capital outlay pro-
36 gram with a request for implementation of the first year of
37 the five-year program. All capital outlay projects ap-
38 proved by the legislature shall be made a part of the com-
39 prehensive state capital budget which shall be adopted by
40 the legislature.
41
42 Section 14. Management of State Funds; Public Record
43
44 Section 14. All reports and records of the collection,
45 expenditure, investment, and use of state moneys and all
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1 reports and records relating to state obligations shall be
2 matters of public record, except returns of taxpayers and
3 matters pertaining thereto.
4 Section 15. Management of State Funds; Investment
5 Section 15. All money available for investment in
6 the custody of the state treasurer shall be invested as
7 provided by law.
8 Section 16. Management of State Funds; Donation, Loan,
9 or Pledge of Public Credit
10 Section 16. (A) Except as otherwise provided in this
11 constitution, the funds, credit, property or things of value
12 of the state, or of any political subdivision thereof, shall
13 not be loaned, pledged, or donated to or for any person or
14 persons, associations or corporations, public or private, nor
15 shall the state nor any political subdivision purchase or
16 subscribe to the capital stock or stock of any corporation or
17 association whatever or for any private enterprise.
18 (B) Nothing contained in this Section shall prevent:
19 (1) the use of public funds for programs of social welfare
20 for the aid and support of the needy; (2) contributions of
21 public funds to pension and insurance programs for the benefit
22 of public employees; (3) the legislature from authorizing the
23 pledge of such funds, credit, property, or things of value
24 for public purposes with respect to the issuance of bonds
25 or other evidences of indebtedness to meet public obligations.
26 (C) Funds, credit, property or things of value of the
27 state or of any political subdivision thereof hereetofore loaned,
28 pledged, dedicated or granted by the prior laws of this state,
29 or authorized to be loaned, pledged, dedicated or granted by
30 the prior laws and constitution of this state, shall so remain
31 for the full term as provided by the prior laws and constitution
32 and for the full term as provided by any contract, unless such
33 authorization is revoked by the legislature by a two-thirds vote
34 of the elected membership of each house of the legislature prior
35 to the vesting of any contractual rights pursuant to this

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1 Section.
2 (D) The state and its political corporations may, for a
3 public purpose, engage in cooperative endeavors with each other
4 or with the United States or its agencies, or with any public
5 or private association or corporation or individual.
6 Section 17. Release of Obligation to State, Parish
7 or Municipal Corporation; Taxes on Confiscated
8 Property
9 Section 17. (A) The legislature shall have no power to
10 release or extinguish or to authorize the releasing or
11 extinguishment, in whole or in part, of the indebtedness,
12 liability, or obligation of any corporation or individual
13 to the state, or to any parish or municipal corporation
14 thereof, provided, that the legislature may establish a
15 system whereby claims by the state or political subdivisions
16 may be compromised, and provided, that the heirs to confiscated
17 property may be released from all taxes due thereon at the date
18 of its reversion to them; and provided that, whenever any
19 immovable property has been forfeited or adjudicated to
20 the state for the nonpayment of taxes due prior to January
21 1, 1860, and the state did not sell or dispose of the same
22 or dispossess the tax debtor or his heirs, successors, or
23 assigns prior to the adoption of the Constitution of 1921, it
24 shall be presumed conclusively that such forfeiture or
25 adjudication was irregular and null or that the property has
26 been redeemed, and the state and its assigns shall be estopped
27 forever from setting up any title to such property by virtue
28 of such forfeiture or adjudication.
29 (B) All taxes and licenses, other than real property
30 taxes, shall prescribe in three years from the thirty-first day
31 of December in the year in which such taxes or licenses are due,
32 but prescription may be interrupted or suspended as provided by
33 law. No state, district, parish, or other tax, license, fee or
34 assessment of any kind or nature, with all interest charges and
35 penalties appertaining thereto, imposed, due or collectible,
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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 estab-
lished and defined by the Act of Congress of April 8, 1812,
which admitted this state into the Union, and as re-defined
in Act 33 of the 1954 Legislature of Louisiana, shall prescribe
until three years after the 31st day of December in the year
in which the controversy existing between the United States
and the State of Louisiana over its said state gulfward boundary
shall have been finally resolved and settled in accordance with
law; provided, however, no interest charges nor penalties shall
be assessed or collected on any such tax, license, fee or
assessment if such tax, license, fee or assessment is paid
within one year after the 31st day of December in the year in
which such controversy is finally resolved and settled.
Section 18. Legislation to Enable Compliance with
Federal Laws and Regulations to Secure Federal Aid
in Capital Improvement Projects
Section 18. The legislature may enact legislation to
enable the state, its agencies, boards, and commissions, and
political subdivisions of the state and their agencies to
comply with federal laws and regulations in order to secure
federal participation in the cost of capital improvement
projects.

Constitutional Convention of Louisiana of 1973

CC-1008

COMMITTEE PROPOSAL No. 16—

1

Introduced by Delegate Lambert, Chairman, on behalf
of the Committee on Natural Resources and Environment,
and Delegates Bollinger, Derbes, Elkins, Guidry, Hardee,
Jack, LeBlu, Leigh, Miller, Munson, Perkins, Singley,
Thompson, Velazquez, Warren and Womack

A PROPOSAL

Making provisions relating to natural resources and environ-
ment.

Be it adopted by the Constitutional Convention of Lou-
isisana of 1973:

ARTICLE VIII NATURAL RESOURCES

Section 1. Alienation of Water Bottoms; Reservation of
Mineral Rights

Section 1. The legislature shall neither alienate nor au-
therize the alienation of the beds of navigable water bodies
except for purposes of reclamation by the riparian owner
to recover land lost through erosion occurring subsequent
to the date of adoption of this constitution, provided such
reclamation is effected within ten years from the date
on which the erosion occurs. Except as provided herein,
no bed of any navigable water body may be reclaimed
except for public use. 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
re redeem property sold or adjudicated to the state for taxes.
This shall not prevent the leasing of such lands for mineral
or other purposes.

Section 2. Royalty Road Fund

Section 2. From all mineral leases to be granted by the
state, as well as from all mineral leases heretofore granted
by the state on state-owned land, lake and riverbeds, and
other water bottoms belonging to the state or the title
to which is in the public for mineral development, it is
hereby provided that ten percent of the royalties received
by the state from such lease or leases shall be placed,
by the state treasurer, as received, in a special fund to
the credit of the parish from which the production is had,
said fund to be known as Royalty Road Fund and that
said money so accumulated in said Royalty Road Fund
to the credit of said parish in which the production is
had, shall be subject to withdrawal by the State Depart-
ment of Highways, or its successor, for the purpose and
shall be used exclusively by said department or the suc-
cessor thereof for the building and constructing of black-
top, concrete or other hard-surfaced roads, highways,
bridges, and tunnels in said parish, and to purchase, op-
erate, and maintain automobile ferries in said parish.
Section 3. Minerals Beyond Three-Mile Limit
Section 3. All revenues and royalties of every nature and
kind obtained from minerals of all kinds located beyond
the three-mile limit of the coastal waterways of the State
of Louisiana, shall be the property of the State of Louisi-
siana, and all funds derived therefrom shall be deposited
in the state treasury and dedicated to the retirement and
payment of all existing bonded indebtedness of the State
of Louisiana.
Section 4. Tideland Mineral Revenues; Use of Funds
Section 4. Notwithstanding any other provision of the
constitution or of the laws of this state, all funds received
by the State of Louisiana during the calendar year 1966
and thereafter from revenues derived from tidelands mineral
leases and now or hereafter held in escrow under an agree-
ment executed by and between the State of Louisiana and
the United States government pending settlement of the
claims of the State of Louisiana with regard to its portion
of such revenues, but not including any portion of such
funds derived from royalties received by the state from
mineral leases which are required to be placed in the
Royalty Road Fund to the credit of the parish from which
production is had and not including any portion of such
funds now dedicated or allocated to public education pur-
poses, shall be credited by the state treasurer to a special
fund in the state treasury.
So much of the monies credited to the special fund here-
above provided for as are needed for the purpose shall
be expended by the state treasurer, when authorized and
directed to do so by the Board of Liquidation of the State
Debt, to purchase and retire in advance of maturity the
callable bonds or other evidences of indebtedness of the
State of Louisiana or its agencies, boards, and commis-
sions. Monies thereafter remaining on deposit in said special
fund, which cannot be expended immediately for the purpose
hereinabove provided, shall be invested by the state trea-
surer, in such amounts as he in his discretion may deem
advisable and in the best interest of the state. Such funds,
including any interest earned thereon, shall be invested
and reinvested in time certificates of deposit in state banks
organized under the laws of Louisiana or national banks
having their principal office in the State of Louisiana and
in short-term United States Treasury bills and in bonds
and other direct obligations of the United States govern-
ment.
Out of the total funds remaining in the said special
fund on the last day of each calendar year there shall
be set aside such amount as is needed to pay the prin-
Section 7. The wildlife of the state, including wild game and nongame quadrupeds or animals, game, oysters, fish and other aquatic life, are hereby placed under the control and supervision of Louisiana Wildlife and Fisheries Commission, consisting of seven members, appointed by the governor, six of whom shall serve for a term of six years, and one of whom shall serve for a term concurrent with the term of the governor. Three shall be electors of the coastal parishes and representatives of the commercial fishing parishes and representatives of the commercial fishing industries, and three shall be electors from the state at large.

No member shall be eligible for reappointment who shall have served for as many as six years or more.

The specific functions, duties, and responsibilities of the commission and the compensation of its members shall be as provided by the legislature.

Section 8. Forestry Commission

Section 8. The practice of forestry in the State of Louisiana is hereby placed under a Louisiana Forestry Commission, which is hereby established in the Executive Department.

The Louisiana Forestry Commission shall consist of seven members, five of which are to be appointed by the governor for terms of five years each, and two, namely the head of the Department of Forestry at Louisiana State University and Agricultural and Mechanical College and the director of Wildlife and Fisheries, who shall serve as ex officio members of the commission by virtue of their offices. Two of the members shall be owners or executive managers of interests owning and operating timberlands; one shall be the owner of farm lands interested in reforestation; one shall be a pulp and paper mill owner or executive manager; and the fifth shall be the owner or executive manager of interests manufacturing or treating
poles, piling, posts, crossties, or veneer.

Section 9. State Forester

Section 9. A state forester shall be appointed by the
Louisiana Forestry Commission, and he must be a graduate
of forestry from an accredited school and have at least
four years of forestry experience in the South.

Section 10. Public Service Commission

Section 10. The Public Service Commission is hereby
created to consist of five members elected at the time
fixed for congressional election from districts established
by law for overlapping terms of six years, provided that
the legislature shall establish initial terms of less than
six years to implement said composition.

Section 11. Authority

Section 11. The commission shall regulate all common
carriers and other public utilities, adopt and enforce reason-
able rules, regulations, and procedures for the discharge
of its duties, and perform such other functions as pro-
vided by law.

Section 12. Limitations

Section 12. The commission shall have no authority to
regulate any public utility operated by the governing autho-
ry of a political subdivision except by the consent of a
majority of the electors voting in an election held for that
purpose, nor shall the commission have any authority to
regulate the price of natural gas sold for industrial use.

Section 13. Decisions; Appeal

Section 13. The commission shall render a decision on
a rate proposal within six months from the date of filing
of such proposal; otherwise, the proposed schedule may
be placed in effect by the utility under bond or other
security, in accordance with procedures to be fixed by
COMMITTEE PROPOSAL No. 17—

Introduced by Delegate Perez, Chairman, on behalf of the Committee on Local and Parochial Government, and Delegates Burson, Cannon, Chatelain, Conino, D’Gerolamo, Fowler, Giarrusso, Hayes, Heine, J. Jackson, Kean, Lanier, Reeves, Shannon, Stephenson, Taylor, Toomy, Ullu and Zervigin:

A PROPOSAL

Making general provisions for local and parochial government, levee districts, and ports, the financing thereof, and necessary provisions with respect thereto.

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

ARTICLE VI. LOCAL GOVERNMENT

PART I. GENERAL PROVISIONS

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

Section 1. (A) All parishes and their boundaries as established under existing law are recognized and ratified.

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

Section 2. Change of Parish Lines; Election

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

Section 3. New or Enlarged Parishes; Adjustment of Assets and Liabilities

Section 3. When a parish is enlarged or created from contiguous territory, it shall be entitled to a just proportion of the property and assets and shall be liable for a just proportion of the existing debts and liabilities of the parish or parishes from which the territory is taken.

Section 4. Change of Location of Parish Seat

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

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

Section 5. The legislature shall provide by general law for the incorporation, consolidation, merger, and government of municipalities. No local or special law shall be enacted to create a municipal corporation or to amend, modify, or repeal its charter. However, if a municipality is operating under a special legislative charter it may be amended, modified, or repealed by local or special law as long as such municipality continues to operate under such charter.

Section 6. Classification

Section 6. Except as provided in this constitution, the legislature may classify parishes or municipalities according to population or on any other reasonable basis related to the purpose of this classification, and legislation may be limited in its effect to any of such class or classes. However, no statute which is applicable to fewer than six parishes or municipalities.
municipalities shall become operative an any such parish or
township until approved by ordinance enacted by the
governing authority of the affected parish or township.

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

Section 7. (A) The plans of government and home rule
charters of the parishes of East Baton Rouge, Jefferson, and
Plaquemines and of the cities of New Orleans, Baton Rouge,
and Shreveport shall remain in effect, and may be amended,
modified, or repealed as provided therein. Each of them shall
retain the authority, powers, rights, privileges, and immuni-
ties granted by its charter. Each shall be subject to the
duties imposed by the applicable constitutional provisions
under which its plan or charter was adopted. Each of them
also shall enjoy such additional powers and functions as are
granted to local governmental subdivisions by provisions of
this constitution, including Sections 8 and 9 of this Article,
unless the exercise of such powers and functions is prohib-
ited by its charter.

(B) Every other home rule charter adopted or authorized
when this constitution is adopted shall remain in effect and
may be amended, modified, or repealed as provided in the
charter.

Section 8. Home Rule Charter

Section 8. (A) 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 gov-
ernmental subdivision may appoint a commission to prepare
and propose a charter, or may call an election for the pur-
pose of electing such a commission.

(B) The governing authority of any such local govern-
mental subdivision shall call an election to elect a commis-
ion to prepare and propose a charter or alternate charter
when presented with a petition signed by not less than fif-
teen percent of the electors who live within the boundaries
of the affected subdivision, as certified by the registrar of
voters.

(C) A home rule charter shall be adopted when approved
by a majority of the electors who vote on the charter prop-
osal at an election called for that purpose.

(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 subdivi-
sion 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 commis-
sion 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 govern-
mental subdivision within the boundaries of one parish may
petition for an election for such purpose consistent with
Paragraph (B) of this Section.

(E) A home rule charter adopted pursuant to the provi-
sions 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 this constitution. The
legislature shall not pass any law the effect of which
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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.

(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, includ-
ing Section 9 of this Article, unless the exercise of such
powers and functions is prohibited by its charter.

Section 9. Powers of Other Local Governmental Subdivision

Section 9. (A) Any other local governmental subdivision
may exercise any power and perform any function neces-
sary, requisite, or proper for the management of its affairs
not denied to it by its charter, by this constitution, or by
general law, including but not limited to the power (1) to
legislate upon, regulate, conduct, and control all matters of
local governmental administration; (2) to define the powers,
duties, and qualifications of parochial or municipal employ-
ees; (3) to provide for the protection of the public health,
safety, morals, and welfare; (4) to create special districts;
(5) to license; (6) to tax under the limitations provided in
this constitution or by general law; (7) to incur debt and
issue bonds, except as otherwise provided in this constitu-
tion.

(B) Any local governmental subdivision may exercise
any power or perform any function concurrently with the
state pertaining to its government and affairs to the ex-
tent that the legislature by general law does not specifically
limit the concurrent exercise of any such power or perfor-
mance of any such function or specifically declare the state's

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exercise of any such power or performance of any such
function to be exclusive except as provided in this Article.

Section 10. Powers of Local Governmental Subdivisions;
Liberal Construction

Section 10. Powers and functions of local governmental
subdivisions shall be construed liberally in favor of such
local governmental subdivisions.

Section 11. Home Rule Parish; Incorporation of Cities,
Towns, and Villages

Section 11. When two-thirds of the electors, as certified
by the registrar of voters, of an unincorporated settlement
in any parish operating under a home rule charter or a home
rule plan of government sign and present to the governor a
petition and meet other necessary requirements as set forth
under the general laws providing for the incorporation of
cities, towns, and villages, such cities, towns, and villages
may be incorporated. However, no such newly incorporated
area shall include any property previously included in any
industrial area or district.

Section 12. Limitations of Local Governmental Subdivide-
ments

Section 12. Local governmental subdivisions shall not: (1)
iccur debt payable from ad valorem tax receipts maturing
more than forty years from the time it is incurred; (2) de-
define and provide for the punishment of a felony; (3) enact
private or civil ordinances governing civil relationships.

Section 13. Local Officials

Section 13. The electors of each local governmental sub-
division shall have the exclusive right to elect the members
of their governing authority and, if a plan or form of gov-
ernment or home rule charter so provides, their chief execu-
tive officer at elections held in accordance with the election

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Page 6
Section 14. Filling of Vacancies; Appointment

Section 14. (A) Except in the office of sheriff, assessor, clerk of a district court, or coroner, a vacancy occasioned by death, resignation, or otherwise in the office of mayor, in the membership of the governing authority of a local governmental subdivision or in any other local office filled by election wholly within the boundaries of a local governmental subdivision, shall be filled by appointment by the governing authority of such local governmental subdivision in which the vacancy occurs. A vacancy in the membership of a city or parish school board shall be filled by appointment by the remaining members thereof. A tie vote on such appointment to be made by the governing authority of a local governmental subdivision or school board shall be broken by the presiding officer thereof notwithstanding the fact that he may already have voted thereon.

(B) If, at the time a vacancy occurs in an elective office for which appointment is provided in Paragraph (A) of this Section, the unexpired portion of the term of office is more than one year; a special election to fill the vacancy shall be called by the governing authority, and held without the necessity of a call by the governor, not more than six months nor less than three months, after first receipt of notice of the vacancy by the secretary of state, to be given as hereinafter provided, in the local governmental subdivision or special district thereof in which the vacancy occurred, and in such case the appointment provided for in Paragraph (A) of this Section shall be effective only until a successor is duly elected and qualified.

(C) Upon being informed of the occurrence of a vacancy in any of the offices specified in Paragraph (A) of this Section, the clerk or chief clerk of the district court in the parish where the vacancy occurred, and in the parish of Orleans the clerk or chief clerk of the criminal district court, shall, within twenty-four hours after being thus informed, notify the secretary of state in writing by registered or certified mail of the occurrence of the vacancy. Upon receipt of such notice, the secretary of state shall, within twenty-four hours after such receipt, notify in writing by registered or certified mail all election officials, including party committees and boards of supervisors of elections, having any duty to perform in connection with a special election to fill such vacancy, of the occurrence of the vacancy.

(D) Nothing in this Section shall be construed as changing the qualifications for the various offices involved and all appointments must be of persons who would otherwise be eligible to hold offices to which appointed.

(E) 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 subdivision.

(F) Vacancies occasioned by death, resignation, or otherwise in the office of sheriff, assessor, clerk of a district court, or coroner shall be filled by appointment by the governing authority of the parish at the time and in the manner provided in Paragraphs (B) and (C) of this Section.

(G) The provisions of this Section shall not apply to the office of judge of any state court of record or district attorney.
for the recall of state, district, parish, municipal, or ward officers, except judges of the courts of record, and except wherein otherwise provided by this constitution. The sole issue to be voted on at any recall election shall be whether such officers shall be recalled.

Section 16. Legislation Increasing Financial Burden of Political Subdivisions; Local Approval

Section 16. No law requiring an increase in expenditures, or a deduction from the funds of a political subdivision for salaries of local public officials or for wages, hours, working conditions, pension and retirement benefits, vacation or sick leave benefits of political subdivision employees, or an increase in commissions of or for local political subdivision offices, except a law providing for civil service, minimum wages, working conditions, and retirement benefits for firemen and 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.

Section 17. Governing Authorities of Local Governmental Subdivisions; Control Over Agencies They Create

Section 17. (A) In addition to any other powers granted by the legislature, the governing authority of a local governmental subdivision shall have the following powers over any agency heretofore or hereafter created by it: (1) to appoint and remove members of the governing body of the agency,

(B) to exercise budgetary and fiscal control over the agency, including the power to modify or veto its operating budget, veto or reduce line items, or substitute a different budget therefor; (3) to abolish the governing body of the agency and to substitute itself therefor, with authority to exercise all of its powers and functions; and (4) to abolish the agency if the obligations or indebtedness of the agency are not thereby impaired.

(B) No such agency shall have authority to levy a tax, impose any charge, or issue bonds unless the proposal therefor is first approved by the governing authority of the local governmental subdivision. However, after such original approval is granted no further approval shall be required.

(C) If the creation of the agency required the concurrence of two or more local governmental subdivisions, concurrence of all of them shall be required for the exercise of the above powers.

Section 18. 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 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.

(B) If the special district or local public agency which is abolished has any outstanding indebtedness, the authority provided for by this Section shall not be exercised unless provision is made for the assumption of such indebtedness by
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the governing authority or authorities of the local governmental subdivisions involved.

Section 19. Historic Preservation Districts

Section 19. (A) In order to promote the educational, cultural, economic, and general welfare of the public through the preservation and protection of buildings, sites, monuments, structures, areas and districts of historic or architectural interest or importance, each local governmental subdivision, acting through a commission or otherwise, shall have the power and authority to establish, operate and maintain historic preservation areas and districts by the adoption of appropriate ordinances and laws, which is hereby declared to be for a public purpose.

(B) The governing authority of each local governmental subdivision shall have the power and authority of review to affirm, reverse or modify, in whole or in part, any action or decision of any such commission.

Section 20. Zoning

Section 20. Local governmental subdivisions may enact land use regulations and zoning ordinances and create and classify therein residential, commercial, industrial, and other districts, and may regulate the preservation of the character of buildings, monuments, structures, and buildings and areas of historical importance. Local governmental subdivisions may create airport zones and regulate the heights of buildings, structures, and objects of natural growth in areas surrounding airports.

Section 21. Industrial Areas

Section 21. The legislature may authorize parishes to create industrial areas within their boundaries in accordance with such procedures and subject to such regulations as the legislature shall determine. Industrial areas shall not be subdivisions of the state.

Section 22. Creation of Special Districts by the Legislature; Authority

Section 22. Subject to the limitations imposed in 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, and the power to reclaim property from the beds of lakes and streams.

Section 23. Intergovernmental Cooperation

Section 23. (A) 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, the United States or agencies thereof, except as the legislature shall provide otherwise by law.

(B) Except as otherwise provided in this constitution, the legislature shall not require political subdivisions to exercise powers or perform functions jointly or in cooperation with any other political subdivision, nor shall the legislature require consolidation of governmental functions of local governmental subdivisions. However, the legislature may enact laws authorizing the consolidation of political subdivisions or the joint exercise of powers and performance of functions by political subdivisions, but no such law shall become effective until submitted to and approved by two-thirds of the electors in each of the political subdivisions affected thereby, who vote in an election called for that purpose.
Section 24. Assistance to Local Industry by Political Subdivisions

Section 24. (A) Subject to such restrictions as it may impose, the legislature may authorize any political subdivision, in order (1) to induce and encourage the location of or addition to industrial enterprises therein, or (2) to provide for the establishment and furnishing of industrial plants for the conversion or processing of raw farm or agricultural products, or (3) to provide movable or immovable property, or both, for pollution control facilities: (a) to issue bonds and 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 or otherwise, and to improve, industrial plant buildings and industrial plant equipment, machinery, furnishings, and appurtenances; and (c) to sell, lease, or otherwise dispose of all or any part of the foregoing.

(B) It is hereby found and declared that the purposes designed to be accomplished herein are public and proper legal purposes and will be of public benefit to the political subdivision issuing the bonds.

Section 25. Appropriation to Political Subdivisions

Section 25. When the legislature appropriates funds to one or more political subdivisions and the legislature does not specify the purposes for which such funds shall be expended, or the amounts to be expended therefor, the expenditure of such funds shall be determined solely by the governing authority of the political subdivision or political subdivisions to which the funds are appropriated. The legislature may require a report concerning the allocation and expenditure of such funds.

Section 26. Uniform Procedure for Calling, Conducting, and Canvassing 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, such as the change of parish lines, change of location of parish seat, levying of taxes, issuance of bonds or incurring of other debt obligations, the assumption of debt, referendum, recall, or the adoption of a home rule charter, the election shall be called, conducted, and the returns thereof canvassed, in accordance with the 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 the legislature.

Section 27. Acquisition of Property

Section 27. 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.

Section 28. Servitudes of Way; Acquisition by Prescription

Section 28. The public, represented by the various political subdivisions, may acquire servitudes of way by prescription in the manner prescribed by law.

Section 29. Prescription Against State and Political Subdivisions

Section 29. Prescription shall not run against the state or any political subdivision or special district thereof in any civil matter, unless otherwise provided in this constitution or expressly by general law.

Section 30. Supremacy of Constitution

Section 30. The provisions of this Constitution shall be
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3 paramount and neither the legislature, nor any political
4 subdivision, shall enact any laws or ordinances in conflict
5 therewith.

4 PART II. FINANCE

5 Section 31. Parish Tax Limits; Increase; Withdrawal of
6 Municipality from Parish Taxing Authority

7 Section 31. (A) The governing authority of each parish
8 may levy an ad valorem tax for general purposes, in an
9 amount not to exceed in any one year, seven mills on the
10 dollar of assessed valuation. However, in Orleans Parish the
11 limitation shall be seven mills and in Jackson Parish the
12 limitation shall be five mills. Millage rates may be in-
13 creased in any parish when approved by a majority of the
14 electors who vote in an election held for that purpose.
15 (B) When the millage increase is for other than general
16 purposes, the proposition shall state the specific purpose
17 or purposes for which the tax is to be levied, the length of
18 time the tax is to remain in effect, and all proceeds of the
19 tax shall be dedicated to the purpose or purposes set forth
20 in the proposition.
21 (C) The amount of the parish tax for general purposes
22 which any parish, except the parish of Orleans, may levy,
23 without a vote of the electors, on property located wholly
24 within any municipality, which has a population in excess
25 of one thousand inhabitants according to the last census
26 and which provides and maintains a system of street paving,
27 shall not exceed one-half the tax levy for general purposes.
28 (D) This Section shall not be construed to repeal or affect
29 the withdrawal of property in a municipality from parochial
30 taxing jurisdiction, in whole or in part, by a provision of
31 the legislative charter of the municipality in effect on the
32 date of adoption of this constitution.

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1 Section 32. Municipal Tax Limits; Increase
2 Section 32. (A) The governing authority of each munici-
3 pality may levy an ad valorem tax for general purposes, in
4 an amount not to exceed in any one year, seven mills on the
5 dollar of assessed valuation; provided that where any mu-
6 nicipality is, by its charter or by law, exempt from pay-
7 ment of parish taxes or, under legislative authority, main-
8 tains its own public schools, it may levy an annual tax not
9 to exceed ten mills of the dollar of assessed valuation. Mill-
10 age rates may be increased in any municipality when
11 approved by a majority of the electors who vote in an elec-
12 tion held for that purpose.
13 (B) When the millage increase is for other than general
14 purposes, the proposition shall state the specific purpose
15 or purposes for which the tax is to be levied, the length of
16 time the tax is to remain in effect, and all proceeds of the
17 tax shall be dedicated to the purpose or purposes set
18 forth in the proposition.
19 (C) This Section shall not apply to the city of New Or-
20 leans.
21 Section 33. Local Governmental Subdivisions; Occupa-
22 tional License Tax; Limitations
23 Section 33. Local governmental subdivisions may impose
24 an occupational license tax in an amount not greater than
25 that imposed by the state. Local governmental subdivisions
26 may impose an occupational license tax in an amount greater
27 than that imposed by the state when so authorized by
28 an act passed by at least a two-thirds vote of the elected
29 membership of each house of the legislature.
30 Section 34. Local Governmental Subdivisions; Sales Tax
31 Authorized
32 Section 34. (A) Except as otherwise authorized in a home
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rule charter provided for in Sections 7 and 8 of this Article, local governmental subdivisions and school districts are authorized to 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. However, 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.

(B) No tax authorized in Paragraph (A) of this Section shall become effective until a proposition for the imposition thereof is submitted to the electors of the affected local governmental subdivision and approved by a majority of the electors who vote in the election held for that purpose.

(C) The legislature shall have the authority by general law to exempt or exclude any goods or tangible personal property or services from any sales and use tax levied by a local governmental subdivision. However, such exemptions or exclusions shall also apply to state sales and use taxes.

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 this Section shall not apply to, nor affect, similar grants to such political subdivisions under other sections of this constitution which are self-operative.

Section 36. Special Taxes; Ratified

Section 36. (A) Any special tax being levied by any political subdivision under prior laws or under the 1921 Louisiana Constitution, as amended, when this constitution is adopted is hereby confirmed and ratified.

(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 who vote in an election held for that purpose.

Section 37. Political Subdivisions; Exclusive Authority to Levy and Collect Ad Valorem Taxes

Section 37. Notwithstanding any provision contained in Article ......, Section ...... of this constitution to the contrary, the power of taxation shall not be exercised by the legislature to levy an ad valorem tax upon any property in the state, and such power shall be exclusively vested in political subdivisions to be exercised as provided in this constitution.

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. Taxpayer Authorization of Political Subdivision Bonds

Section 39. 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. Refunding bonds, 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.

Section 40. Limitations on Bonded Indebtedness of Political Subdivisions

Section 40. (A) General obligation bonds may be issued by any political subdivision for any single purpose which, including the existing bonds of such political subdivision incurred for the same purpose and payable solely from ad valorem taxes levied without limitation as to rate or amount, shall not exceed in the aggregate ten percent of the assessed valuation of property in the political subdivision, to be ascertained by the assessment roll for the political subdivision last completed prior to the delivery of such bonds, except that as to both parishwide school districts and other school districts, the limitation shall be twenty-five percent of the assessed valuation of property, and except as to general obligation industrial development bonds, such limitation shall be twenty percent of the assessed valuation of property in the political subdivision.

(B) Any municipality financing and operating its own schools and not located within a parishwide or other school district shall be regarded as and treated on the same basis for the purpose of debt limitation and shall have the same authority for all purposes of this Section as though it were such a school district.

(C) The legislature may increase the debt limitations established in this Section by general law or by local or special law passed by a two-thirds vote of the elected membership of each house.

(D) Bonds and other debt obligations payable from acreage taxes, sales and use taxes, excess revenues, special assessments, or other special revenues shall not be considered to be bonds payable solely from ad valorem taxes for all purposes of this Section.

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 taxes and other revenues necessary to pay the same shall be conclusively presumed to be valid, and no court shall have authority to inquire into such matters.

(B) Every ordinance or resolution authorizing the issuance of bonds or other debt obligation by a political sub-
division shall be published 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, the bonds or other debt obligation authorized thereby, 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, bonds, or other debt obligation, 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 obligation 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.

**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 levy and collect local or special assessments on real property, for the purpose of acquiring, constructing, or improving works of public improvement.

(B) Certificates of indebtedness 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.

(C) The governing authority of the political subdivision issuing certificates of indebtedness payable from sources other than ad valorem taxes, and pledging its full faith and credit to the prompt payment of the principal and interest thereof, shall levy or cause to be levied on all taxable property in the political subdivision ad valorem taxes, without limitation as to rate or amount, fully sufficient to make up any deficit in the other sources of revenue pledged to the payment of the certificates.

**Section 43. Revenue-Producing Property**

Section 43. 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. 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 and shall not be a charge upon the other income and revenues of the political subdivision.

**PART III. LEVEE DISTRICTS**

Section 44. 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 create new levee districts. However, the members of the boards of commissioners of such districts shall be appointed or elected from residents of such district;

(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.

(B) No action taken hereunder shall impair the obligation
of any outstanding bonded indebtedness or of any other contract of such levee district.

Section 45. District Taxes; Increase in Tax to Raise Additional Funds

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 dollar, 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, on all taxable property situated within the alluvial portions of said district subject to overflow.

(B) Should the necessity to raise additional funds arise in any levee district for any of the purposes herein 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.

Section 46. Bond Issues

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 funding or payment of any outstanding indebtedness.

(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.

Section 47. Interstate Districts

Section 47. The legislature, with the concurrence of an adjoining state, may create levee districts composed of territory partly in each state, and may authorize the construction and maintenance of levees wholly within another state.

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 levee districts.

Section 49. Compensation for Property Used or Destroyed;

Tax

Section 49. (A) Lands and improvements thereon hereafter actually used or destroyed for levees or levee drainage purposes shall be paid for at a price not to exceed the assessed value for the preceding year; provided, if property used or destroyed for levees or levee drainage purposes from a landowner shall exceed more than one-third the value of that landowner's property and improvements, the land and improvements thereon used or destroyed for such purposes shall be paid for at fair market value; and provided further, nothing contained in this Paragraph with respect to compensation for lands and improvements shall apply to batture or to property the control of which is vested in the state or any political subdivision thereof for the purpose of commerce.

(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.
(C) Nothing contained in this Section shall prevent the
appropriation of said property before payment.

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 func-
tions, structure and organization and territorial jurisdiction,
are ratified and confirmed and shall continue to exist,
except that:
(A) The legislature may diminish, reduce, or withdraw
from any such commission or district, including the Board of
Commissioners of the Port of New Orleans, 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 its territorial
jurisdiction, only by act passed by at least a two-thirds vote of
the elected membership of each house;
(B) The legislature may by law grant additional powers
and functions to any such commission or district and may
create new port commissions or port, harbor, and terminal
districts by law. However, in so doing the legislature shall
not restrict or diminish the powers and functions, structure
and organization, or territorial jurisdiction of an established
deep-water port except by at least a two-thirds vote of the
elected membership of each house;
(C) Notwithstanding the provision of Paragraphs (A)
and (B) of this Section the legislature shall by law provide
for a change in the method of selection and composition of

the Board of Commissioners of the Port of New Orleans and
define its territorial jurisdiction.
(2) After the exercise of authority as provided in sub-para-
graph (1) above, the legislature may only affect the Board of
Commissioners of the Port of New Orleans as provided in
Paragraphs (A) and (B) of this Section, except that no
change in the territorial jurisdiction of said port shall affect
the territorial jurisdiction of any other existing deep-water
port.
(3) In the event the legislature does not exercise the au-
thority granted in subparagraph (1) above within ten years
after the adoption of this constitution, the composition and
territorial jurisdiction of said board shall not be changed ex-
cept in compliance with Paragraphs (A) and (B) of this
Section.

PART V. DEFINITIONS

Section 51. Terms Defined

Section 51. As used in this Article:
(1) "Local governmental subdivisions" means any parish
or municipality;
(2) "Political subdivision" means parishes and munici-
palities, and any other unit of local government, including
special districts, authorized by law to perform governmental
functions;
(3) "Municipality" means all incorporated cities, towns,
and villages;
(4) "Governing authority" means the body which exercises
the legislative functions of the political subdivision;
(5) "Powers" means ability or capacity, synonymous with
inherent or basic authority, to indulge in a particular under-
taking or to provide or perform a certain service;
(6) "Functions" means duty in the sense that it is comple-
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ARTICLE

Committee Proposal No. 17—

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

A PROPOSAL

Making general provisions for local and parochial government, levee districts, and ports, the financing thereof, and necessary provisions with respect thereto.

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

ARTICLE VI. LOCAL GOVERNMENT

PART I. GENERAL PROVISIONS

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

Section 1. (A) All parishes and their boundaries as established under existing law are recognized and ratified.

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

Section 2. Change of Parish Lines; Election

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

Section 3. New or Enlarged Parishes; Adjustment of Assets

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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 and liabilities of the parish or parishes from which the territory is taken.

Section 4. Change of Location of Parish Seat
Section 4. Upon the written petition of not less than twenty-five percent of the electors, as certified by the registrar of voters, the governing authority of a parish shall call an election on the question of changing the location of the parish seat.

The location of a parish seat shall not be changed unless two-thirds of the total vote cast on the question is in favor thereof.

Section 5. Municipalities; Incorporation, Consolidation, Merger, and Government
Section 5. The legislature shall provide by general law for the incorporation, consolidation, merger, and government of municipalities. No local or special law shall be enacted to create a municipal corporation or to amend, modify, or repeal its charter. However, if a municipality is operating under a special legislative charter it may be amended, modified, or repealed by local or special law as long as such municipality continues to operate under such charter.

Section 6. Classification
Section 6. Except as provided in this constitution, the legislature may classify parishes or municipalities according to population or on any other reasonable basis related to the purpose of this classification, and legislation may be limited in its effect to any of such class or classes. However, no statute which is applicable to fewer than six parishes or municipalities shall become operative in any such parish or municipality until approved by ordinance enacted by the governing author-
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presented with a petition signed by not less than fifteen percent

1 of the electors, who live within the boundaries of the affected

2 subdivision, as certified by the registrar of voters.

3 (C) A home rule charter shall be adopted when approved

4 by a majority of the electors who vote on the charter pro-

5 posal at an election called for that purpose.

6 (D) Two or more local governmental subdivisions situated

7 within the boundaries of one parish may avail themselves

8 of the provisions of this Section, provided that a majority of

9 the electors in each affected local governmental subdivision

10 who vote in an election held for that purpose vote in favor

11 thereof. The legislature shall provide for the method of ap-

12 pointment or election of a commission to prepare and pro-

13 pose such a charter consistent with Paragraph (A) of this

14 Section. However, at least one member of the commission

15 shall be elected or appointed from each affected local gov-

16 ernmental subdivision. The legislature shall provide the meth-

17 od by which the electors of more than one local governmental

18 subdivision within the boundaries of one parish may petition

19 for an election for such purpose consistent with Paragraph

20 (B) of this Section.

21 (E) A home rule charter adopted pursuant to the pro-

22 visions of this Section shall provide for the structure and

23 organization, powers, and functions for the government of the

24 local governmental subdivision, which may include the exer-

25 cise of any power and performance of any function neces-

26 sary, requisite, or proper for the management of its affairs,

27 not denied by general law or this constitution. The legislature

28 shall not pass any law the effect of which changes, modifies,

29 or affects the structure and organization and/or the particular

30 distribution and redistribution of the powers and functions

31 of any local governmental subdivision which operates under

a home rule charter.

32 (F) A local governmental subdivision adopting a home

33 rule charter under this Section shall also enjoy such addi-

34 tional powers and functions as are granted to local govern-

35 mental subdivisions by other provisions of this constitution,

36 including Section 9 of this Article, unless the exercise of such

37 powers and performance of such functions is prohibited by

38 its charter.

39 (G) The powers and functions of a parish or city school

40 board and the offices of sheriff, clerk of the district court,

41 coroner, or assessor shall not be affected by any provision of

42 a home rule charter or plan of government adopted or amended

43 under the provisions of this Section.

44 Section 9. Powers of Other Local Governmental Subdiv-

45 sions

46 (A) Any other local governmental subdivision

47 may exercise any power and perform any function neces-

48 sary, requisite, or proper for the management of its affairs

49 not denied to it by its charter, by this constitution, or by

50 general law, including but not limited to the power (1) to

51 legislate upon, regulate, conduct, and control all matters of

52 local governmental administration; (2) to define the powers,

53 duties, and qualifications of parochial or municipal employees;

54 (3) to provide for the protection of the public health, safety,

55 morals, and welfare; (4) to create special districts; (5) to

56 license; (6) to tax under the limitations provided in this con-

57 stitution or by general law; (7) to incur debt and issue bonds,

58 except as otherwise provided in this constitution.

59 (B) Any local governmental subdivision may exercise any

60 power or perform any function concurrently with the state

61 pertaining to its government and affairs to the extent that

62 the legislature by general law does not specifically limit the
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1 concurrent exercise of any such power or performance of any
2 such function or specifically declare the state's exercise of
3 any such power or performance of any such function to be
4 exclusive except as provided in this Article.
5
6 (C) The powers granted in this Section shall not be con-
7 structed to affect the powers and functions of a parish or city
8 school board and the offices of sheriff, clerk of a district
9 court, coroner, or assessor.
10
11 Section 10. Powers of Local Governmental Subdivisions;
12 Liberal Construction
13
14 Section 10. Powers and functions of local governmental sub-
15 divisions shall be construed liberally in favor of such local
16 governmental subdivisions.
17
18 Section 11. Home Rule Parish; Incorporation of Cities,
19 Towns, and Villages
20
21 Section 11. When two-thirds of the electors, as certified by
22 the registrar of voters, of an unincorporated settlement in any
23 parish operating under a home rule charter or a home rule
24 plan of government sign and present to the governor a petition
25 and meet other necessary requirements as set forth under the
26 general laws providing for the incorporation of cities, towns,
27 and villages, such cities, towns, and villages may be incor-
28 porated. However, no such newly incorporated area shall include
29 any property previously included in any industrial area or
30 district.
31
32 Section 12. Limitations of Local Governmental Subdivisions
33 Section 12. Local governmental subdivisions shall not: (1)
34 incur debt payable from ad valorem tax receipts maturing
35 more than forty years from the time it is incurred; (2) de-
36 fine and provide for the punishment of a felony; or (3) enact
37 private or civil ordinances governing civil relationships.
38
39 Section 13. Local Officials
40
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1 Section 13. The electors of each local governmental sub-
2 division shall have the exclusive right to elect the members
3 of their governing authority and, if a plan or form of gov-
4 ernment or home rule charter so provides, their chief execu-
5 tive officer at elections held in accordance with the election
6 laws of the state. Such officials shall not be subject to re-
7 moval by the legislature.
8
9 Section 14. Local Officials; Compensation
10
11 Section 14. The compensation or method of fixing the com-
12 pensation of a local elected official of any local governmental
13 subdivision which operates under a home rule charter or plan
14 of government as provided in Sections 7 and 8 of this Article,
15 shall be provided in its charter. The compensation or method
16 of fixing the compensation of local elected officials of any
17 other local governmental subdivision shall be provided for by
18 law. Compensation of local officials shall not be reduced dur-
19 ing the terms for which they are elected.
20
21 Section 15. Filling of Vacancies; Appointment
22
23 Section 15. (A) Except in the office of sheriff, assessor,
24 clerk of a district court, or coroner, a vacancy occasioned by
25 death, resignation, or otherwise in the office of mayor, in
26 the membership of the governing authority of a local govern-
27 mental subdivision or in any other local office filled by elec-
28 tion wholly within the boundaries of a local governmental
29 subdivision, shall be filled by appointment by the governing
30 authority of such local governmental subdivision in which the
31 vacancy occurs. A vacancy in the membership of a city or
32 parish school board shall be filled by appointment by the
33 remaining members thereof. A tie vote on such appointment
34 to be made by the governing authority of a local governmental
35 subdivision or school board shall be broken by the presiding
36 officer thereof notwithstanding the fact that he may already

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1 (B) If, at the time a vacancy occurs in an elective office for which appointment is provided in Paragraph (A) of this Section, the unexpired portion of the term of office is more than one year, a special election to fill the vacancy shall be called by the governing authority, and held without the necessity of a call by the governor, not more than six months nor less than three months, after first receipt of notice of the vacancy by the secretary of state, to be given as hereinafter provided, in the local governmental subdivision or special district thereof in which the vacancy occurred, and in such case the appointment provided for in Paragraph (A) of this Section shall be effective only until a successor is duly elected and qualified.

(C) Upon being informed of the occurrence of a vacancy in any of the offices specified in Paragraph (A) of this Section, the clerk or chief clerk of the district court in the parish where the vacancy occurred, and in the parish of Orleans the clerk or chief clerk of the criminal district court, shall, within twenty-four hours after being thus informed, notify the secretary of state in writing by registered or certified mail of the occurrence of the vacancy. Upon receipt of such notice, the secretary of state shall, within twenty-four hours after such receipt, notify in writing by registered or certified mail all election officials, including party committees and boards of supervisors of elections, having any duty to perform in connection with a special election to fill such vacancy, of the occurrence of the vacancy.

(D) Nothing in this Section shall be construed as changing the qualifications for the various offices involved and all appointments must be of persons who would otherwise be eligible to hold offices to which appointed.

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(E) 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.

(F) The provisions of this Section shall not apply to the office of judge of any state court of record or district attorney.

Section 16. Legislation Increasing Financial Burden of Political Subdivisions; Local Approval

Section 16. No law requiring an increase in expenditures, or a deduction from the funds of a political subdivision for salaries of local public officials or for wages, hours, working conditions, pension and retirement benefits, vacation or sick leave benefits of political subdivision employees, or an increase in commissions of or for local political subdivision offices, except a law providing for civil service, minimum wages, working conditions, and retirement benefits for firemen and 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.

Section 17. Governing Authorities of Local Governmental Subdivisions; Control Over Agencies They Create

Section 17. (A) In addition to any other powers granted by the legislature, the governing authority of a local governmental subdivision shall have the following discretionary powers over any agency heretofore or hereafter created by it: (1) to appoint and remove members of the governing body of the agency; (2) to exercise budgetary and fiscal control over the agency, including the power to modify or veto its operating budget, veto or reduce line items, or substitute a different budget therefor; (3) to abolish the governing body of the
agency and to substitute itself therefor, with authority to
exercise all of its powers and perform all of its functions; and
(4) to abolish the agency if the obligations or indebtedness of
the agency are not thereby impaired.
(B) No such agency shall have authority to levy a tax, im-
pose any charge, or issue bonds unless the proposal therefor is
first approved by the governing authority of the local gov-
ernmental subdivision, and the requirements of this constitu-
tion and applicable laws relative to the levy of taxes and the
issuance of bonds are complied with. However, after such
original approval is granted no further approval shall be re-
quired.
(C) If the creation of the agency required the concur-
rence of two or more local governmental subdivisions, con-
currence of all of them shall be required for the exercise of
the above powers.
Section 18. 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 con-
solidation 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

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Section 19. Historic Preservation Districts
Section 19. (A) In order to promote the educational, cul-
tural, economic, and general welfare of the public through
the preservation and protection of buildings, sites, monu-
ments, structures, areas and districts of historic or archi-
etectural interest or importance, each local governmental sub-
division, acting through a commission or otherwise, shall
have the power and authority to establish, operate and
maintain historic preservation areas and districts by the
adoption of appropriate ordinances and laws, which is
hereby declared to be for a public purpose.
(B) The governing authority of each local governmental
subdivision shall have the power and authority of review to
affirm, reverse or modify, in whole or in part, any action or
decision of any such commission.
Section 20. Zoning
Section 20. Local governmental subdivisions may enact
land use regulations and zoning ordinances and create
and classify therein residential, commercial, industrial, and
other districts, and may regulate the preservation of the
class of buildings, monuments, structures, and build-
ings and areas of historical importance. Local governmental

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subdivisions may create airport zones and regulate the heights of buildings, structures, and objects of natural growth in areas surrounding airports.

Section 21. Industrial Areas  
Section 21. The legislature may authorize parishes to create industrial areas within their boundaries in accordance with such procedures and subject to such regulations as the legislature shall determine. Industrial areas shall not be subdivisions of the state.

Section 22. Creation of Special Districts by the Legislature; Authority  
Section 22. Subject to the limitations imposed in 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, and the power to reclaim property from the beds of lakes and streams.

Section 23. Intergovernmental Cooperation  
Section 23. (A) 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, the United States or agencies thereof, except as the legislature shall provide otherwise by law.

(B) Except as otherwise provided in this constitution, the legislature shall not require political subdivisions to exercise powers or perform functions jointly or in cooperation with any other political subdivision, nor shall the legislature require consolidation of governmental functions of local governmental subdivisions. However, the legislature may enact laws authorizing the consolidation of political subdivisions or the joint exercise of powers and performance of functions by political subdivisions, but no such law shall become effective until submitted to and approved by two-thirds of the electors in each of the political subdivisions affected thereby, who vote in an election called for that purpose.

Section 24. Assistance to Local Industry by Political Subdivisions  
Section 24. (A) 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, or (2) to provide for the establishment and furnishing of industrial plants for the conversion or processing of raw farm or agricultural products, 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 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 or otherwise, and to improve, industrial plant buildings and industrial plant equipment, machinery, furnishings, and appurtenances; and (c) to sell, lease, or otherwise dispose of all or any part of the foregoing.

(B) It is hereby found and declared that the purposes designed to be accomplished herein are public and proper legal purposes and will be of public benefit to the political subdivision, deep-water port commission, or deep-water port,
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1 harbor, and terminal district issuing the bonds.
2 Section 25. Appropriation to Political Subdivisions
3 Section 25. When the legislature appropriates funds to one
4 or more political subdivisions and the legislature does not
5 specify the purposes for which such funds shall be expended,
6 or the amounts to be expended therefor, the expenditure
7 of such funds shall be determined solely by the governing
8 authority of the political subdivision or political subdivisions
9 to which the funds are appropriated. The legislature may re-
10 quire a report concerning the allocation and expenditure of
11 such funds.
12 Section 26. Uniform Procedure for Calling, Conducting,
13 and Canvassing the Returns of Certain Special Elections
14 Section 26. When any election is required to be held in
15 any political subdivision pursuant to the provisions of this
16 constitution which require submission to the electors of
17 any proposition or question, such as the change of parish
18 lines, change of location of parish seat, levying of taxes,
19 issuance of bonds or incurring of other debt obligations, the
20 assumption of debt, referendum, recall, or the adoption of a
21 home rule charter, the election shall be called, conducted,
22 and the returns thereof canvassed, in accordance with the
23 law pertaining to elections for incurring bonded indebted-
24 ness and special taxes relative to local finance, as the same
25 now exists or may hereafter be amended, or as may be
26 otherwise provided by the legislature.
27 Section 27. Acquisition of Property
28 Section 27. Subject to such restrictions as the legisla-
29 ture may provide by general law, political subdivisions may
30 acquire property for any public purpose, including but not
31 limited to acquisition by purchase, donation, expropriation,
32 or exchange.

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1 Section 28. Servitudes of Way; Acquisition by Prescrip-
2 tion
3 Section 28. The public, represented by the various po-
4 litical subdivisions, may acquire servitudes of way by
5 prescription in the manner prescribed by law.
6 Section 29. Prescription Against State, School Districts,
7 and Political Subdivisions
8 Section 29. Prescription shall not run against the state,
9 school districts, or against any political subdivision in
10 any civil matter, unless otherwise provided in this con-
11 stitution or expressly by general law.
12 Section 30. Supremacy of Constitution
13 Section 30. The provisions of this Constitution shall be
14 paramount and neither the legislature, nor any political
15 subdivision, shall enact any laws or ordinances in con-
16 flict therewith.
17 PART II. FINANCE
18 Section 31. Parish Tax Limits; Increase; Withdrawal of
19 Municipality from Parish Taxing Authority
20 Section 31. (A) The governing authority of each parish
21 may levy an ad valorem tax for general purposes, in an
22 amount not to exceed in any one year, four mills on the
23 dollar of assessed valuation. However, in Orleans Parish
24 the limitation shall be seven mills and in Jackson Parish
25 the limitation shall be five mills. Millage rates may be
26 increased in any parish when approved by a majority of
27 the electors who vote in an election held for that pur-
28 pose.
29 (B) When the millage increase is for other than gen-
30 eral purposes, the proposition shall state the specific
31 purpose or purposes for which the tax is to be levied,
32 the length of time the tax is to remain in effect, and all

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[195]
1. The proceeds of the tax shall be dedicated to the purpose or purposes set forth in the proposition.

2. (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 census and which provides and maintains a system of street paving, shall not exceed one-half the tax levy for general purposes.

3. (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.

Section 32. Municipal Tax Limits; Increase

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 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.

(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 dedicated to the purpose or purposes set forth in the proposition.

(C) This Section shall not apply to the city of New Orleans.

Section 33. Local Governmental Subdivision; Occupational License Tax; Limitations

Section 33. Local governmental subdivisions may impose an occupational license tax in an amount not greater than that imposed by the state. 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 the elected membership of each house of the legislature.

Section 34. Local Governmental Subdivisions; Sales Tax Authorized

Section 34. (A) Except as otherwise authorized in a home rule charter provided for in Sections 7 of this Article, local governmental subdivisions and school districts are authorized to 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. However, 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.

(B) No tax authorized in Paragraph (A) of this Section shall become effective until a proposition for the imposition thereof is submitted to the electors of the affected local governmental subdivision and approved by a majority of the electors who vote in the election held for that purpose.
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1 (C) The legislature shall have the authority by general
2 law to exempt or exclude any goods or tangible personal
3 property or services from any sales and use tax levied by
4 a local governmental subdivision. However, such exempt-
5 tions or exclusions shall also apply to state sales and use
6 taxes.
7 (D) The legislature by general or special law may au-
8 thorize the imposition of additional sales and use taxes
9 by local governmental subdivisions in excess of that pro-
10 vided in paragraph (A) of this Section, provided that such
11 taxes are approved by the electors of the local govern-
12 mental subdivision as provided in paragraph (B) of this
13 Section.
14 (E) Nothing contained in this Section shall be construed
15 to repeal or affect any sales and use tax authorized or
16 imposed by any municipality, parish, or school board as
17 provided by law or a home rule charter or plan of govern-
18 ment on the effective date of this constitution.
19

Section 35. Political Subdivisions; Taxing Power; Limi-
10 tations

21 Section 35. Political subdivisions may exercise the power
22 of taxation, subject to such limitations as may be else-
23 where provided in the constitution, under authority granted
24 to them by the legislature for parish, municipal, and local
25 purposes, strictly public in their nature. The provisions
26 of this Section shall not apply to, nor affect, similar
27 grants to such political subdivisions under other sections
28 of this constitution which are self-operative.
29

Section 36. Special Taxes; Ratified

30 Section 36. (A) Any special tax being levied by any
31 political subdivision under prior laws or under the 1921
32 Louisiana Constitution, as amended, when this constitution

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1 election in the political subdivision issuing such bonds. Re-
2 funding bonds, even though payable solely from ad valorem
3 taxes, need not be so authorized at an election if the in-
4 debtedness refunded is paid or cancelled at the time of the
5 delivery of the refunding bonds, or if money, or securities
6 made eligible for such purpose by law, are deposited in
7 escrow in an adequate amount, with interest, to be utilized
8 solely for the purpose of retiring the refunded indebtedness
9 or bonds and paying interest thereon and redemption pre-
10 miums, if any, to the time of retirement.

Section 40. Limitations on Bonded Indebtedness of Polit-
2 cal Subdivisions

Section 40. (A) General obligation bonds may be issued
4 by any political subdivision for any single purpose which,
5 including the existing bonds of such political subdivision
6 incurred for the same purpose and payable solely from ad
7 valorem taxes levied without limitation as to rate or amount,
8 shall not exceed in the aggregate ten percent of the total
9 value of all property within such subdivision valued for
10 assessment purposes, including property exempt as home-
11 steads, to be ascertained by the last such valuation for poli-
12 tical subdivision purposes previous to incurring such indeb-
13 tedness except that: (1) as to both parishwide school districts
14 and other school districts, the limitation shall be twenty-
15 five percent of the total value of all property within such
16 district valued for assessment purposes as aforesaid; and
17 (2) as to general obligation industrial development bonds,
18 such limitation shall be twenty percent of the total value
19 of all property within the political subdivision valued for
20 assessment purposes as aforesaid.

(B) Any municipality financing and operating its own
22 schools and not located within a parishwide or other school

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1 district shall be regarded as and treated on the same basis
2 for the purpose of debt limitation and shall have the same
3 authority for all purposes of this Section as though it were
4 such a school district.

(C) The legislature may increase the debt limitations
6 established in this Section by general law or by local or
7 special law passed by a two-thirds vote of the elected mem-
8 bership of each house.

(D) Bonds and other debt obligations payable from acre-
10 age taxes, sales and use taxes, excess revenues, special as-
11 sessments, or other special revenues shall not be considered
12 to be bonds payable solely from ad valorem taxes for all
13 purposes of this Section.

Section 41. Limited Time for Contesting Bonds of Polit-
15 cal Subdivisions

Section 41. (A) For a period of sixty days from the pro-
17 mulgation of the result of any election held for the purpose
18 of incurring or assuming debt, issuing bonds, or levying a
19 tax, any person in interest shall have the right to contest the
20 legality of such election, the bond issue provided for, or the
21 tax authorized, for any cause after which time no one shall
22 have any cause or right of action to contest the regularity,
23 formality, or legality of said election, tax provisions, or
24 bond authorization, for any cause whatsoever. If the
25 validity of any election, tax, debt assumption, or bond issue
26 authorized or provided for, held under the provisions of this
27 Section, is not raised within the sixty days herein pre-
28 scribed, the authority to incur or assume debt, levy the tax,
29 or issue the bonds, the legality thereof, and the taxes and
30 other revenues necessary to pay the same shall be conclu-
31 sively presumed to be valid, and no court shall have
32 authority to inquire into such matters.

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(B) 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, the bonds or other debt obligation authorized thereby, 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, bonds, or other debt obligation, 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 obligation 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.

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 levy and collect local or special assessments on real property, for the purpose of acquiring, constructing, or improving works of public improvement.

(B) Certificates of indebtedness 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 therefore, and may be further secured by the pledge of the full faith and credit of the political subdivision.

(C) The governing authority of the political subdivision

issuing certificates of indebtedness payable from sources other than ad valorem taxes, and pledging its full faith and credit to the prompt payment of the principal and interest thereof, shall levy or cause to be levied on all taxable property in the political subdivision ad valorem taxes, without limitation as to rate or amount, fully sufficient to make up any deficit in the other sources of revenue pledged to the payment of the certificates.

Section 43. Revenue-Producing Property

Section 43. 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. 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 and shall not be a charge upon the other income and revenues of the political subdivision.

PART III. LEVEE DISTRICTS

Section 44. 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 create new levee districts. However, the members of the boards of commissioners of such districts shall be appointed or elected from residents of such district;

(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 pro-
section 45. district taxes; increase in tax to raise additional funds

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 dollar, 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, on all taxable property situated within the alluvial portions of said district subject to overflow.

(b) should the necessity to raise additional funds arise in any levee district for any of the purposes herein 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 hereinafter provided for vote in favor thereof.
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, territorial jurisdiction, are ratified and confirmed and shall continue to exist, except that:

(A) The legislature may diminish, reduce, or withdraw from any such commission or district, including the Board of Commissioners of the Port of New Orleans, 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 its territorial jurisdiction, only by act passed by a favorable vote of at least two-thirds of the elected membership of each house;

(B) The legislature may by law grant additional powers and functions to any such commission or district and may create new port commissions or port, harbor, and terminal districts by law. However, in so doing the legislature shall not restrict or diminish the powers and functions, structure, and organization, or territorial jurisdiction of an established deep-water port commission or deep-water port, harbor, and terminal district except by a favorable vote of at least two-thirds of the elected membership of each house;

(C) (1) Notwithstanding the provision of Paragraphs (A) and (B) of this Section, the legislature shall by law provide for a change in the method of selection and composition of the Board of Commissioners of the Port of New Orleans and define its territorial jurisdiction.

(2) After the exercise of authority as provided in subparagraph (1) above, the legislature may only affect the Board of Commissioners of the Port of New Orleans as provided in Paragraphs (A) and (B) of this Section, except that no change in the territorial jurisdiction of said port shall affect the territorial jurisdiction of any other existing deep-water port commission or deep-water port, harbor, and terminal district.

(3) In the event the legislature does not exercise the authority granted in subparagraph (1) above within ten years after the adoption of this constitution, the composition of said board and territorial jurisdiction of said port shall not be changed except in compliance with Paragraphs (A) and (B) of this Section.

PART V. DEFINITIONS

Section 51. Terms Defined

Section 51. As used in this Article:

(1) "Local governmental subdivision" means any parish or municipality;

(2) "Political subdivision" means parishes and municipalities, and any other unit of local government, including special districts, authorized by law to perform governmental
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functions;

(3) "Municipality" means all incorporated cities, towns, and villages;

(4) "Governing authority" means the body which exercises the legislative functions of the political subdivision;

(5) "Powers" means ability or capacity, synonymous with inherent or basic authority, to indulge in a particular undertaking or to provide or perform a certain service;

(6) "Functions" means duty in the sense that it is complementary of the power (ability) conferred and as such means onus or obligation to execute the power granted;

(7) "Structure and organization" means the structure and organization and/or the particular distribution and redistribution of powers and functions and/or the supervision, control, and internal arrangement of the component parts of the political subdivision.

(8) "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.

(9) "Local or special law" means any law enacted by the legislature other than a general law;

(10) "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;

(11) "Deep-water port commissions and deep-water port, harbor, and terminal districts" means 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.

First Enrollment

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Constitutional Convention of Louisiana of 1973

COMMITTEE PROPOSAL NUMBER 17

Introduced by Delegate Perez, Chairman, on behalf of the Committee on Local and Parochial Government, and Delegates Burson, Cannon, Chatelain, Comino, D’Gerolamo, Fowler, Girraronso, Hayes, Heine, J. Jackson, Kean, Lanier, Reeves, Shannon, Stephenson, Taylor, Toomy, Ullo, and Zervigon

A PROPOSAL

Making general provisions for local and parochial government, levee districts, and ports, the financing thereof, and necessary provisions with respect thereto.

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

ARTICLE VI. LOCAL GOVERNMENT

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.

(C) 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.
First Enrollment

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 and liabilities of the parish or parishes from which the territory is taken.

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

Section 5. The legislature shall provide by general law for the incorporation, consolidation, merger, and government of municipalities. No local or special law shall be enacted to create a municipal corporation or to amend, modify, or repeal its charter. However, if a municipality is operating under a special legislative charter it may be amended, modified, or repealed by local or special law as long as such municipality continues to operate under such charter.

Section 6. Classification

Section 6. Except as provided in this constitution, the legislature may classify parishes or municipalities according to population or on any other reasonable basis related to the purpose of this classification, and legislation may be limited in its effect to any of such class or classes.

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.
visions 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 redistribution of the powers and functions of any local governmental subdivision which operates under a home rule charter.

(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.

(C) 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.

(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.

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 govern-
First Enrollment

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the same to be prepared and made available for public dis-
2
tribution. All proposed ordinances of general application
3
adopted after the approval of the code shall be adopted as
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amendments or additions to the code.

Section 13. Local Officials

Section 13. The electors of each local governmental
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subdivision shall have the exclusive right to elect their
8
governing authority. Nothing herein shall be construed to
9
prohibit the election of the members of any governing
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authority on the basis of single member districts.

Section 14. Local Officials; Compensation

Section 14. The compensation or method of fixing the
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compensation of a local elected official of any local govern-
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mental subdivision which operates under a home rule charter
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or plan of government as provided in Sections 7 and 8 of this
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Article, shall be provided in its charter. The compensation
17
or method of fixing the compensation of local elected officials
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of any other local governmental subdivision shall be provided
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for by law. Compensation of local officials shall not be
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reduced during the terms for which they are elected.

Section 15. Filling of Vacancies; Appointment

Section 15. (A) Except as otherwise provided in this
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constitution, and except for the office of assessor, a vacancy
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in any local office filled by election wholly within the
25
boundaries of a local governmental subdivision or a parish or
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city school district, shall be filled by appointment by the
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governing authority of such local governmental subdivision
28
or school district in which the vacancy occurs, until it is
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filled by election as provided by law.

(B) The provisions of this Section shall apply to all
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local governmental subdivisions unless otherwise provided by
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the home rule charter or the home rule plan of government of
33
the affected local governmental subdivisions.

Section 16. Legislation Increasing Financial Burden of

Political Subdivisions; Local Approval:

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and also a majority of the electors voting thereon in the affected special district vote in favor of such proposition.

Section 19. Land Use, Zoning and Historic Preservation

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.

Section 21. Industrial Areas

Section 21. The legislature may authorize parishes to create and define industrial areas within their boundaries in accordance with such procedures and subject to such regulations as the legislature shall determine. All industrial areas so created hereafter shall include provisions 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 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.

Section 22. Creation of Special Districts by the Legislature; Authority

Section 22. 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.

Section 23. Intergovernmental Cooperation

Section 23. 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 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
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P. No. to such expropriation, the controlled Prescription FINANCE Page may law, any excess Orleans, to the time acquire a property, machinery, furnishings, and appurtenances; and (c) to 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.

The provisions of this Section shall not apply to school boards.

Section 26. Uniform Procedure for Calling, Conducting, and Canvassing 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 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 the legislature.

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.

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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. Milage rates may be increased in any parish when approved by a majority of the electors who vote in an election held for that purpose.

(B) When the milage 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.

(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

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paving, shall not exceed one-half the tax levy for general purposes.

(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.

Section 32. Municipal Tax Limits; Increase

(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 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.

(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.

(C) This Section shall not apply to the city of New Orleans.

Section 33. Local Governmental Subdivision; Occupational License Tax; Limitations

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 the elected membership of each house of the legislature.
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elsewhere provided in the constitution, under authority
granted to them by the legislature for parish, municipal,
and local purposes, strictly public in their nature. The
provisions of this Section shall not apply to, nor affect,
similar grants to such political subdivisions under other
sections of this constitution which are self-operative.

Section 36. Special Taxes; Ratified

Section 36. (A) Any special tax being levied by any
political subdivision under prior laws or under the 1921
Louisiana Constitution, as amended, when this constitution
is adopted is hereby confirmed and ratified.

(B) For the purpose of acquiring, constructing, im-
proving, maintaining and operating any work of public im-
provement, 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.

Section 38. Bonds of Political Subdivisions; General
Obligations

Section 38. The full faith and credit of every politi-
cal 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 inter-
est and redemption premiums, if any, on such bonds as they
mature.

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

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suance of bonds or other debt obligation by a political sub-
division shall be published at least once in the official jour-
nal 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 reso-
lution 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 obligation 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.

(S) The provisions of this Section shall not apply to
school boards.

PART III. LEVEE DISTRICTS

Section 44. 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
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 responsi-
bilities 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.

(B) No action taken hereunder shall impair the obligation
of any outstanding bonded indebtedness or of any other contract
of such levee district.

Section 45. District Taxes; Increase in Tax to Raise
Additional Funds

Section 45. (A) For the purpose of constructing and
maintaining levees, levee drainage, flood protection, hur-
icane flood protection, and for all other purposes incidental
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thereo, 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.

(B) Should the necessity to raise additional funds arise
in any levee district for any of the purposes herein 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 pro-
vided for vote in favor thereof.

Section 46. Bond Issues

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 reve-
 nues into bonds, or other evidences of indebtedness, the pro-
ceeds thereof to be used for the purposes mentioned in this
Article or for the funding or payment of any outstanding in-
debtedness.

(B) Bonds issued under the authority of the foregoing
provision shall be sold in accordance with applicable pro-
visions of the Louisiana Revised Statutes relating to the issu-
ance of bonds by levee districts.

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

PART IV. PORTS

Section 50. Ports

Section 50. All deep-water port commissions and all
depth-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 with-
draw 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;

(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.

PART V. DEFINITIONS

Section 51. Terms Defined
Section 51. As used in this Article:
(1) "Local governmental subdivision" means any parish or municipality;
(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;
(3) "Municipality" means all incorporated cities, towns, and villages;
(4) "Governing authority" means the body which exercises the legislative functions of the political subdivision;
(5) "General law" means a law of statewide concern enacted by the legislature which is uniformly applicable to all persons or to all political subdivisions in the 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 on to...
Committee Proposal No. 18—

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

A PROPOSAL

Making provisions for human resources by prohibiting compulsory arbitration.

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

Article VII, Section 1. Arbitration

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

Committee Proposal No. 19—

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

A PROPOSAL

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

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

ARTICLE XIV. SCHEDULE

Section 1. Mandatory Reorganization of State Government

Section 1. The legislature shall allocate, within not more than twenty departments, the functions, powers, duties, and responsibilities of all departments, offices, agencies, and other instrumentalities within the executive branch, except those allocated by this constitution. Such allocation, which shall not be subject to veto by the governor, shall become operative not later than eighteen months after the effective date of this constitution. Should the legislature fail to make such allocation, the governor within six months shall effect such allocation by executive order.
COMMITTEE PROPOSAL No. 20—

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

A PROPOSAL

Making general provisions for elections.

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

ARTICLE X. ELECTIONS

Section 1. Free Elections

Section 1. Elections shall be freely and fairly conducted on a periodic basis. No law shall interfere with the free exercise of the right to vote.

Section 2. Secret Ballot

Section 2. Voting shall be by secret ballot, and all ballots cast shall be counted publicly and preserved inviolate until any election contests have been settled.

Section 3. Residence of Electors

Section 3. No elector shall lose a bona fide residence by temporary absence due to any employment, including military service, or while studying or visiting away from his voting district.

Section 4. Political Activities

Section 4. No law shall deny the right of each person to organize, join, support, or oppose any political party or organization, or to support or oppose any candidate or proposition except as otherwise provided in this constitution.

Section 5. Privilege from Arrest

Section 5. 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 6. Candidacy for Public Office

Section 6. No qualified elector shall be denied the right to seek public office in the election district in which he is registered except as otherwise provided in this constitution.

Section 7. Vote Required for Election

Section 7. No person shall be elected to any public office unless he has received the highest number of votes cast for that office. The legislature shall provide a method for breaking ties.

Section 8. Limitation on Term of Office

Section 8. No term for any public office elected by the people shall exceed four years except as otherwise provided in this constitution.

Section 9. Prohibited Use of Public Funds

Section 9. No public funds shall be used to urge any elector to vote for or against any candidate, nor appropriated to any candidate or political organization.

Section 10. Registrars of Voters

Section 10. The governing authority of each parish shall appoint a parish registrar of voters who shall provide such bond and receive such compensation as may be determined by law. No person shall serve as registrar of voters while a qualified candidate for any elective office.

Section 11. Commissioners and Poll Watchers

Section 11. The legislature shall provide for the selection of commissioners and poll watchers at every election.

Section 12. Election Returns

Section 12. Returns of elections for public officials shall be made to the secretary of state.

Section 13. Registration Challenges
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Section 13. A person may contest in the district court his denial of registration, or denial of his request to have removed from the rolls any names placed or standing thereon illegally, which cases shall have preference over all others.

Section 14. Election Contests

Section 14. The legislature shall provide by law for the judicial determination of contested elections.

Section 15. Election Fraud

Section 15. No person shall register and vote in more than one place, nor offer or receive anything of value in exchange for a vote, nor engage in any other form of election fraud. The legislature shall enact laws to suppress such activities, and penalties in such cases may include suspension of the right to vote and hold office for a period not to exceed five years.

Section 16. Code of Elections

Section 16. The legislature shall provide for a code of elections.

Constitutional Convention of Louisiana of 1973

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COMMITTEE PROPOSAL No. 21—

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

(A Substitute for Committee Proposal No. 6):

A PROPOSAL

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

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

ARTICLE V. JUDICIARY DEPARTMENT

Section 1. Judicial Power

Section 1. The judicial power shall be vested in a supreme court, courts of appeal, district courts, and other courts authorized by this constitution.

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.

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 fourteen years.

Section 4. Supreme Court; Districts
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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.

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. A criminal case in which the death penalty or imprisonment at hard labor may be imposed or in which a fine exceeding five hundred dollars or imprisonment exceeding six months has been actually imposed. In other criminal cases, an accused shall have a right of appeal or review, as provided by law or by rule of the supreme court not inconsistent therewith.

(E) Subject to the provisions of Subsection (C), the supreme court has appellate jurisdiction over all issues involved in any civil action properly before it.

Section 6. Supreme Court; the Chief Justice

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

(B) The chief justice is the chief administrative officer of the judicial system of the state, subject to rules adopted by the court.

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 and compensation.

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 adopted by the court. A majority of the judges sitting in a case must concur to render judgment. The term of a court of appeal judge shall be twelve years.

Section 9. Courts of Appeal; Circuits and Districts

Section 9. Each circuit shall be divided into at least three districts, with at least one judge elected from each. One or more judges may 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.

Section 10. Courts of Appeal; Appellate and Supervisory
1 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.

(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.

Section 11. Courts of Appeal; Certification to Supreme Court; Determination

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.

Section 12. Courts of Appeal; Chief Judge; Duties

When a vacancy in the office of chief judge of a court of appeal occurs, the judge oldest in point of service on the court, below the age of sixty-five years, shall succeed to the office and shall administer the court, subject to rules adopted by the court.

Section 13. Courts of Appeal; Clerks and Staff

Each court of appeal has authority to select its clerk and other personnel and prescribe their duties and compensation.

Section 14. District Courts; Judicial Districts

The state shall be divided into judicial districts, each composed of one or more parishes and served by one or more district judges.

Section 15. Courts; Continued; Jurisdiction; Judicial Districts Changes; Terms

The district, parish, city, family, and juvenile courts existing at the time of the adoption of this constitution are retained. Except as provided in Section 35 of this Article, the legislature may abolish or merge trial courts of limited jurisdiction subject to the limitations in Sections 16 and 21 of this Article. Except as provided in Section 35 of this Article, the legislature may establish trial courts of limited jurisdiction which shall have parish-wide 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.

(C) The term of district judge shall be six years. Terms established for judgeships existing at the time of the adoption of this constitution are retained; however, the legislature by a majority vote of the elected members of each house, with approval in a referendum in the parish affected, may reduce the terms of district judges in a parish to not less than six years.

Section 16. District Courts; Original Jurisdiction

(A) Unless otherwise authorized by this constitution, a district court shall have original jurisdiction in all civil and criminal matters. It shall have exclusive origi-
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1 national jurisdiction of felony cases; cases involving the title to
2 immovable property; the right to office or other public
3 position; civil or political rights; probate and succession
4 matters; the state, a political corporation, or a succession,
5 as a party defendant, regardless of the amount in dispute;
6 and the appointment of receivers or liquidators to corpora-
7 tions or partnerships.
8 (B) A district court shall have appellate jurisdiction as
9 provided by law.

10 Section 17. District Courts; Chief Judge
11 Section 17. Each district court shall elect from its mem-
12 bers a chief judge who shall exercise, for the term design-
13 nated by the court, the administrative functions as pre-
14 scribed by rule of court.
15 Section 18. Juvenile Courts; Jurisdiction
16 Section 18. The jurisdiction of a juvenile court shall be
17 as provided by law.
18 Section 19. Mayors' Courts; Justices of the Peace; Con-
19 tinued
20 Section 19. Mayors' courts and justice of the peace courts
21 existing at the time of the adoption of this constitution are
22 continued subject to change by the legislature.
23 Section 20. Preservation of Evidence
24 Section 20. Evidence shall be preserved in all trials. The
25 method of preservation shall be provided by law or by rule
26 of the supreme court not inconsistent therewith.
27 Section 21. Judges; Term of Office or Compensation May
28 Not Be Decreased
29 Section 21. No judge's term of office or compensation shall
30 be decreased during the term for which he is elected.
31 Section 22. Judges; Election; Vacancy in Office
32 Section 22. (A) Election of judges shall be at the regular

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congressional election.
1 (B) A newly-created judgeship or a vacancy in the office
2 of any judge shall be filled by a special election which shall
3 be called by the governor, and held within six months of
4 the day on which the vacancy occurs or the judgeship is es-
5 tablished, except when the vacancy occurs in the last six
6 months of an existing term. Until the vacancy is filled, the
7 supreme court shall appoint a person meeting the qualifica-
8 tions for judge to the office, to serve at its pleasure, who
9 shall be ineligible as a candidate for election to the judge-
10 ship.
11 (C) A judge serving on the date of adoption of this con-
12 stitution shall continue in office for the term to which
13 elected and shall serve through December thirty-first of the
14 last year of his term or, if the last year of his term is not
15 in the even-numbered year of a general judicial election, 
16 then through December thirty-first of the following year.
17 The election for the next term in the office will be held in
18 a general judicial election of the year in which the term ex-
19 pires as provided above.
20 Section 23. Retirement of Judges
21 Section 23. (A) A judge shall not remain in office beyond
22 his seventieth birthday, except as otherwise provided herein.
23 (B) A judge or judicial administrator in office or retired
24 at the time of the adoption of this constitution, shall not
25 have diminished any retirement benefits or judicial ser-
26 vice rights, including the right to remain in office, as judge,
27 during his present term, as provided under the previous con-
28 stitution or laws, nor shall the benefits to which his sur-
29 viving spouse was entitled be reduced.
30 (C) A judge taking office after the adoption of this con-
31 stitution and a judge in office who so elects within ninety

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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 circuit or parish for at least two years immediately preceding election, and shall not practice law.

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; three attorneys admitted to the practice of law for at least ten years who are not judges, active or retired, nor public officials, 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 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
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1 conduct prejudicial to the administration of justice that
2 brings the judicial office into disrepute, conduct while in
3 office which would constitute a felony, or conviction of a
4 felony. On recommendation of the Judiciary Commission, the
5 supreme court may disqualify a judge from exercising any
6 judicial function, without loss of salary, during the pendency
7 of the proceedings in the supreme court. On recommenda-
8 tion of the Judiciary Commission, the supreme court may
9 retire involuntarily a judge for disability that seriously in-
10 terferes with the performance of his duties and that is, or
11 is likely to become, of a permanent character. The supreme
12 court shall make rules implementing this section and pro-
13 viding for confidentiality and privilege of proceedings.
14 (F) Action against a judge under this Section shall not
15 preclude disciplinary action against him with respect to his
16 license to practice law.
17 Section 26, Department of Justice; Composition; Attorney
18 General; Election and Assistants
19 Section 26. There shall be a department of justice con-
20 sisting of an attorney general, first and second attorney
21 general, and other necessary assistants and staff. The attor-
22 ney general shall be elected for a term of four years at the
23 state general election, and the assistants shall be appointed
24 by the attorney general to serve at his pleasure.
25 Section 27. Attorney General; Powers and Duties; Va-
26 cancy
27 Section 27. (A) The attorney general shall be the state's
28 chief legal officer. As may be necessary for the assertion or
29 protection of the rights and interests of the state, the attor-
30 ney general shall have authority to:
31 (1) institute and prosecute or intervene in any civil ac-
32 tions or proceedings;

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1 (2) advise and assist, upon request of a district attorney,
2 in the prosecution of a criminal case; and
3 (3) for cause when authorized by the court of original
4 jurisdiction in which any proceeding is pending, subject to
5 judicial review, supercede any attorney representing the
6 state in any civil or criminal action.
7 He shall have such other powers and perform such other
8 duties as may be authorized by this constitution or pro-
9 vided by statute.
10 (B) In case of a vacancy in the office of attorney gen-
11 eral, the first assistant attorney general shall perform the
12 duties of the office until his successor is elected and quali-
13 fied.
14 Section 28. District Attorney; Election; Qualifications;
15 Assistants
16 Section 28. In each judicial district a district attorney
17 shall be elected by the qualified electors of the district for
18 a term of six years. He shall have been admitted to the
19 practice of law in the state for at least five years prior to
20 his election and shall have resided in the district for the
21 two years immediately preceding election. A district attor-
22 ney may select his assistants and other personnel and pre-
23 scribe their duties.
24 Section 29. Defense of Criminal Prosecution; Removal
25 Section 29. No district attorney or assistant district attor-
26 ney shall appear, plead or in any way defend, or assist in
27 defending any criminal prosecution or charge. A violation
28 shall be cause for removal.
29 Section 30. Sheriff; Duties; Tax Collector
30 Section 30. In each parish, a sheriff shall be elected for a
31 term of four years. He shall be the chief law enforcement
32 officer in the parish, except as otherwise provided by this

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Section 31. Clerks; Election; Powers and Duties; Deputies; Office Hours

(A) In each parish, a clerk of the district court shall be elected by the qualified electors of the parish for 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.

Section 32. Coroner; Election; Term; Qualifications; Duties

In each parish, a coroner shall be elected for a term of four years with such qualifications and duties as may be prescribed by law.

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.
Section 37. Grand Jury

There shall be a grand jury or grand juries in each parish whose duties and responsibilities shall be provided by law and whose qualifications shall be as provided in Section 6 of this Article. The secrecy of the proceedings, including the identity of the witnesses appearing, shall be provided for by law.

Section 38. Fees; Orleans Parish

The judges of the civil district court and the city courts of Orleans Parish shall set the fees for civil cases filed in their respective courts.
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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.

Section 5. Supreme Court; Supervisory, Original, and
Appellate Jurisdiction; Rule-Making Power; Assignment of
Judges

Section 5. (A) The supreme court has general super-
visory 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:
(I) A case in which a law or ordinance has been declared
unconstitutional;
(II) A case 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 in-
volved in any civil action properly before it.
(F) In all criminal cases not provided for in subsection
(D) (2) of this Section an accused shall have a right of appeal
or review, as provided by law.

Section 6. Supreme Court; the Chief Justice

Section 6. (A) When a vacancy in the office of chief

justice occurs, the judge oldest in point of service on the
court, shall succeed to the office.

(B) The chief justice is the chief administrative
ton of the judicial system of the state, subject to rules
adopted by the court.

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.

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 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.

Section 9. Courts of Appeal; Circuits and Districts

Section 9. Each circuit shall be divided into at least
three districts, with at least one judge elected from each.
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.

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
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1 decided within its circuit. It has appellate jurisdiction of all
2 matters appealed from the family and juvenile courts, except criminal
3 prosecutions of persons other than juveniles. It has supervisory
4 jurisdiction over all cases in which an appeal would lie to that court.
5 (B) Except as limited to questions of law by this
6 constitution or as provided by law in the case of review of
7 administrative agency determinations, its appellate jurisdiction
8 extends to law and facts.
9 Section 11. Courts of Appeal; Certification to Supreme
10 Court; Determination
11 Section 11. A court of appeal may certify any question
12 of law before it to the supreme court, whereupon the supreme
13 court may give its binding instruction, or consider and decide
14 the case upon the whole record.
15 Section 12. Courts of Appeal; Chief Judge; Duties
16 Section 12. There shall be a chief judge of each court of
17 appeal who shall be the judge oldest in point of service on the
18 court and who shall administer the court subject to rules adopted
19 by the court.
20 Section 13. Courts of Appeal; Clerks and Staff
21 Section 13. Each court of appeal has authority to select
22 its clerk and other personnel and prescribe their duties.
23 Section 14. District Courts; Judicial Districts
24 Section 14. The state shall be divided into judicial
25 districts, each composed of one or more parishes and served by
26 one or more district judges.
27 Section 15. Courts; Continued; Jurisdiction; Judicial
28 Districts Changes; Terms
29 Section 15. (A) The district, parish, magistrate, city,
30 family, and juvenile courts existing at the time of the adoption
31 of this constitution are retained. The legislature may abolish
32 or merge trial courts of limited or specialized jurisdiction
33 subject to the limitations in Sections 16 and 21 of this Article.
34 The legislature may establish trial courts of limited jurisdiction
35 which shall have parishwide territorial jurisdiction and subject
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1 matter jurisdiction which shall be uniform throughout the state. The
2 office of city marshal is continued until such time as the city court
3 he serves is abolished by the legislature.
4 (B) The judicial districts existing at the time of the adoption
5 of this constitution are retained. The legislature, by a majority vote
6 of the elected members of each house, with approval in a referendum
7 in each district and parish affected, may establish, divide, or merge
8 judicial districts, subject to the limitations of Section 21 of this
9 Article.
10 (C) The term of a district and parish judges shall be six years.
11 (D) The legislature may increase or decrease the number of judges
12 in any judicial district by a two-thirds vote of the elected membership
13 of each house.
14 Section 15.1. City Court Judges; Terms
15 Section 15.1. A judge of a city court shall be elected for the
16 same term as a district court judge.
17 Section 16. District Courts; Original Jurisdiction
18 Section 16. (A) Unless otherwise authorized by this constitution,
19 a district court shall have original jurisdiction in all civil and criminal
20 matters. It shall have exclusive original jurisdiction of felony cases
21 and of cases involving: the title to immovable property; the right to
22 office or other public position; civil or political rights; probate
23 and succession matters; the state, a political corporation, or a succession,
24 as a party defendant, regardless of the amount in dispute; and the appointment
25 of receivers or liquidators to corporations or partnerships.
26 (B) A district court shall have appellate jurisdiction as provided
27 by law.
28 Section 17. District Courts; Chief Judge
29 Section 17. Each district court shall elect from its members a
30 chief judge who shall exercise, for the term designated by the court,
31 the administrative functions as prescribed by rule of court.
32 Section 18. Juvenile Courts; Jurisdiction
33 Section 18. Notwithstanding any provision of this Article to the contrary,
34 the juvenile and family courts shall have such jurisdiction as the legislature
35 shall provide by law.
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Section 19. Mayors’ Courts; Justices of the Peace;

Section 19. Mayors’ courts and justice of the peace
courts existing at the time of the adoption of this consti-
tution are continued subject to change by the legislature.

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.

Section 22. Judges; Election; Vacancy in Office
(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 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
he is 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

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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.

Section 23. Retirement of Judges
Section 23. (A) 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 enact-
ing 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 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 re-
spective district, circuit, or parish for at least two years
immediately preceding election, and shall not practice law.

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
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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 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 adminis-
tration 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 dis-
qualify a judge from exercising any judicial function,
without loss of salary, during the pendency of the pro-
ceedings in the supreme court. On recommendation of the
Judiciary Commission, the supreme court may retire invol-
unter 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 con-
fidentiality and privilege of commission proceedings.

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(F) Action against a judge under this Section shall not
preclude disciplinary action against him with respect to his
license to practice law.

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 attor-
ney 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.

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.

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
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 assistants
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as may be authorized by law and other personnel.

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.

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.

Section 31. Clerks; Elections; Powers and Duties; Deput-
ties; 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
be 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.

Section 32. Coroner; Election; Term; Qualifications;

Duties

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

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a licensed physician shall not apply to any parish in
which there is no licensed physician who will accept
the office.

Section 33. Vacancies

Section 33. 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.

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.

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.

Section 36. Jurors; Qualifications; Exemptions

Section 36. (A) A citizen of the state, who is domiciled
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1 within the parish in which he is to serve as a juror and
2 who has reached the age of majority, is eligible to serve
3 as a juror. The legislature may provide additional qualifi-
4 cations.
5 (B) The supreme court by rule shall provide for
6 exception of jurors.
7
8 Section 37. Grand Jury
9 Section 37. (A) There shall be a grand jury or grand juries
10 in each parish whose qualifications, duties and responsibilities
11 shall be provided by law. The secrecy of the proceedings, includ-
12 ing the identity of the witnesses appearing, shall be provided for
13 by law.
14 (B) Except as otherwise provided in this constitution,
15 a district attorney, or his designated assistant, shall have
16 charge of every criminal prosecution by the state in his district,
17 shall be the representative of the state in his district before
18 the grand jury, and its legal advisor. He shall perform such
19 other duties as may be provided by law.
20 (C) At all stages of grand jury proceedings, anyone testifying
21 in such proceedings shall have the right to the advice of
22 counsel while testifying.
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Constitutional Convention of Louisiana of 1973

CC-1161

1 COMMITTEE PROPOSAL No. 22—
2 Introduced by Delegate Stagg, Chairman, on behalf of the
3 Committee on Executive Department and Delegates Abra-
4 ham, Alexander, Anzalone, Arnette, Brien, Dennery, Duval,
5 Gravel, Stovall and Tapper:
6
7 A PROPOSAL
8 Making provisions for a code of ethics and the Louisiana
9 Board of Ethics.
10 Be it adopted by the Constitutional Convention of Louisi-
11 ana of 1973:
12 Article _____, Section ____. Code of Ethics; Board of
13 Ethics
14 Section _____. (A) The legislature shall enact a code of
15 ethics prohibiting conflict between public duty and private
16 interests of all officials and employees of the state and its
17 political subdivisions.
18 (B) The Louisiana Board of Ethics is created to be com-
19 posed of seven members appointed by the governor subject to
20 confirmation by the Senate for six-year terms. At least one
21 member shall be a citizen of and resident of each state
22 supreme court district. The board shall investigate all alle-
23 gations of violations of the state code of ethics and shall
24 have such other powers and duties as may be provided by
25 this constitution or by statute.
26
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Page 1
A PROPOSAL

Making provisions for a code of ethics and the Louisiana Board of Ethics.

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

Article ____, Section ____. Code of Ethics; Board of Ethics
Section ____. (A) The legislature shall enact a code of ethics prohibiting conflict between public duty and private interests of all officials and employees of the state and its political subdivisions.

(B) The Louisiana Board of Ethics is created to be composed of seven members appointed by the governor subject to confirmation by the Senate for six-year terms. At least one member shall be a citizen of and resident of each state supreme court district. The board shall investigate all allegations of violations of the state code of ethics and shall have such other powers and duties as may be provided by this constitution or by statute.
COMMITTEE PROPOSAL No. 23—

Introduced by Delegate Stagg, Chairman, on behalf of the
Committee on Executive Department and Delegates Abra-
ham, Arnette, Brien, Dennery, Gravel, Stovall and Tapper:

A PROPOSAL

Prohibiting dual employment and dual officeholding in state
and local government.

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

Article ___, Section ___ Dual Employment and Dual
Officeholding

Section _____. (A) Except as otherwise provided in this
Section, no person holding, under the government of this
state or any of its political subdivisions, any office or em-
ployment of trust or any office or employment which entitles
him to any per diem, salary, or other emolument of office
shall at the same time hold any other such office or em-
ployment with the United States, any foreign power, or any
other state; nor shall any such person hold more than one
such office or employment with this state or any of its polit-
ical subdivisions.

(B) For purposes of this Section, the following shall not
be considered to be offices or employment described in
Paragraph (A) of this Section: (1) ex officio positions; (2)
notaries public; (3) those serving on boards, commissions,
and other instrumentalities performing solely policy-making
or advisory functions; (4) delegates to, as well as officials
and employees of, any constitutional convention; (5) mem-
bers in the reserve of the armed forces and the national
guard; and (6) election commissioners.

(C) Nothing in this Section shall prevent teachers in the
public education system of the state from holding elective

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COMMITTEE PROPOSAL No. 23—

Introduced by Delegate Stagg, Chairman, on behalf of the Committee on Executive Department, and Delegates Abraham, Arnette, Brien, Dennery, Gravel, Stovall and Tapper:

A PROPOSAL

Prohibiting dual employment and dual officeholding in state and local government.

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

Article——, Section——. Dual Employment and Dual Officeholding

Section——. (A) Except as otherwise provided in this Section, no person holding, under the government of this state or any of its political subdivisions, any office or employment of trust or any office or employment which entitles him to any per diem, salary, or other emolument of office shall at the same time hold any other such office or employment with the United States, any foreign power, or any other state; nor shall any such person hold more than one such office or employment with this state or any of its political subdivisions.

(B) For purposes of this Section, the following shall not be considered to be offices or employment described in Paragraph (A) of this Section: (1) ex officio positions; (2) notaries public; (3) those serving on boards, commissions, and other instrumentalities performing solely policy-making or advisory functions; (4) delegates to, as well as officials and employees of, any constitutional convention; (5) members in the reserve of the armed forces and the national guard; and (6) election commissioners.

(C) Nothing in this Section shall prevent teachers in the public education system of the state from holding elective public office except that a teacher shall be prohibited from serving as a member of the parish or municipal school board of which he is an employee.

(D) Upon a determination made by the board of ethics, after a public hearing and under such procedures as may be provided by statute, that the public interest is not adversely affected, exceptions from this Section may be permitted.

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Constitutional Convention of Louisiana of 1973

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Committee Proposal Number 23

Introduced by Delegate Stagg, Chairman, on behalf of the
Committee on Executive Department, and Delegates
Abraham, Arnette, Brien, Beamery, Gravel, Stovall,
and Topper

A PROPOSAL

Defining and regulating dual employment and defining, re-
gulating and prohibiting dual officeholding in state
and local government.

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

Article ____, Section _____. Dual Employment and Dual
Officeholding

Section ____. (A) The legislature shall enact
laws defining and regulating dual employment and defining,
regulating and prohibiting dual officeholding in state and
local government.

Constitutional Convention of Louisiana of 1973

CC-1194

Committee Proposal No. 24—

Introduced by Delegate A. Jackson, Chairman, on behalf
of the Committee on Bill of Rights and Elections, and Dele-
gates Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick,
Wall, and Weiss:

A PROPOSAL

Relative to constitutional revision.

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

ARTICLE XIII. CONSTITUTIONAL REVISION

Section 1. Amendments

Section 1. (A) An amendment to this constitution may be
proposed by joint resolution at any session of the legislature.
If two-thirds of the members elected to each house concur
in the resolution, pursuant to all the procedures and for-
malities required for passage of a bill except submission
to the governor, the secretary of state shall cause the pro-
posed amendment to be published in the official journal of
each parish once within not less than thirty nor more than
sixty days preceding the next election for representatives in
the legislature or Congress.

(B) If a majority of the electors voting for or against
the proposed amendment shall approve it, then it shall be-
come part of this constitution, effective twenty days after
the governor has proclaimed its adoption, unless the amend-
ment otherwise provides. However, no proposed amend-
ment affecting five or fewer political subdivisions shall be-
come part of this constitution unless a majority of the
electors voting thereon in the state and also a majority, in
the aggregate, of the electors in the affected areas vote in
favor of adoption of the proposed amendment.

(C) When more than one amendment is submitted at

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the same election, each shall be submitted so as to enable the
electors to vote on them separately. A proposed amendment
shall be confined to one object and may set forth the en-
tire article or articles to be revised or only the sections or
other subdivisions which are to be added or in which a
change is to be made: provided that a section or other
subdivision may be repealed by reference. The proposed
amendment shall have a title containing a brief summary
of the changes proposed.

Section 2. Convention Called by Legislature

Section 2. Whenever two-thirds of the members elected
to each house consider it desirable to revise, alter, or amend
this constitution, they may recommend to the electors at
the next election for representatives to the legislature or
Congress to vote for or against a convention for that pur-
pose. If a majority of the electors voting on the proposition
approve it, the legislature shall provide at its next session
for calling such a convention. The convention shall consist
of delegates elected from the same districts and having the
same qualifications as state representatives. The legislature
may also provide for not more than fifteen delegates to be
appointed by the governor. At a special election called for
that purpose, the proposed constitution and any alternative
propositions agreed upon by the convention shall be sub-
mitted 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 Constitu-
tion of the State of Louisiana.

Section 3. Convention Call by People

Section 3. At the election for representatives to Congress
to be held in the year one thousand nine hundred eighty-six
and in every tenth year thereafter, the question "Shall there
be a convention to revise the Constitution of the State of
Louisiana" shall be submitted to the electors of the state.
If a majority of the electors who vote on the question favor
it, the legislature shall at its next session provide for call-
ing a convention, according to the same procedures men-
tioned in the previous section.

Section 4. Laws Effectuating Amendments

Section 4. Whenever the legislature shall submit amend-
ments 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.
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Constitutional Convention of Louisiana of 1973

CC-1196

COMMITTEE PROPOSAL No. 25—

Introduced by Delegate Jackson, Chairman, Committee on Bill of Rights and Elections (Substitute for Committee Proposal No. 2, by Delegate Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections, and Delegates Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick, Wall and Weiss):

A PROPOSAL

To provide a preamble and a declaration of rights to the constitution.

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

A PREAMBLE

We, the people of Louisiana, grateful to Almighty God for the civil, political, economic, and religious liberties we enjoy, and desiring to protect individual rights to life, liberty, and property; afford opportunity for the fullest development of the individual; assure equality of rights; promote the health, safety, education, and welfare of the people; maintain a representative and orderly government; ensure domestic tranquility; provide for the common defense; and secure the blessings of freedom and justice to ourselves and our posterity, do ordain and establish this constitution.

ARTICLE I. DECLARATION OF RIGHTS

Section 1. Origin and Purpose of Government

Section 1. All government, of right, originates with the people, is founded on their will alone, and is instituted to protect the rights of the individual and for the good of the whole. Its only legitimate ends are to secure justice for all, preserve peace, and promote and protect the rights, happiness, and general welfare of the people. The rights enumerated in this Article are inalienable and shall be preserved
1 unreasonable searches, seizures, or invasions of privacy.
2 No warrant shall issue without probable cause supported by
3 oath or affirmation particularly describing the place to be
4 searched, the persons or things to be seized, and the lawful
5 purpose or reason for the search. Any person adversely
6 affected by a search or seizure conducted in violation of
7 this Section shall have standing to raise the illegality of
8 that search or seizure in the appropriate court of law.
9 Section 6. Freedom from Intrusion
10 Section 6. No person shall be quartered in any house
11 without the consent of the owner or lawful occupant.
12 Section 7. Freedom from Discrimination
13 Section 7. All persons shall be free from discrimination on
14 the basis of race, color, creed, national ancestry, and sex in
15 access to public accommodations or in the sale or rental of
16 property by persons or agents who derive a substantial in-
17 come from such business activity. Nothing herein shall be
18 construed to impair freedom of association.
19 Section 8. Trial by Jury in Civil Cases
20 Section 8. In all civil cases, except, summary, domestic,
21 and adoption cases, the right to trial by jury shall not be
22 abridged. No fact determined by a judge or jury shall be re-
23 examined on appeal. Determination of facts by an adminis-
24 trative body shall be subject to review.
25 Section 9. Freedom of Expression
26 Section 9. No law shall abridge the freedom of every per-
27 son to speak, write, publish, photograph, illustrate, or broad-
28 cast on any subject or to gather, receive, or transmit knowl-
29 edge or information, but each person shall be responsible
30 for the abuse of that liberty; nor shall such activities ever
31 be subject to censorship, licensure, registration, control, or
32 special taxation.

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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 is 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 take the stand in his own behalf.

Section 16. Trial by Jury in Criminal Cases

Any person charged with an offense or set of offenses punishable by imprisonment of more than six months may demand a trial by jury. In cases involving a crime necessarily punishable by hard labor, the jury shall consist of twelve persons, all of whom must concur to render a verdict in capital cases or cases in which no parole or probation is permitted, and ten of whom must agree in others. In cases not necessarily punishable by hard labor, the jury may consist of a smaller number of persons, all of whom must concur to render a verdict. The accused shall have the right to voir dire and to challenge jurors peremptorily.

Section 17. Right to Bail

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 is great. After conviction and before sentencing, a person shall be bailable if the maximum sentence which may be imposed is less than five years, and the judge may grant bail if the maximum sentence which may be imposed is greater. After sentencing and until final judgment, persons shall be bailable if the sentence actually imposed is less than five years, and the judge may grant bail if the sentence actually imposed is greater.

Section 18. Right to Humane Treatment

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

Section 19. Right to Vote

No person eighteen years of age or older who is a citizen and resident of the state shall be denied the right to register and to 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 Keep and Bear Arms

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 concealed weapons.

Section 21. Writ of Habeas Corpus

The writ of habeas corpus shall not be suspended.

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 actual or threatened injury to him in his
person, property, reputation, or other rights. Neither the state, its political subdivisions, nor any private person shall be immune from suit and liability.

Section 23. Prohibited Laws

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

Section 24. Freedom of Commerce

Section 24. No law shall impair the right of each person to engage in commerce by controlling the production, distribution, or price of goods, except when necessary to protect public health and safety.

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.

First Enrollment

CC-1196

C. P. No. 25

To provide a preamble and a declaration of rights to the constitution.

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

A PROPOSAL

We, the people of Louisiana, grateful to Almighty God for the civil, political, economic, and religious liberties we enjoy, and desiring to protect individual rights to life, liberty, and property; afford opportunity for the fullest development of the individual; assure equality of rights; promote the health, safety, education, and welfare of the people; maintain a representative and orderly government; ensure domestic tranquility; provide for the common defense; and secure the blessings of freedom and justice to ourselves and our posterity, do ordain and establish this constitution.

ARTICLE I. DECLARATION OF RIGHTS

Section I. Origin and Purpose of Government

Section I. 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
inviolable by the state.

Section 2. Due Process of Law
Section 2. No person shall be deprived of life, liberty or
property, except by due process of law.

Section 3. Right to Individual Dignity
Section 3. No person shall be denied the equal protection of
the law. No law shall discriminate against a person on account of
race or religious ideas, religious beliefs or religious affilia-
tions. 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.

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 compensa-
tion 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 enter-
prise or any of its assets shall be taken for the purpose of
operating that enterprise or for the purpose of halting competi-
tion with government enterprises, except that municipalities may
expropriate utilities within their jurisdiction. 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 5. Right to Privacy
Section 5. Every person shall be secure in his person, prop-
erty, communications, houses, papers, and effects against unre-
asonable searches, seizures, or invasions of privacy. No warrant
shall issue without probable cause supported by oath or affirma-
tion particularly describing the place to be searched, the person
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.

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

Section 7. Liberty of Speech and Freedom of the Press
Section 7. 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 8. Freedom of Religion
Section 10. No law shall be enacted respecting an establish-
ment of religion or prohibiting the free exercise thereof.

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 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 deten-
tion, 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.
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.

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. 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. 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 intel-
ligently 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.

Section 17. Right to Bail
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 convic-
tion 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.

Section 18. Right to Humane Treatment
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 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
First Enrollment

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C. F. No. 25

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. Writ of Habeas Corpus

Section 21. The writ of habeas corpus shall not be suspended.

Section 22. Access to Courts

Section 22. All courts shall be open, and every person shall have an adequate remedy by due process of law and justice, administered without denial, partiality, or unreasonable delay for injury to him in his person, property, reputation, or other rights.

Section 23. Prohibited Laws

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

Section 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.

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.

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.

Constitutional Convention of Louisiana of 1973

CC-1223

COMMITTEE PROPOSAL No. 26—

Introduced by Delegate Rayburn, Chairman, on behalf of the Committee on Revenue, Finance and Taxation, and Delegates Alario, Brown, Chehardy, Edwards, Goldman, Mauberret, Mire, Nunez, Planchar, Slay and Winchester:

A PROPOSAL

Making provisions for property taxation.

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

ARTICLE XI. REVENUE AND FINANCE

Section 1. Assessment of Property; Classification; Assessors; Right of Taxpayer

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.

(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 ----------------------------- 5%
2. Improvements on residential property ---------- 10%
3. All other property ------------------ 15%

(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 by the Louisiana Tax Commission.

(D) Any taxpayer shall have the right to test the correctness of his assessment before the Louisiana Tax Commission subject to review by the district court at the domicile
of the assessing authority.

Section 2. Homestead Exemption; Other Property Exemptions

Section 2. The following property shall be exempt from taxation: (A) Homesteads. From state, parish, and special taxes, the homestead, bona fide, 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 and sixty acres, buildings and appurtenances, whether rural or urban, owned and occupied by any person, in the full amount of five thousand dollars of the assessed valuation. However, veterans and persons sixty-five years or older shall be provided with a homestead exemption of six thousand dollars of the assessed valuation. No exemption shall extend to any municipal or city taxes except the following: (1) in Orleans Parish this exemption shall apply to the state, the general city, the school, the levee, and levee board taxes; (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, provided that this exemption shall not be extended to more than one homestead owned by the husband or wife.

(B) Additional property may be exempted from taxation if authorized by a two-thirds vote of the elected membership of each house of the legislature.

Section 3. No Impairment of Existing Taxes or Obligations

Section 3. The provisions of Article XI, Section 2, in no way shall be construed or applied in such a manner as to:

(a) invalidate taxes authorized and imposed prior to the adoption of this constitution; or (b) impair the obligations, validity, or security of any bonds or other debt obligations authorized prior to the adoption of this constitution.

Section 4. Adjustment of Ad Valorem Tax Millages

Section 4. The amount of taxes collected by any taxing authority in the state shall not be increased because of the method of assessing property at a uniform ratio of assessment to value as provided in Article XI, Section 1, and it shall be the mandatory duty of all taxing authorities to adjust millages proportionate to adjustments in assessment values so as to produce the same dollar amount of revenue.

Nothing provided herein shall be construed to prohibit any taxing authority from collecting a larger dollar amount of ad valorem taxes by means of the following: (a) by levying additional millages as provided by law; (b) by placing additional property on the tax rolls; or (c) by reason of increased property values due to economic conditions.

Nothing contained herein shall be construed to diminish the security of outstanding bonds.

Section 5. Tax Assessor

Section 5. (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.

(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
COMMITTEE PROPOSAL No. 26—

Introduced by Delegate Rayburn, Chairman, on behalf of the Committee on Revenue, Finance and Taxation, and Delegates Alario, Brown, Chehardy, Edwards, Goldman, Maubrecht, Mire, Nunez, Planchar, Slay, and Winchester:

A PROPOSAL

Making provisions for property taxation.

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

ARTICLE XI. REVENUE AND FINANCE

Section 1. Assessment of Property; Classification; Assessors; Right of Taxpayer

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.

(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 ........................................... 5%
2. Improvements on residential property .......... 10%
3. All other property ................................ 15%

(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 by the Louisiana Tax Commission. All property subject to taxation shall be re-appraised at intervals of not more than five years.

(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) The legislature may provide that agricultural, hor-
ticultural and timber lands will be assessed for the purpose 
of taxation at a percentage of use value rather than fair 
market value.

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. Homestead Exemption; Other Property Ex-
emptions

Section 3. The following property shall be exempt from ad 
valorem taxation: (A) Homesteads. From state, parish, and 
special taxes, the homestead, bona fide, 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 and sixty acres, build-
ings and appurtenances, whether rural or urban, owned and 
occupied by any person, in the full amount of five thousand 
dollars of the assessed valuation. However, veterans and 
persons sixty-five years or older shall be provided with a 
homestead exemption of six thousand dollars of the as-
sessed valuation. No exemption shall extend to any munici-
pal or city taxes except the following: (1) In Orleans Parish 
this exemption shall apply to the state, the general city, the 
school, the levee, and levee board taxes; (2) to any munici-
pal 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, provided that this exemption shall 
not be extended to more than one homestead owned by the 
husband or wife.

(B) All public property.

(C) Places of religious worship; property owned by reli-
gious; denominations and used as residences for clergy or 
religious; places of burial, and property held by any religious 
denomination or nonprofit corporation or organization for 
burial purposes, but the exemption shall not apply to unsold 
lots, crypts, or places for burial nor shall it apply to lands 
held for development as places for burial, when so held for 
profit; universities, schools and colleges; places devoted to 
charitable undertakings; hospitals, nursing homes, homes for 
the aged, convalescent and rehabilitation facilities, institu-
tions for treatment, rehabilitation and care of the physically 
and mentally handicapped or retarded, orphanages, child 
and/or day care centers which are organized as non-profit 
corporations under the Louisiana Non-profit Corporations 
Law or which are exempt from federal and state income 
taxation law which are licensed or regulated by the state of 
Louisiana; organizations such as lodges and clubs organized 
for charitable and fraternal purposes and practicing the 
same; but exemption shall extend only to property, and 
grounds thereunto appurtenant, used for the above men-
tioned purposes, and not leased for profit or income.

(D) Cash on hand or deposit; stocks and bonds, except 
bank stocks, which shall be assessed and taxed solely as 
provided by law, and the tax 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
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1 insurance companies; loans by homestead or building and
2 loan associations to their members, if secured solely by stock
3 of said associations; debts due for merchandise or other
4 articles of commerce or for services rendered; obligations
5 of the state or its political subdivisions; all personal property
6 used in the home or on loan in a public place; agricultural
7 products while owned by the producer, agricultural
8 machinery and other implements used exclusively for agricul-
9 tural purposes, and all animals on the farm, and property
10 belonging to agricultural fair associations; all property
11 used for cultural, mardi-gras carnival or civic activities and
12 not operated for profit to the owners; all oceangoing vessels
13 engaged in international trade and domiciled in Louisiana
14 ports, but this exemption shall not apply to harbor, wharf,
15 shed, and other port dues, and no vessel operated in the
16 coastal trade of the continental United States shall be within
17 the exemption herein granted; boats using gasoline as motor
18 fuel; commercial vessels used for gathering seafood for
19 human consumption; and rights-of-way granted to the State
20 Department of Highways.
21 (E) From state, parish, and special taxes, all motor vehi-
22 cles used on the public highways of this state, provided that
23 this exemption shall not extend to any general or special
24 tax levied by the governing authority of any municipality,
25 or district created by any such municipality, unless the
26 governing authority thereof shall provide for such exemp-
27 tion by ordinance or resolution.
28 (F) The State Board of Commerce and Industry, with
29 the approval of the governor, and the local governing author-
30 ity may enter into contracts for the exemption of any new
31 manufacturing establishment or an addition or additions
32 to any manufacturing establishment already existing in the

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1 state upon such terms and conditions as the board, with
2 the approval of the governor, and the local governing author-
3 ity, may deem to be to the best interest of the state. The
4 terms "manufacturing establishment" and "addition" or
5 "additions" as used in this Paragraph mean a new plant or
6 establishment or an addition or additions to any existing
7 plant or establishment which engages in the business of
8 working raw materials into wares suitable for use or which
9 gives new shapes, new qualities, or new combinations to matter
10 which already has gone through some artificial process. No ex-
11 emption shall be contracted for any new manufacturing
12 establishment in any locality where there is a manufacturing
13 establishment actually engaged in the manufacture of the
14 same or closely competitive articles without the written
15 consent of the owner of such existing manufacturing estab-
16 lishment to be attached to and identified with the contract
17 of exemption. No exemption from taxes shall be granted
18 under the authority of this Paragraph for a longer initial
19 period than five calendar years from the date of the execu-
20 tion of the contract of exemption or five calendar years from
21 the date of the completion of the construction as described
22 in the contract for tax exemption, the commencement of the
23 exemption upon either of such dates to be specified in the
24 contract at the discretion of the State Board of Commerce
25 and Industry and subject to approval by the governor. Upon
26 application within ninety days before the expiration of the
27 initial period of five years, and upon proper showing of a
28 full compliance with the contract of exemption by the
29 contractee, any exemption granted under the authority of
30 this subsection shall be renewed for an additional period of
31 five calendar years. Any such exemption shall ipso facto
32 cease upon violation of the terms and conditions of the

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contract which granted the same. All property exempted, in
accordance with the provisions of the paragraph shall be
listed on the assessment rolls and submitted to the Louisi-
am Tax Commission, but no taxes shall be collected thereon
during the period of exemption.

(G) (1) All raw materials, goods, commodities, and ar-
ticles imported into this state from outside of the continental
United States:

(a) So long as such imports remain upon the public prop-
erty 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, con-
tainers, 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 shall not
apply to a retail merchant holding such imports as part of
his stock-in-trade for sale at retail.

(2) All raw materials, goods, commodities, and other
articles being held upon the public property of a port author-
ity 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) All goods, commodities, and personal property in pub-
lic or private storage while in transit through this state

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1 amount of ad valorem taxes by means of the following:
2 (a) by levying additional millages as provided by law; (b)
3 by placing additional property on the tax rolls; or (c) by rea-
4 son of increased property values due to economic conditions.
5 Nothing contained herein shall be construed to diminish the
6 security of outstanding bonds.
7 Section 6. Revenue Sharing Fund
8 Section 6. There is hereby established and created a spe-
9 cial fund in the State Treasury to be known as the Revenue
10 Sharing Fund. The fund shall be composed of moneys which
11 shall be transferred to it annually out of the state general
12 fund by the state treasurer in the amount of eighty million
13 dollars. This provision shall be self-operative. The legis-
14 lature may allocate additional sums to the Revenue Sharing
15 Fund and shall provide for distribution of the moneys in the
16 fund to those local governing bodies, municipalities, police
17 juries, boards, commissions, districts, and other agencies
18 as may be designated by it.
19 Section 7. Method of Distribution of Revenue Sharing
20 Funds
21 Section 7. Revenue sharing funds shall be distributed by
22 the legislature to the parishes solely on the basis of popula-
23 tion and number of homesteads in the parish. The ratio to be
24 used in making the distribution and the distribution of these
25 funds by each parish shall be made in accordance with law.
26 Section 8. Tax Assessor
27 Section 8. (A) There shall be a tax assessor elected by the
28 qualified electors of each parish in the state, parish of
29 Orleans excepted. His term of office shall be four years and
30 the legislature shall define his duties, fix his compensation,
31 and provide for his election.
32 (B) There shall be seven assessors in the city of New

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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.
(C) When a vacancy occurs in the office of tax assessor
the duties of the office, until it is filled by election as provid-
ed 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.

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COMMITTEE PROPOSAL NUMBER 26

Introduced by Delegate Rayburn, Chairman, on behalf of
the Committee on Revenue, Finance and Taxation, and
Delegates Alario, Brown, Chohardy, Edwards, Goldman,
Maubernet, Mire, Nunez, Planchard, Slay, and Winchester

A PROPOSAL

Making provisions for property taxation.

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

ARTICLE XI. REVENUE AND FINANCE

Section 1. 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.

(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%

(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 uniformly
applicable throughout the state.

(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) 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.

(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 defined by general law, and 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 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 there-
into is in either husband or wife, but this exemption shall not
be extended to more than one homestead owned by the husband
or wife. Notwithstanding anything in this Constitution to
the contrary, in order to provide equitable tax relief similar
to that granted to homeowners through homestead property tax
exemptions, the legislature may provide for tax relief to
residential lessees in the form of credits or rebates.

(C) All property subject to taxation shall be reappraised
and valued in accordance with the provisions of this Section
at intervals of not more than four years.

(R) The provisions of this Section shall become effective
commencing January 1 of the year following the end of three
years after the effective date of this constitution, and until
that date the provisions of the 1921 Constitution governing
matters covered by this Section shall continue and be fully
applicable, notwithstanding any contrary expiration date stated
in any provision thereof with respect to the veterans homestead
exemption.

Section 2. Rate of State Property Taxation; Limitation
Section 2. The rate of state taxation on property for
all purposes shall not exceed, in any one year, five and
three-quarter mills on the dollar of its assessed value.

Section 3. Other Property Exemptions
Section 3. In addition to the homestead exemption pro-
vided for in Section 1 of this Article, the following property
shall be exempt from ad valorem taxation:

(A) All public lands; all other public property used
for public purposes.

(C) That owned by nonprofit corporations or associations
organized and operated exclusively for religious, dedicated
places of burial, charitable, health, welfare, fraternal, or
educational purposes, no part of the net earnings of which
would normally accrue to 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 represent-
ing 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 pro-
fessional 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 associ-
ation.

(D) Cash on hand or deposit, stocks and bonds, except
bank stocks, the tax on which shall be paid by the banking institu-
tion; 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;
debs 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 exclu-
dively 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
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
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exemption herein granted; boats using gasoline as motor fuel;
commercial vessels used for gathering seafood for human con-
sumption; and rights-of-way granted to the State Department
of Highways.

(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 govern-
ing authority thereof shall provide for such exemption by ordi-
nance or resolution.

(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 manufactur-
ing establishment or an addition or additions to any manufactur-
ing 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.

(G) (1) All raw materials, goods, commodities, and articles
imported into this state from outside of 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 manufact-
ers 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 shall not
apply to a retail merchant holding such imports as part of his
stock-in-trade for sale at retail.

(2) All raw materials, goods, commodities, and other
articles being held upon the public property of a port author-
ity 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) All goods, commodities, and personal property in
public or 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 thereto 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
titled to exemption or not shall be reported to the proper
taxing authority on the forms required by law.

(H) No additional property may be exempted from taxation.

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 securi-
ty of any bonds or other debt obligations authorized prior to
the adoption of this constitution.

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
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Section 6. Revenue Sharing Fund; Distribution; Pledge

Section 6. (A) A special fund is created in the state treasury to be known as the Revenue Sharing Fund.

(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.

(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.

(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.

(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 Article VI.
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1 this Section, to offset current losses caused by homestead
2 exemptions granted by this Article. Unless otherwise pro-
3 vided by the legislature, no portion of any moneys allocated
4 within any parish out of any balance remaining in any parish
5 distribution, as provided in Paragraph (D) hereof, may be
6 pledged to the payment of the principal or interest of any
7 bonds. These bonds shall be issued and sold as provided by
8 law, and shall require the approval of the State Bond
9 Commission, or its successor, prior to issuance and sale.
10
11 Section 8. Tax Assessor
12 (A) There shall be a tax assessor elected
13 by the qualified electors of each parish in the state,
14 parish of Orleans excepted. His term of office shall be
15 four years and the legislature shall define his duties,
16 fix his compensation, and provide for his election.
17
18 (B) There shall be seven assessors in the city of
19 New Orleans, who together shall compose the Board of
20 Assessors for the parish of Orleans. One shall be elected
21 from each municipal district of the city of New Orleans,
22 and they shall be residents of the districts from which
23 they are elected. Their terms shall be four years and
24 they shall be elected at the same time as the municipal
25 officers of the city of New Orleans.
26
27 (C) When a vacancy occurs in the office of tax
28 assessor the duties of the office, until it is filled by
29 election as provided by law, shall be assumed by the chief
30 deputy assessor, except in the parish of Orleans, where
31 the Board of Assessors for the parish of Orleans shall appoint
32 the interim assessor.
33
34 Section 9. Tax Sales; Redemption of Property
35 (A) There shall be no forfeiture of property for
36 the nonpayment of taxes, but at the expiration of the year in
37 which said taxes are due, the collector shall, without suit,
38 and after giving notice to the delinquent in the manner pro-
39 vided by law, advertise for sale in the official journal of the

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1 parish or municipality, provided there be an official journal
2 in such parish or municipality; or, if not, then, as is now
3 or may be provided by law for sheriff's sales, the property
4 on which the taxes are due in the manner provided for judicial
5 sales, and on the day of sale he shall sell such portion of
6 the property as the debtor shall point out and, in case the
7 debtor shall not point out sufficient property, the collector
8 shall, at once and without further delay, sell the least
9 quantity of property which any bidder will buy for the amount
10 of taxes, interest and costs. The sale shall be without
11 appraisement and the property sold shall be redeemable at any
12 time during three years from date of recordation of the tax
13 sale, by paying the price given, including costs and five per
14 cent penalty thereon, with interest at the rate of one per cent
15 per month until redeemed. No judgment annulling a tax sale
16 shall have effect until the price and all taxes and costs are
17 paid, with ten percent per annum interest on the amount of the
18 price and taxes paid from date of respective payments, be
19 previously paid to the purchaser; provided, this shall not
20 apply to sales annulled on account of taxes having been paid
21 prior to the date of sale, all deeds of sale made, or that may
22 be made, by the collectors of taxes, shall be received by
23 courts in evidence as prima facie valid sales.
24
25 No sale of property for taxes shall be set aside for any
26 cause, except on proof of payment of the taxes for which the
27 property was sold prior to the date of the sale, unless the
28 proceeding to annul is instituted within six months from service
29 of notice of sale, which notice shall not be served until the
30 time of redemption shall have expired and within five years from
31 the date of the recordation of the tax deed, if no notice is
32 given. The fact that taxes were paid on a part of the property
33 sold, prior to the sale thereof, or that part thereof was not
34 subject to taxation, shall not be cause for annulling the sale
35 as to any part thereof on which the taxes for which it was sold
36 were due and unpaid.
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The manner of notice and form of proceeding to quiet tax titles shall be provided by law. Taxes on moveables 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 moveables 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 authorized to postpone the payment of taxes, only in cases of overflow, general conflagration, general destruction of crops, or other public calamity, and may provide for the levying, assessing and collecting such postponed taxes under appropriate terms and conditions. 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 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 State Board of Liquidation to the governing authority of the parish where the calamity befals, 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.

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1 COMMITTEE PROPOSAL No. 27—
2 Introduced by Delegate Perez, Chairman, on behalf of the Committee on Local and Parochial Government and Delegates Burson, Cannon, Chatelain, Conino, D’Gerolamo, Fowler, Giarrusso, Hayes, Heine, J. Jackson, Kean, Lanier, Reeves, Shannon, Stephenson, Taylor, Toomy, Ullo, and Zervigon:

8 A PROPOSAL

9 Providing with respect to the donation, loan, or pledge of public funds, credit or property.

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

13 Article____, Section____. Management of State Funds; Donation, Loan, or Pledge of Public Credit

15 Section____. Except as otherwise provided in this constitution, the funds, credit, property, or things of value of the state or of any political subdivision or political corporation thereof, shall not be loaned, pledged or granted to or for any person or persons, associations or corporations, public or private. However, the legislature may authorize the loan or pledge of such funds, credit, property, or things of value for public purposes with respect to the issuance of bonds or other evidences of indebtedness.

24 (B) Funds, credit, property or things of value of the state or of any political subdivision or political corporation thereto previously 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
1 membership of each house of the legislature prior to the
2 vesting of any contractual rights pursuant to this Section.

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Constitutional Convention of Louisiana of 1973

COMMITTEE PROPOSAL No. 27—

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

A PROPOSAL

Providing with respect to the donation, loan, or pledge of
public funds, credit or property.

Be it adopted by the Constitutional Convention of Louisi-
am of 1973:

Section ______. Management of State Funds; Donation, Loan,
or Pledge of Public Credit

Section ______. (A) Except as otherwise provided in this
constitution, the funds, credit, property or things of value
of the state, or of any political subdivision thereof, shall not
be loaned, pledged, or donated to or for any person or per-
sons, associations or corporations, public or private, nor shall
the state or any political subdivision purchase or subscribe
to the capital stock or stock of any corporation or associa-
tion whatever or for any private enterprise.

(B) Nothing contained in this Section shall prevent: (1)
intercooperation between the state and its political subdivi-
sions or between political subdivisions, or between the state
or its political subdivisions and the United States, or be-
tween the state or its political subdivisions and any public
or private association or corporation or individual for a
public purpose; (2) the use of public funds for programs
of social welfare for the aid and support of the needy; (3)
contributions of public funds to pension and insurance pro-
grams for the benefit of public employees; (4) the legisla-
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1 COMMITTEE PROPOSAL No. 28—
2 Introduced by Delegate Perez, Chairman, on behalf of the
3 Committee on Local and Parochial Government, and Dele-
4 gates Burson, Cannon, Chatelain, Conino, D'Gerolamo, Fow-
5 ler, Giarrusso, Hayes, Heine, J. Jackson, Kean, Lanier,
6 Reeves, Shannon, Stephenson, Taylor, Toomy, Uilo, and
7 Zervigon:
8
9 A PROPOSAL
10 Providing for the office of tax assessor and the Board of
11 Assessors in Orleans Parish.
12 Be it adopted by the Constitutional Convention of Louisi-
13 ana of 1973:
14 Article——, Section 1. Tax Assessor
15 Section 1. There shall be a tax assessor elected by the
16 electors of each parish in the state, the parish of Orleans
17 excepted. His term of office shall be four years and the
18 legislature shall define his duties, fix his compensation, and
19 provide for his election.
20 Section 2. Board of Assessors for Orleans Parish
21 Section 2. There shall be seven assessors in the city of
22 New Orleans, who together shall compose the Board of
23 Assessors for the Parish of Orleans. One shall be elected
24 from each municipal district of the city of New Orleans, and
25 they shall be residents of the districts from which they are
26 elected. Their terms shall be four years and they shall be
27 elected at the same time as the municipal officers of the
28 city of New Orleans.

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COMMITTEE PROPOSAL No. 29—
1 Introduced by Delegate Perez, Chairman, on behalf of the Committee on Local and Parochial Government, and Delegates Burson, Cannon, Chatelain, Conino, D'Gerolamo, Fowler, Giarrusso, Hayes, Heine, J. Jackson, Kean, Lanier, Reeves, Shannon, Stephenson, Taylor, Toomy, Uullo, and Zervigon:

A PROPOSAL

Providing for a Revenue Sharing Fund.

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

Article XIV, Section 1. Revenue Sharing Fund

Section 1. There is hereby established and created a special fund in the State Treasury to be known as the Revenue Sharing Fund. The fund shall be composed of monies which shall be transferred to it annually out of the State General Fund by the state treasurer. The legislature may allocate additional sums to the Revenue Sharing Fund.

COMMITTEE PROPOSAL No. 30—
1 Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare and Delegates Carmouche, Corne, Cowen, Flory, Grier, Haynes, Hernandez, Landry, Leithman, Lennox, Rachke, Robinson, Segura, Silverberg, Sutherland, Thistlethwaite, Toca and Wisham:

A PROPOSAL

To provide for the transition of membership on the boards of education.

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

Article XIV, Section 1. Board of Regents

Section 1. On the effective date of this constitution, the members of the Louisiana Coordinating Council for Higher Education whose term will not have expired shall become members of the Board of Regents until their respective terms expire. The governor shall appoint such additional members as are required to complete the full membership of the board in accordance with and for the purpose of effectuating the provisions of Article IX, Section 7.

Section 2. Board of Supervisors of Louisiana State University and Agricultural and Mechanical College

Section 2. On the effective date of this constitution, the members of the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College whose term will not have expired shall become members of the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College until their respective terms expire. The governor shall appoint such additional members as are required in accordance with and for the purpose of effectuating the provisions of Article IX, Section 7.
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1 9.
2 Section 3. State Board of Elementary and Secondary Edu-
3 cation; Board of Trustees for State Colleges and Univer-
4 sities
5 Section 3. On the effective date of this constitution, each
6 member of the State Board of Education whose term will
7 not have expired shall have the right to elect to become a
8 member of the State Board of Elementary and Second-
9 ary Education or the Board of Trustees for State Colleges and
10 Universities and to serve until the expiration of the term to
11 which he was elected. The legislature shall establish pro-
12 cedures by which the right herein granted shall be exercised,
13 and by which the secretary of state shall be notified as to
14 those elections which must be held, and by which the gover-
15 nor shall be notified as to the appointments which must be
16 made, to complete the full membership of the boards men-
17 tioned herein. Such elections and appointments shall be
18 made in accordance with and for the purpose of effectuating
19 the provisions of Article IX, Sections 4 and 8.

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Constitutional Convention of Louisiana of 1973
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1 COMMITTEE PROPOSAL No. 30—
2 Introduced by Delegate Aertker, Chairman, on behalf of the
3 Committee on Education and Welfare and Delegates Car-
4 mouche, Corne, Cowen, Flory, Graham, Grier, Haynes, Her-
5 nandez, E. Landry, Leithman, Morris, Rachal, Riecke, Segura,
6 Sutherland, Thistlethwaite, Toca, Wattigny and Wisham:
7 A PROPOSAL
8 To provide for the transition of membership on the boards
9 of education.
10 Be it adopted by the Constitutional Convention of Louisiana
11 of 1973:
12 Article XIV, Section 1. Board of Regents
13 Section 1. On the effective date of this constitution, the
14 members of the Louisiana Coordinating Council for Higher
15 Education whose term will not have expired shall become
16 members of the Board of Regents until their respective terms
17 expire. The governor shall appoint such additional members
18 as are required to complete the full membership of the board
19 in accordance with and for the purpose of effectuating the
20 provisions of Article IX, Section 7.
21 Section 2. Board of Supervisors of Louisiana State Univer-
22 sity and Agricultural and Mechanical College
23 Section 2. On the effective date of this constitution, the
24 members of the Board of Supervisors of Louisiana State
25 University and Agricultural and Mechanical College whose
26 term will not have expired shall become members of the
27 Board of Supervisors of Louisiana State University and
28 Agricultural and Mechanical College until their respective
29 terms expire. The governor shall appoint such additional
30 members as are required in accordance with and for the pur-
31 pose of effectuating the provisions of Article IX, Section 9.
32 Section 3. State Board of Elementary and Secondary Edu-
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Section 3. On the effective date of this constitution, each member of the State Board of Education whose term will not have expired shall have the right to elect to become a member of the State Board of Elementary and Secondary Education or the Board of Trustees for State Colleges and Universities and to serve until the expiration of the term to which he was elected. The legislature shall establish procedures by which the right herein granted shall be exercised, and by which the secretary of state shall be notified as to those elections which must be held, and by which the governor shall be notified as to the appointments which must be made, to complete the full membership of the boards mentioned herein. Such elections and appointments shall be made in accordance with and for the purpose of effectuating the provisions of Article IX, Sections 4 and 8.

Section 2. Board of Regents

Section 2. On the effective date of this constitution, the members of the Louisiana Coordinating Council for Higher Education appointed by the governor whose terms have not expired shall become members of the Board of Regents until their respective terms expire. The governor shall appoint such additional members as are required to complete the full membership of the board in accordance with and for the purpose of effectuating the provisions of Article IX, Section 7.

Section 3. Board of Supervisors of Louisiana State University and Agricultural and Mechanical College

Section 3. On the effective date of this constitution, the members of the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College whose term will not have expired shall become members of the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College until their respective terms expire. The governor shall appoint such additional members as are required
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in accordance with and for the purpose of effectuating the provisions of Article IX, Section 9.

Section 4. State Board of Elementary and Secondary Education: Board of Trustees for State Colleges and Universities

Section 4. On the effective date of this constitution, each member of the State Board of Education whose term will not have expired shall have the right to elect to become a member of the State Board of Elementary and Secondary Education or the Board of Trustees for State Colleges and Universities and to serve until the expiration of the term to which he was elected. The legislature shall establish procedures by which the right herein granted shall be exercised, and by which the secretary of state shall be notified as to those elections which must be held, and by which the governor shall be notified as to the appointments which must be made, to complete the full membership of the boards mentioned herein. Such elections and appointments shall be made in accordance with and for the purpose of effectuating the provisions of Article IX, Sections 4 and 8.

Section 5. Boards; New Appointments.

Section 5. In making new appointments to a board created by Sections 7, 8 or 9 of Article IX, the governor shall consider appropriate representation on the board by alumni of the institutions under the control of the board.

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Constitutional Convention of Louisiana of 1973

1 COMMITTEE PROPOSAL No. 31—

introduced by Delegate Stagg, Chairman, on behalf of the Committee on Executive Department, and Delegates Abraham, Alexander, Anzalone, Arnette, Asseff, Brien, Dennery, Duval, Gravel, Stovall, and Tapper (A Substitute for Committee Proposal No. 19):

A PROPOSAL

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

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

ARTICLE XIV. SCHEDULE

Section 1. Mandatory Reorganization of State Government

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

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

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COMMITTEE PROPOSAL NUMBER 31

Introduced by Delegate Stagg, Chairman, on behalf of the
Committee on Executive Department, and Delegates
Abraham, Alexander, Anzalone, Arnette, Asseff, Brien,
Dennery, Duval, Gravel, Stovall, and Tapper

(A Substitute for Committee Proposal No. 19)

A PROPOSAL

Making provisions in the Schedule provisions of the con-
stitution for mandatory reorganization of the executive
branch of state government.

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

ARTICLE XIV. SCHEDULE

Section 1. Mandatory Reorganization of State Government

Section 1. (A) The legislature shall allocate, within
not more than twenty departments, the functions, powers, duties,
and responsibilities of all departments, offices, agencies, and
other instrumentalities within the executive branch, except those
allocated by this constitution. Such allocation, which
shall not be subject to veto by the governor, shall become
operative not later than December 31, 1977.

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Constitutional Convention of Louisiana of 1973

1 COMMITTEE PROPOSAL No. 32—

2 Introduced by Delegates Asseff, Abraham, Alexander, Ar-
nette, Gravel, and Stagg (A Substitute for Delegate Pro-
posal No. 29):

A PROPOSAL

6 Providing for the reorganization of the executive branch of
state government.

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

ARTICLE IV. EXECUTIVE BRANCH

Section—. Reorganization

Section—. (A) The legislature, by majority vote of the
elected members of each house, may reallocate within not
more than twenty departments the functions, powers, duties,
and responsibilities of all departments, offices, agencies, and
other instrumentalities of the executive branch except those
allocated by this constitution.

(B) The governor may propose to the legislature, on or
before the first day of any regular session, a plan of re-
allocation within not more than twenty departments of the
functions, powers, duties, and responsibilities of all depart-
ments, offices, agencies, and other instrumentalities of the
executive branch except those allocated by this constitution.

Either house of the legislature, by a majority vote of the
elected members, may disapprove such plan but may not
substantively amend it. In the event neither house disapproves
the plan submitted prior to the sine die adjournment of the
regular session of the legislature at which submitted, the
plan shall become effective at twelve o'clock noon on the
sixtieth day following sine die adjournment.

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COMMITTEE PROPOSAL No. 33—

1 Introductions by Delegate Jackson, Chairman, Committee on
2 Bill of Rights and Elections (Substitute for Committee Pro-
3posal No. 20, by Delegate Jackson, Chairman on behalf of
4 the Committee on Bill of Rights and Elections, and Dele-
5 gates Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick,
6 Wall and Weiss):

7 A PROPOSAL

8 Making general provisions for elections.
9 Be it adopted by the Constitutional Convention of Lou-
10 isiana of 1973:

ARTICLE X. ELECTIONS

12 Section 1. Free Elections
13 Section 1. Elections shall be freely and fairly conducted
14 on a periodic basis. No law shall interfere with the free
15 exercise of the right to vote.
16 Section 2. Registration of Voters
17 Section 2. The legislature shall provide for registration
18 of voters, embodying the principle of permanent registra-
19 tion.
20 Section 3. Secret Ballot
21 Section 3. Voting shall be by secret ballot, and the legis-
22 lature shall provide a method for absentee voting. Proxy
23 voting shall be prohibited. All ballots cast shall be counted
24 publicly and preserved inviolate until any election contests
25 have been settled.
26 Section 4. Residence of Electors
27 Section 4. No elector shall lose a bona fide residence by
28 temporary absence due to any employment, including mili-
29 tary service, or while studying or visiting away from his
30 voting district.
31 Section 5. Political Activities
32

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1 Section 5. No law shall deny the right of each person to
2 organize, join, support, or oppose any political party or
3 organization, or to support or oppose any candidate or
4 proposition, except as otherwise provided in this constitu-
5 tion.
6 Section 6. Privilege from Arrest
7 Section 6. Every qualified elector shall be privileged from
8 arrest in going to and returning from voting and while
9 exercising the right to vote in all cases, except felony or
10 breach of the peace.
11 Section 7. Candidacy for Public Office
12 Section 7. No qualified elector shall be denied the right
13 to seek public office in the election district in which he is
14 registered, except as otherwise provided in this constitu-
15 tion.
16 Section 8. Vote Required for Election
17 Section 8. No person shall be elected to any public office
18 unless he has received the highest number of votes cast
19 for that office. The legislature shall provide a method for
20 breaking ties.
21 Section 9. Limitation on Term of Office
22 Section 9. No term for any public office elected by the
23 people shall exceed four years, except as otherwise pro-
24 vided in this constitution.
25 Section 10. Prohibited Use of Public Funds
26 Section 10. No public funds shall be used to urge any
27 elector to vote for or against any candidate, nor appropri-
28 ated to any candidate or political organization.
29 Section 11. Registrars of Voters
30 Section 11. The governing authority of each parish shall
31 appoint a parish registrar of voters who shall provide such
32 bond and receive such compensation as may be determined

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by law. No person shall serve as registrar of voters while
a qualified candidate for any elective office.
Section 12. Commissioners and Poll Watchers
The legislature shall provide for the selection
Section 12. The legislature shall provide for the selection
of commissioners and poll watchers at every election.
Section 13. Election Returns
Section 13. Returns of elections shall be made in a uni-
form manner to and promulgated by the secretary of state.
Section 14. Registration Challenges
Section 14. A person may contest in the district court
his denial of registration, or denial of his request to have
removed from the rolls any names placed or standing
thereon illegally, which cases shall have preference over
all others.
Section 15. Election Contests
Section 15. The legislature shall provide by law for the
judicial determination of contested elections.
Section 16. Election Fraud
Section 16. No person shall register and vote in more
than one place, nor offer or receive anything of value in
exchange for a vote, nor engage in any other form of elec-
tion fraud. The legislature shall enact laws to suppress such
activities, and penalties in such cases may include suspen-
sion of the right to vote and hold office for a period not
to exceed five years.
Section 17. Code of Elections
Section 17. The legislature shall provide for a code of
elections.

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COMMITTEE PROPOSAL NUMBER 33
Introduced by Delegate Jackson, Chairman, Committee
on Bill of Rights and Elections (Substitute for
Committee Proposal No. 20, by Delegate Jackson, Chairman
on behalf of the Committee on Bill of Rights and Elections,
and Delegates Dunlap, Guarisco, Jenkins, Roy, Soniat,
Stinson, Vick, Wall and Weiss)
A PROPOSAL
Making general provisions for elections.
Be it adopted by the Constitutional Convention of
Louisiana of 1973:
ARTICLE X. ELECTIONS
Section 2. Election Code; Right to Vote
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.
Section 3. Secret Ballot
Section 3. 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 prohibited. 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.
Section 6. Privilege from Arrest
Section 6. Every qualified elector shall be privileged from
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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 11. Registrars of Voters

Section 11. Subject to and not inconsistent with the pro-
visions of this constitution, the governing authority of each
parish shall appoint a parish registrar of voters, whose compen-
sation, 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 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 election ballot.

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Constitutional Convention of Louisiana of 1973
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1 COMMITTEE PROPOSAL No. 34—

2 Introduced by Delegate Lambert, Chairman, on behalf of
the Committee on Natural Resources and Environment, and
Delegates Bollinger, Derbes, Elkins, Hardee, Jack, LeBleu,
Leigh, Miller, Munson, Perkins, Singletary, Thompson, Velaz-
quez, Warren and Womack (A Substitute for Committee
Proposal No. 16):

A PROPOSAL

9 Making provisions relating to natural resources and environ-
ment.

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

ARTICLE VIII. NATURAL RESOURCES

Section 1. Natural Resources and Environment; Public
Policy

Section 1. The natural resources of the state, including air
and water, and the healthful, scenic, historic, and esthetic
quality of the environment shall be protected, conserved, and
replenished, insofar as possible and consistent with the
health, safety, and welfare of the people. The legislature shall
implement this policy by appropriate legislation.

Section 2. Natural Gas; Public Policy; Interstate and
Intrastate Pipelines

Section 2. Natural gas is hereby declared to be affected
with a public interest, and natural gas produced in Louisiana
shall be made available for utilization within the state as
well as to the citizens of other states.

No intrastate natural gas pipeline or gas gathering line
shall be connected with an interstate natural gas pipeline,
and no interstate natural gas pipeline shall be connected with
an intrastate natural gas pipeline without a certificate of
public convenience and necessity issued by the Public Ser-
Section 3. Geopressure-Geothermal Resources

The state shall conserve, manage, and regulate the development and utilization of geopressure-geothermal resources for the benefit of all people, including future generations.

Section 4. Alienation of Water Bottoms

The legislature shall neither alienate nor authorize the alienation of the beds of navigable water bodies, except for purposes of reclamation by the riparian owner to recover land lost through erosion if the reclamation is effected within ten years from the date the erosion occurs. This Section shall not prevent the leasing of state lands or water bottoms for mineral or other purposes. Except as provided herein, no bed of any navigable water body may be reclaimed except for public use.

Section 5. 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.

Section 6. Mineral Rights; Alluvion

Mineral rights to land formed or exposed by accretion or dereliction caused principally by acts of man, on a water body the bed of which is owned by the state, are retained by the state.

Section 7. Mineral Rights; Erosion

Mineral rights to land lost by erosion caused principally by acts of man, on a navigable water body, are retained by the riparian landowner.

Section 8. Royalty Road Fund

Ten percent of the royalties from any mineral lease heretofore or hereafter granted by the state shall be placed by the treasurer in a special fund to the credit of the parish from which the mineral was severed. This special fund shall be known as the Royalty Road Fund and shall be used by the state to acquire, construct, and maintain transportation facilities in the parish.

Section 9. Minerals Beyond Three-Mile Limit

All revenues and royalties from minerals located beyond the three-mile limit of the coastal waterways of the state shall be the property of the state. All funds derived therefrom shall be deposited in the state treasury and used in the purchase, retirement, and payment of the bonded indebtedness of the state.

Section 10. 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. Those funds and the interest from their investment, except the portion otherwise dedicated in this constitution to the Royalty Road Fund or to public education, shall be used by the treasurer in the purchase, retirement, and payment in advance of maturity of the bonded indebtedness of the state.

If any of these funds cannot be so expended within one year, the legislature may annually appropriate for capital improvements, or for the purchase of land, ten percent of the remaining funds, not to exceed ten million dollars in any one year.

Section 11. Commissioner of Agriculture

The Department of Agriculture shall be headed by a commissioner of agriculture who, notwithstanding Article 11, shall be a fully appointed officer of the state.
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1 IV, Section 23, shall be elected every four years for a term
of four years by the electors of the state as prescribed by law.
2 The commissioner shall have the powers and perform the
duties authorized by this constitution or provided by law.
3 Qualifications of candidates for commissioner of agriculture,
in addition to those in Article IV, Section 2(A), shall be pro-
vided by law.
4 Section 12. Wildlife and Fisheries Commission
5 Section 12. The wildlife of the state, including all aquatic
life, is hereby placed under the control and supervision of
the Louisiana Wildlife and Fisheries Commission, which shall
consist of seven members appointed by the governor, six of
whom shall serve for a term of six years and one of whom
shall serve for a term concurrent with that of the governor.
Three shall be electors of the coastal parishes and representa-
tives of the commercial fishing and fur industries, and three
shall be electors from the state at large.
6 No member who has served for six years or more shall be
eligible for reappointment.
7 The functions, duties, and responsibilities of the commis-
sion, and the compensation of its members shall be provided
by law.
8 Section 13. Forestry Commission; State Forester
9 Section 13. (A) Forestry Commission. The practice of
forestry is hereby placed under the Louisiana Forestry Com-
mission. The commission shall consist of seven members, five
of whom shall be appointed by the governor for overlapping
terms of five years each, and two of whom, namely the head
of the Department of Forestry at Louisiana State University
and Agricultural and Mechanical College and the director of
the Wildlife and Fisheries Commission, shall serve as ex
officio members. Two of the members shall be owners or
executive managers of interests owning and operating timber-
lands; one shall be the owner of farmlands interested in re-
forestation; one shall be a pulp and paper mill owner or execu-
tive manager; and the fifth shall be the owner or executive
manager of interests manufacturing or treating poles, piling,
posts, crossties, or veneer.
10 (B) State Forester. The commission shall appoint a state
forester. He must be a graduate from an accredited school of
forestry and have at least four years of forestry experience,
as provided by law.
11 Section 14. Public Service Commission
12 Section 14. (A) Composition; Term. There shall be a Public
Service Commission which shall consist of five members
elected at the time fixed for congressional elections from
single member districts established by law for overlapping
terms of six years. The commission annually shall elect one
of its members as chairman.
13 (B) Powers and Duties. The commission shall regulate all
common carriers and public utilities as provided by law. It
shall adopt and enforce reasonable rules, regulations, and
procedures necessary for the discharge of its duties, and shall
have other powers and perform other duties as provided by
law.
14 (C) Limitation. The commission shall have no power to
regulate any common carrier or public utility owned, operated,
or regulated on the effective date of this constitution by the
governing authority of one or more political subdivisions,
except by the consent of a majority of the electors voting in
an election held for that purpose; however, a political subdi-
vision may reinvest itself with such regulatory power in the
manner it was surrendered.
15 (D) Decisions on Applications, Petitions, and Schedules

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1 executive managers of interests owning and operating timber-
lands; one shall be the owner of farmlands interested in re-
forestation; one shall be a pulp and paper mill owner or execu-
tive manager; and the fifth shall be the owner or executive
manager of interests manufacturing or treating poles, piling,
posts, crossties, or veneer.
2 (B) State Forester. The commission shall appoint a state
forester. He must be a graduate from an accredited school of
forestry and have at least four years of forestry experience,
as provided by law.
3 Section 14. Public Service Commission
4 Section 14. (A) Composition; Term. There shall be a Public
5 Service Commission which shall consist of five members
elected at the time fixed for congressional elections from
6 single member districts established by law for overlapping
terms of six years. The commission annually shall elect one
7 of its members as chairman.
8 (B) Powers and Duties. The commission shall regulate all
9 common carriers and public utilities as provided by law. It
10 shall adopt and enforce reasonable rules, regulations, and
11 procedures necessary for the discharge of its duties, and shall
12 have other powers and perform other duties as provided by
13 law.
14 (C) Limitation. The commission shall have no power to
15 regulate any common carrier or public utility owned, operated,
or regulated on the effective date of this constitution by the
governing authority of one or more political subdivisions,
except by the consent of a majority of the electors voting in
an election held for that purpose; however, a political subdi-
vision may reinvest itself with such regulatory power in the
manner it was surrendered.
16 (D) Decisions on Applications, Petitions, and Schedules

Page 5
(1) The commission shall render its final decision on applications, petitions, and proposed rate schedules within twelve months from the date the application, petition, or proposed schedule is filed.

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

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

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

(E) Appeals. Should the commission not render its decision within twelve months, an appeal may be taken as if a decision had been rendered. Appeals may be taken by any party or intervenor and must be filed with the district court, within the time provided by law, at the domicile of the commission, with a direct appeal to the supreme court as a matter of right.

(F) Jurisdiction. The commission shall regulate the transportation and sale of natural gas for industrial purposes.
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COMMITTEE PROPOSAL NUMBER 34
Introduced by Delegate Lambert, Chairman, on behalf of
the Committee on Natural Resources and Environment,
and Delegates Bollinger, Derbes, Elkins, Hardee, Jack,
LeBleu, Leigh, Miller, Munson, Perkins, Singletary,
Thompson, Velazquez, Warren and Womack
(A Substitute for Committee Proposal No. 16):

A PROPOSAL

Making provisions relating to natural resources and
environment.
Be it adopted by the Constitutional Convention of Louisiana
of 1973:

ARTICLE VII. 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 es-
thetic quality of the environment shall be protected, con-
served, and replenished, insofar as possible and consistent
with the health, safety, and welfare of the people. The legis-
lature shall implement this policy by appropriate legislation.

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 provisions of
this constitution relative to the powers and duties of the
Public Service Commission, the legislature shall provide for
its regulation by such regulatory authority as it may designate.
The legislature in its discretion, however, may grant such
authority to the Public Service Commission.
No intrastate natural gas pipeline or gas gathering

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Lease shall be connected with an interstate natural gas
pipeline, and no interstate natural gas pipeline shall be
connected with an intrastate natural gas pipeline without a
certificate of public convenience and necessity issued as
provided by law after due application for such connection
and bearing thereon.

Section 4. Alienation of Water Bottoms
Section 4. The legislature shall neither alienate nor
authorize the alienation of the beds of navigable water
bodies, except for purposes of reclamation by the riparian
owner to recover land lost through erosion. This Section
shall not prevent the leasing of state lands or water
bottoms for mineral or other purposes. Except as provided
herein, no bed of any navigable water body may be reclaimed
except for public use.

Section 5. Reservation of Mineral Rights; Prescription
Section 5. (A) Reservation of Mineral Rights. The
mineral rights on all property sold by the state shall be
reserved, except where the owner or other person having the
right to redeem may buy or redeem property sold or adjudicated
to the state for taxes.

(B) Prescription. Lands and mineral interests of the
state, any school board, and any levee district shall not
be lost by prescription.

Section 6.1. Public Notice; Public Bidding Requirements
Section 6.1. No conveyance, lease, royalty agreement
or unitization agreement involving minerals or mineral rights
owned by the State of Louisiana shall be confected without
prior public notice or public bidding as shall be provided by law.

Section 8. Royalty Funds
Section 8. As used in Article 61, 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 govern-
ing authority of a parish may fund its one-tenth of the royalties
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from mineral leases on such state-owned property into general
obligation bonds of the parish in accordance with law. Neither
the provisions of this Section nor the provisions of Article
XI, Section 4(D) shall apply to those properties comprising
the Russell Sage Wildlife and Game Refuge.

Section 9. Tidelands Ownership

Section 9. Revenues and royalties obtained from minerals
located beyond the seaward boundary of the state belong to the
state.

Section 10. Offshore Mineral Revenues; Use of Funds

Section 10. Funds derived from offshore mineral leases
and held in escrow under agreement between the state and
the United States pending settlement of the dispute between
the parties when received shall be deposited in the state
treasury. Those funds and the interest from their investment,
extcept 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 exist-
ing bonded indebtedness of the state or invested for such
purpose.

If any of these funds cannot be so expended within one
year, the legislature may annually appropriate for capital
improvements, or for the purchase of land, ten percent of
the remaining funds, not to exceed ten million dollars in
one year.

Section 12. Wildlife and Fisheries Commission

Section 12. The wildlife of the state, including all
aquatic life, is hereby placed under the control and super-
vision 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

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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 com-
mission, and the compensation of its members shall be
provided by law.

Section 13. Forestry; Acreage Taxes; Forestry Commission;
State Forester

Section 13. (A) Forestry shall be practiced in the
state, and the legislature is authorized to make provisions
therefor. The legislature may authorize the governing
authorities of the parishes to levy acreage taxes, not to
exceed two cents per acre, for the purpose of this Section.

The provisions of this constitution relative to the exemption
of homesteads from taxation, are hereby extended and made
applicable to the tax hereby authorized.

(B) Forestry Commission. The practice of forestry
is hereby placed under the Louisiana Forestry Commission.
The commission shall consist of seven members, five of whom
shall be appointed by the governor subject to confirmation
by the Senate for overlapping terms of five years each, as
provided by law, and two of whom, namely the head of the
Department of Forestry at Louisiana State University and
Agricultural and Mechanical College and the director of the
Wildlife and Fisheries Commission, shall serve as ex officio
members.

(C) State Forester. The commission shall appoint a
state forester. He must be a graduate from an accredited
school of forestry and have at least four years of forestry
experience, as provided by law.

Section 15. Department of Wildlife and Fisheries;
Commissioned Enforcement Officers

Section 15. Nothing in Article VII of this constitution

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relating to civil service shall be construed to prevent the legislature from supplementing any civil service pay plan for regularly commissioned officers of the Enforcement Division of the Department of Wildlife and Fisheries.
C. P. No. 35

support the constitution and laws of the United States and the
constitution and laws of this state and that I will faithfully
and impartially discharge and perform all the duties incum-
ent upon me as according to the
best of my ability and understanding, so help me God.”

Section 6. State Capital

Section 6. The capital of Louisiana is the city of Baton
Rouge.

Section 7. Forced Heirship and Trusts

Section 7. No law shall abolish forced heirship. The deter-
mination of forced heirs, and amount of the forced portion,
and the grounds for disinheritance shall be provided by law.
Trusts may be authorized by law for any purpose and a legi-
time may be placed in trust.

Section 8. Protection of Vested Rights

Section 8. Vested rights shall not be divested, except for the
purposes and in accordance with the substantive and proced-
ural safeguards established in this constitution for the taking
or damaging of property.

Section 9. Limitations on Banking

Section 9. No law shall permit multi-bank holding com-
panies, metropolitan banking, or statewide branch banking,
except by a favorable vote of two-thirds of each house of the
legislature.

First Enrollment

CC-1443

Constitutional Convention of Louisiana of 1973

COMMITTEE PROPOSAL NUMBER 35

Introduced by Delegate Jackson, Chairman, on behalf of
the Committee on Bill of Rights and Elections
(Substitute for Committee Proposal No. 1, by
Delegate Jackson, Chairman, on behalf of the Com-
mittee on Bill of Rights and Elections, and Delegates
Dunlap, Guarisco, Roy, Soniat, Stinson, Vick and Wall)

A PROPOSAL

Providing for general governmental provisions.
Be it adopted by the Constitutional Convention of
Louisiana of 1973:

ARTICLE II. DISTRIBUTION OF POWERS

Section 1. Three Branches

Section 1. The powers of government of the State of
Louisiana are divided into three distinct branches—legisla-
tive, executive, and judicial.

Section 2. Limitations of Each Branch

Section 2. No one of these branches, nor any person
holding office in one of them, shall exercise power belonging
to either of the others, except as otherwise provided in this
constitution.

ARTICLE XII. GENERAL PROVISIONS

Section 3. Civilian-Military Relations

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

Section 4. Right to Direct Participation

Section 4. No person shall be denied the right to observe
the deliberations of public bodies and examine public documents,
except in cases established by law.

Section 5. Oath of Office
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Section 5. All officers shall take the following oath or
affirmation: "I, (A B), do solemnly swear (or affirm) that
I will support the constitution and laws of the United States
and the constitution and laws of this state and that I will
faithfully and impartially discharge and perform all the
duties incumbent upon me as according to
the best of my ability and understanding, so help me God."

Section 6. State Capital

Section 6. The capital of Louisiana is the city of
Baton Rouge.

Section 7. Forced Heirship and Trusts

Section 7. No law shall abolish forced heirship.

The determination of forced heirs, the amount of the
forced portion, and the grounds for disinherison shall
be provided by law. Trusts may be authorized by law and a
forced portion may be placed in trust.

Section 9. Limitations of Banking

Section 9. No law shall permit foreign or domestic multi-bank
holding companies or multi-parish branch banking, unless
enacted by two-thirds of the elected members of each house
of the legislature. This Section shall not prohibit multi-parish
banks which were lawfully operating as such prior to January 1,
1974; however, no such bank may extend its operations to any
parish in which it was not operating prior to said date unless
authorized to do so by a general law enacted by two-thirds of
the elected members of each house.

Section 10. Administrative and Quasi-Judicial Agency Code

Section 10. Rules, regulations and procedures adopted
by all state administrative and quasi-judicial agencies,
boards and commissions shall be published in one or more codes
and made available to the public.

Section 11. Preservation of Linguistic and Cultural Origin

Section 11. The right of the people to preserve, foster,
and promote their respective historic linguistic and cultural
origin is recognized.

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Constitutional Convention of Louisiana of 1973

CC-1336

1 COMMITTEE PROPOSAL No. 36—

2 Introduced by Delegate A. Jackson, Chairman, on behalf of
the Committee on Bill of Rights and Elections (Substitute for
Committee Proposal No. 24, by Delegate Jackson, Chairman,
on behalf of the Committee on Bill of Rights and Elections,
and Delegates Dunlap, Guarisco, Jenkins, Roy, Soniat, Stin-
son, Vick, Wall and Weiss):

8 A PROPOSAL

9 Relative to constitutional revision.

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

12 ARTICLE XIII. CONSTITUTIONAL REVISION

13 Section 1. Amendments

14 Section 1. (A) An amendment to this constitution may be
proposed by joint resolution at any session of the legislature,
provided that notice of intention to introduce any such joint
resolution and a summary thereof shall have been published
in the official journal of the state at least ten days before the
beginning of the session. If two-thirds of the members elected
to each house concur in the resolution, pursuant to all the pro-
cedures 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 amend-
ment is submitted to the electorate.

27 (B) If a majority of the electors voting for or against the
proposed amendment shall approve it, then it shall become
part of this constitution, effective twenty days after the gov-
ernor has proclaimed its adoption, unless the amendment
otherwise provides. However, no proposed amendment affect-
ing five or fewer political subdivisions shall become part of

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C. P. No. 36

1 this constitution unless a majority of the electors voting there-
2 on in the state and also a majority, in the aggregate, of the
3 electors in the affected areas vote in favor of adoption of the
4 proposed amendment.
5 (C) When more than one amendment is submitted at the
6 same election, each shall be submitted so as to enable the elec-
7 tors to vote on them separately. A proposed amendment shall
8 be confined to one object and may set forth the entire article
9 or articles to be revised or only the sections or other subdi-
10 vision which are to be added or in which a change is to be
11 made; provided that a section or other subdivision may be
12 repealed by reference. The proposed amendment shall have a
13 title containing a brief summary of the changes proposed.
14 Section 2. Convention Called by Legislature
15 Section 2. Whenever two-thirds of the members elected to
16 each house consider it desirable to revise, alter, or amend this
17 constitution, they may recommend to the electors at the next
18 election for representatives to the legislature or Congress to
19 vote for or against a convention for that purpose. If a ma-
20 jority of the electors voting on the proposition approve it,
21 the legislature shall provide at its next session for calling
22 such a convention. At a special election called for that pur-
23 pose, the proposed constitution and any alternative proposi-
24 tions agreed upon by the convention shall be submitted to the
25 people for their ratification or rejection. If the proposal is
26 approved by a majority of the electors voting thereon, the
27 governor shall proclaim it to be the Constitution of the State
28 of Louisiana.
29 Section 3. Convention Called by People
30 Section 3. At the election for representatives to Congress
31 to be held in the year one thousand nine hundred eighty-six
32 and in every tenth year thereafter, the question “Shall there

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constitution and any alternative propositions agreed upon
by the convention shall be submitted to the people for their
ratification or rejection. If the proposal is approved by
a majority of the electors voting thereon, the governor shall
proclaim it to be the Constitution of the State of Louisiana.

Section 4. Laws Effectuating Amendments

Section 4. Whenever the legislature shall submit amend-
ments 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.

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Constitutional Convention of Louisiana of 1973
C. P. No. 37

1 COMMITTEE PROPOSAL No. 37—

2 Introduced by Delegate Lambert, Chairman, on behalf of
the Committee on Natural Resources and Environment:

A PROPOSAL

5 Making provisions relating to the Public Service Commission.
6 Be it adopted by the Constitutional Convention of Louisiana
7 of 1973:

ARTICLE VIII. NATURAL RESOURCES

Section 14. Public Service Commission

Section 14. (A) Composition; Term. There shall be a Public
Service Commission which shall consist of five members
elected at the time fixed for congressional elections from single
member districts established by law for overlapping terms of
six years. The commission annually shall elect one of its mem-
ers as chairman. Each commissioner serving upon the effective
date of this constitution shall be the commissioner for the
new district in which he resides and shall serve out the term
for which he was chosen.

(B) Powers and Duties. The commission shall regulate all
common carriers and public utilities as provided by law. It
shall adopt and enforce reasonable rules, regulations, and pro-
cedures necessary for the discharge of its duties, and shall
have other powers and perform other duties as provided by
law. Notwithstanding any provision in this Paragraph, the
legislature shall provide for the regulation of natural gas by
such regulatory authority as it may designate.

(C) Limitation. The commission shall have no power to
regulate any common carrier or public utility owned, operated,
or regulated on the effective date of this constitution by the
governing authority of one or more political subdivisions, ex-
cept by the consent of a majority of the electors voting in an
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select appeal for that purpose; however, a political subdivision
may reinvest itself with such regulatory power in the manner
it was surrendered. This shall not apply to safety regulations
pertaining to the operation of such utilities.

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

(1) The commission shall render its final decision after a
public hearing on applications, petitions, and proposed rate
schedules within twelve months from the date the application,
petition, or proposed schedule is filed.

(2) If a proposed rate schedule is approved in whole or in
part within six months, any increase shall become effective
on the date established by the Public Service Commission or-
der. If no decision is rendered within six months from the
effective filing date of any proposed rate schedule, such in-
crease may be put into effect, as provided by law, subject to
such protective bond or security requirements until final
action by a court of last resort.

(3) If the proposed increase is finally disallowed, in whole
or in part, the utility or carrier shall make refunds within one
year after any final action, and as otherwise provided by law.

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

(E) Appeals. Should the commission not render its decision
within twelve months, an appeal may be taken as if a decision
had been rendered. Appeals may be taken by any party or
intervenor and must be filed with the district court, within the
time provided by law, at the domicile of the commission, with
a direct appeal to the supreme court as a matter of right.

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1 (F) Jurisdiction. The commission shall regulate the trans-
2 portation and sale of natural gas for industrial purposes. This
3 jurisdiction shall not include the right to regulate the terms
4 of any contract or the price of gas; but, regardless of the terms
5 of any contract, shall include the right to curtail and allocate
6 natural gas to industrial and other users to provide adequate
7 supplies for essential human needs and to protect the interests
8 of the public. Gas allocated to any user in the absence of a
9 prior contract shall be sold at rates comparable to those at
10 which such natural gas is then being sold to industrial users.

This paragraph is self-executing, and the commission shall
promulgate such orders and regulations necessary to carry out
the purpose and intent of this paragraph.

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Constitutional Convention of Louisiana of 1973

COMMITTEE PROPOSAL NUMBER 37

Introduced by Delegate Lambert, Chairman, on behalf of the Committee on Natural Resources and Environment

A PROPOSAL

Making provisions relating to the Public Service Commission.

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

ARTICLE VIII. NATURAL RESOURCES

* * *

Section 14. Public Service Commission

Within twelve months from the effective date of filing, the commission shall render a full decision on every application, petition, and proposed schedule.

(1) Any common carrier or public utility filing a proposed rate schedule which, if finally approved, would result in a change in existing rates, shall, within twenty days, give notice thereof by publication in the official state journal and in the official journal of each parish within the geographical area in which the schedule would become applicable.

(2) Within twelve months from the effective date of filing, the commission shall render a full decision on every application, petition, and proposed rate schedule.

(3) After the effective filing date of any proposed schedule by a public utility which would result in any increase in rates, the commission, pending its decision on the application for rate increase, may permit the proposed schedule to be put into effect, in whole or in part, subject to protective bond or security approved by the commission. If no decision is rendered on the application within twelve months after such filing date the proposed increase may be put into effect, but only as provided by law and subject to protective bond or security requirements, until final action by a court of last resort.

(4) If any proposed increase which has been put into effect is finally disallowed, in whole or in part, the utility shall make full refund, with legal interest thereon, within the time and in the manner prescribed by

C. P. NO. 37

governing authority of one or more political subdivisions, except by the consent of a majority of the electors voting in an election held for that purpose; however, a political subdivision may reestablish itself with such regulatory power in the manner it was surrendered. This shall not apply to safety regulations pertaining to the operation of such utilities.

(D) Applications, Petitions, and Schedules;

Protective Bond and Security

(1) Any common carrier or public utility filing a proposed rate schedule which, if finally approved, would result in a change in existing rates, shall, within twenty days, give notice thereof by publication in the official state journal and in the official journal of each parish within the geographical area in which the schedule would become applicable.

(2) Within twelve months from the effective date of filing, the commission shall render a full decision on every application, petition, and proposed rate schedule.

(3) After the effective filing date of any proposed schedule by a public utility which would result in any increase in rates, the commission, pending its decision on the application for rate increase, may permit the proposed schedule to be put into effect, in whole or in part, subject to protective bond or security approved by the commission. If no decision is rendered on the application within twelve months after such filing date the proposed increase may be put into effect, but only as provided by law and subject to protective bond or security requirements, until final action by a court of last resort.

(4) If any proposed increase which has been put into effect is finally disallowed, in whole or in part, the utility shall make full refund, with legal interest thereon, within the time and in the manner prescribed by
Committee Proposal No. 38—

Introduced by Delegate Zervigon, Chairperson, Committee on Legislative Liaison and Transitional Measures, and Delegates Casey, Comar, D'Geralamo, Drew, Hardee, J. Jackson, Jones, Lanier, Rayburn, Smith, Thompson, Vick and Womack:

A Proposal

Making provisions relative to transitional provisions.

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

Article XIV. Transitional Provisions

Section 1. Limitation on Transitional Provisions

Nothing in this Article shall be construed or applied in such a manner as to invalidate the foregoing Articles of this constitution, but only to supplement and to provide for an orderly transition from the Constitution of 1921.

Section 2. References to 1921 Constitution

Whenever reference is made in this constitution to the Constitution of 1921, it shall mean the Louisiana Constitution of 1921, as amended.

Section 3. Effect of Titles

No title or sub-title, heading or sub-heading, marginal note, index, or table printed in or with this constitution shall be considered or construed to be a part of this constitution, but to be inserted only for convenience in reference.

Section 4. Inherent Power of Legislature

The legislature shall have all powers not prohibited or denied by this constitution or by or under the constitution and laws of the United States and the absence in this constitution of a grant of power contained in the laws of the United States.
1. constitution hereby superseded shall not be construed as
2. a limitation of the powers of state government.
3. Section 5. Continuation of Actions and Rights
4. Section 5. All writs, actions, suits, proceedings, civil or
5. criminal liabilities, prosecutions, judgments, sentences, or-
6. ders, decrees, appeals, rights or causes of action, contracts,
7. obligations, claims, demands, titles, and rights existing on
8. the effective date of this constitution shall continue unaf-
9. fected except as modified in accordance with this constit-
10. tion. All sentences as punishment for crime shall be ex-
11. cited according to their terms.
12. Section 6. Protection of Existing Taxes
13. Section 6. All taxes, penalties, fines, and forfeitures owing
14. to the state or any political subdivision levied and collectible
15. under the Constitution of 1921 and valid laws enacted there-
16. under shall inure to the entity entitled thereto. The provi-
17. sions of this constitution shall not be construed or applied
18. in such a manner as to invalidate taxes levied or authorized
19. under the Constitution of 1921.
20. Section 7. Impairment of Debt Obligations Prohibited
21. Section 7. Nothing in this constitution shall be construed
22. or applied in such a manner as to impair the obligation,
23. validity, or security of any bonds or other debt obligations
24. authorized under the Constitution of 1921.
25. Section 8. Existing Officials
26. Section 8. A person holding an office by election shall
27. continue to exercise his powers and duties until his office
28. is abolished, his successor takes office or the office is va-
29. cated, as provided by law. A person holding an office by
30. appointment shall continue to exercise his powers and duties
31. until his office is abolished, his term ends, or he is removed
32. or replaced under the provisions of this constitution or by

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14. Article XIX, Sections 6, 18, 19, 19(a), 20, and 27.

15. Article VI, Sections 22, 23 except any dedications contained therein, and 23.1; Article VI-A, Sections 1 through 14, except any dedications contained therein; Article V, Sections 7 and 9; Article X, Sections 7, 9, 16, and 21; Article XIV, Section 15.1, except Paragraph (34); and Article XVII, Section 13, all of which shall be continued as statutes, subject to change only by law enacted by two-thirds of the elected members of each house.

(B) Judicial Review. The question of whether or to what extent these Sections are in conflict with Articles I through XIII of this constitution shall be subject to judicial review.

(C) Arrangement. The legislature shall provide for the assignment of titles and sections to the provisions made statutory hereby and for their arrangement in proper statutory form.

Section 10. Provisions of Constitution of 1921 Repealed
Section 10. Except as retained in Articles I through XIII of this constitution, all other provisions of the Constitution of 1921 are repealed, except that any provision which is inconsistent with this constitution which is a necessary procedure of government shall remain in effect for three years after the effective date of this constitution or until sooner superseded by statute, ordinance, rule, or regulation enacted pursuant to this constitution.

Section 11. Existing Laws
Section 11. (A) Retention. Laws in force on the effective date of this constitution, which were constitutional when enacted and are not inconsistent with this constitution, shall remain in effect until altered or repealed by the authority which enacted them or until they expire by their own limitation.

(B) Expiration of Inconsistent Law. Laws which are inconsistent with this constitution shall cease upon its effective date. However, a law which is inconsistent with a provision of this constitution requiring legislation to implement it shall remain in effect for three years after the effective date of this constitution, unless sooner repealed by the legislature.

Section 12. Constitution Not Retroactive
Section 12. Except as otherwise specifically provided in this constitution, this constitution shall not be retroactive and shall not create any right or liability which did not exist under the Constitution of 1921 based upon actions or matters occurring prior to the effective date of this constitution.

Section 13. Legislative Provisions
Section 13. (A) President of Senate. The lieutenant governor in office on the effective date of this constitution shall continue to serve as president of the Senate until his term expires in 1976.

(B) First Session. The provisions of Article III of this constitution shall become effective for the first session of the legislature to be held in 1975. However, in 1976, the legislature shall convene in regular session at twelve o'clock noon on the second Monday in May, at which time the members elected at the statewide election in 1976 shall take office; otherwise, the legislature shall conduct that session as provided in Article III of this constitution.

(C) Legislative Auditor. The legislative auditor shall continue to exercise the powers and perform the functions set forth in Article VI, Section 26(2) of the Constitution of 1921 until otherwise provided by law.

(D) Legislative Reapportionment. The requirement for
legislative reapportionment in Section 5 of Article III of this constitution shall apply to the reapportionment of the legislature following the decennial census of 1980, and thereafter.

Section 14. Deletion of Obsolete Schedule Items

Section 14. The legislature by law may delete from this constitution this and any other Section of this Article when all events have occurred to which the Section to be deleted is or could become applicable. A legislative determination of fact forming the basis for application of this Section shall be subject to judicial review.

Section 15. Judiciary Commission

Section 15. The members of the judiciary commission in office on the effective date of this constitution shall serve until the expiration of their terms. Within thirty days after the effective date of this constitution, the additional two citizen members shall be selected as required by Article V, Section 24. A lawyer member, as thereby required, shall be selected to succeed the judge of a court of record other than a court of appeal whose term as a member of the commission first expires. Thereafter, when a vacancy occurs, the successor to the position shall be selected in accordance with Article V, Section 24.

Section 16. Ports; Transition to Statutes

Section 16. All provisions of Article VI, Sections 16, 16.1, 16.2, 16.3, 16.6, 16.5, 16.9, 17, 29, 29.1, 29.2, 29.3, 29.4, 33.1, 34 and Article XIV, Section 30.2 of the Constitution of 1921 shall become statutes subject to amendment or repeal only as provided in Article VI, Section 44 of this constitution.

Section 17. Home Rule Charters; Authorization

Section 17. The provisions of Article XIV, Sections 3(a),

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13(c), 3(d) (second), 22, 37, and 40(c) of the Constitution of 1921 are continued in effect as the constitutional authorization for home rule charters or plans of government ratified in Article VI, Section 4 of this constitution.

Section 18. Public Service Commission

Section 18. At its next extraordinary or regular session, the legislature shall divide the state into five single-member districts as required by Article VIII, Section 14(A) and shall provide for a special election at which the two additional members of the commission shall be elected, the initial term to be served by each, and other matters necessary to effectuate said Section 14(A).

Section 19. Statewide Elected Officials

Section 19. Officials elected statewide in 1976 under terms of the new constitution shall take office in May of that year. Thereafter, statewide elected officials shall take office in March as provided in the new constitution.

Section 20. Commissioner of Elections

Section 20. The commissioner of elections, as provided by Article IV, first elected under this constitution shall be elected to take office in 1976. The custodian of voting machines in office on the effective date of this constitution shall continue to exercise the functions of that office, without change, until the expiration of his term.

Section 21. Pardon Board

Section 21. Until a pardon board is appointed under the terms of this constitution, the lieutenant governor, attorney general, and presiding judge of the sentencing court shall continue to serve as a board of pardons.

Section 22. Levee Districts; Compensation for Property

Section 22. The provisions of Article XVI, Section 6 of the Constitution of 1921 shall be continued as a statute,
subject to change by the legislature, and the amount of compensation therein required to be paid for property used or destroyed for levee or levee drainage purposes shall be paid as provided in Section 6 of Article XVI of the Constitution of 1921 until the legislature enacts a law to effectuate Article VI, Section 43 of this constitution.

Section 23. Suits Against the State; Effective Date

Section 23. The provisions of Article III, Section 14 waiving the immunity of the state, its agencies, or political subdivisions from suit and liability in contract or for injury to person or property only shall apply to a cause of action arising after the effective date of this constitution.

Section 24. Tax Schedule

Section 24. (A) Property Taxes. The provisions of Article X of the Constitution of 1921 relating to ad valorem property taxes shall remain in effect until the provisions on that subject contained in Article XI of this constitution take effect as provided in said Article XI.

(B) The provisions of Article XI of the Constitution of 1921 shall be continued as a statute until the legislature enacts the law required by Article XI, Section 1 (Delegate Proposal No. 16) of this constitution, but the amount of the exemption shall be fifteen thousand dollars in value until otherwise fixed by law.

Section 25. Effective Date

Section 25. This constitution shall become effective at twelve o'clock midnight on January 1, 1975. The secretary of state shall promulgate the results of the election on the thirty-first day prior thereto; however, he shall announce the results of the election within thirty days after the date of the election at which the constitution is submitted to the people.
First Enrollment

1 constitutional convention of Louisiana of 1921
2 COMMITTEE PROPOSAL NUMBER 38
3 introduced by delegate Zevanon, Chairperson, Committee on
4 Legislative Liaison and Transitional Measures, and
5 Delegate: Casey, Comar, D'Carolino, Dreux, Hardie, J. Jackson,
6 Jones, Lanier, Rayburn, Smith, Thompson, Vick, and Remark
7
8 A PROPOSAL
9
10 Making provisions relative to transitional provisions.
11 Be it adopted by the Constitutional Convention of Louisiana
12 of 1921:
13 ARTICLE XIV. TRANSITIONAL PROVISIONS
14 PART II.
15 Section 1. Limitation on Transitional Provisions
16 Section 1. Nothing in this Part shall be construed or
17 applied in such a manner as to supersede or invalidate, or
18 limit or change the meaning of any provision of the foregoing
19 Articles of this constitution, but only to provide for an
20 orderly transition from the Constitution of 1921.
21 PART III
22 Section 2. References to 1921 Constitution
23 Section 2. Whenever reference is made in this constitution
24 to the Constitution of 1921, it shall mean the Louisiana Constitu-
25 tion of 1921, as amended.
26 Section 3. Effect of Titles
27 Section 3. No title or sub-title, heading or sub-heading,
28 marginal note, index, or table printed in or with this constitu-
29 tion shall be considered or construed to be a part of this
30 constitution, but to be inserted only for convenience in reference.
31 Section 5. Continuation of Actions and Rights
32 Section 5. All suits, actions, rights of action, contracts,
33 or criminal liabilities, judgments, sentences,
34 or orders, decrees, appeals, rights or causes of action, contracts,
35 obligations, claims, demands, titles, and rights existing on the
36 effective date of this constitution shall continue unaffected.
37 Article V, Sections 2, 7, 18, 20, and 21.
38 Article VI, Sections 1, 2, 11, 19, 19.1, 19.3, 19.4, 21(1), 23 except any dedications contained

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Section 11. (G) Creation. Laws in force on the effective date of this constitution, which were constitutional when enacted and are not in conflict with this constitution, shall remain in effect until altered or repealed or until they expire by their own limitation.

(B) Expiration of Conflicting Law. Laws which are in conflict with this constitution shall cease upon its effective date.

PART III

Section 12. Constitution Not Retroactive

Section 12. Except as otherwise specifically provided in this constitution, this constitution shall not be retroactive and shall not create any right or liability which did not exist under the Constitution of 1921 based upon actions or matters occurring prior to the effective date of this constitution.

Section 13. Legislative Provisions

Section 13. (A) President of Senate. The lieutenant governor in office on the effective date of this constitution shall continue to serve as president of the Senate until his term expires in 1976.

(B) First Session. The provisions of Article III of this constitution shall become effective for the first session of the legislature to be held in 1975 and each session thereafter. However, in 1976, the legislature shall convene in regular session at twelve o'clock noon on the second Monday in May, at which time the members elected at the statewide election in 1976 shall take office; otherwise, the legislature shall conduct that session as provided in Article III of this constitution.

(C) Legislative Auditor. The legislative auditor shall continue to exercise the powers and perform the functions set forth in Article VI, Section 2(c) of the Constitution of 1921 until otherwise provided by law.

(D) Legislative Reapportionment. The requirement for legislative reapportionment in Section 5 of Article III of this constitution shall apply to the reapportionment of the legislature following the decennial census of 1980, and thereafter.
First Enrollment

1 Section 13. Multi-year Commission

2 Section 15. The members of the judiciary commission in
office on the effective date of this constitution shall serve
3 until the expiration of their terms. Within thirty days
4 after the effective date of this constitution, the additional
5 two citizen members shall be selected as required by Article V,
6 Section 24. A lawyer member, as thereby required, shall be
7 selected to succeed the judge of a court of record other than
8 a court of appeal whose term as a member of the commission first
9 expires. Thereafter, when a vacancy occurs, the successor to the
10 position shall be selected in accordance with Article V, Section
11 24.

PART II

14 Section 16. Ports; Transition to Statutes

15 Section 16. All provisions of Article VI, Sections 16, 16.1,
16 16.2, 16.3, 16.4, 16.5, 16.6, 17, 29, 29.1, 29.2, 29.3, 29.4,
17 33.1, 34 and Article XIV, Section 30.2 of the Constitution of
18 1921 shall become statutes subject to amendment or repeal only
19 as provided in Article VI, Section 44 of this constitution.

20 Section 18. Public Service Commission

21 Section 18. At its next extraordinary or regular session,
22 the legislature shall divide the state into five single-member
23 districts as required by Article VII, Section 14(A) and shall
24 provide for a special election at which the two additional
25 members of the commission shall be elected, the initial term
26 to be served by each, and other matters necessary to effectuate
27 said Section 14(A).

PART III

29 Section 19. Statewide Elected Officials

30 Section 19. Officials elected statewide in 1976 under
31 the provisions of this constitution shall take office on the
32 second Monday in May of that year. Thereafter, statewide elected
33 officials shall take office on the second Monday in March as provided
34 in this constitution.

35 Section 20. Commissioner of Elections

36 Section 21. Commissioner of Elections, as provided
by Article IX, first elected under this constitution shall
be elected to take office in 1976. The custodian of voting
machines in office on the effective date of this constitution
shall continue to exercise the functions of that office,
without change, until the expiration of his term.

Section 21. Pardon Board

Section 21. Until a pardon board is appointed under the
terms of this constitution, the lieutenant governor, attorney
general, and presiding judge of the sentencing court shall
continue to serve as a board of pardons.

Section 22. Levee Districts; Compensation for Property
Section 22. The provisions of Article XVI, Section 6
of the Constitution of 1921 shall be continued as a statute,
subject to change by the legislature, and the amount of compensa-
tion therein required to be paid for property used or destroyed
for levee or levee drainage purposes shall be paid as provided
in Section 6 of Article XVI of the Constitution of 1921 until
the legislature enacts a law to effectuate Article VI, Section 43
of this constitution.

Section 23. Suits Against the State; Effective Date
Section 23. The provisions of Article III, Section 14
waiving the immunity of the state, its agencies, or
political subdivisions from suit and liability in contract or
for injury to person or property only shall apply to a cause
of action arising after the effective date of this constitution.

Section 24. Tax Schedule

Section 24. (A) Property Taxes. The provisions of
Article X of the Constitution of 1921 relating to ad valorem
property taxes shall remain in effect until the provisions on
that subject contained in Article XII of this constitution take
effect as provided in said Article XI.

(B) The provisions of Article XI of the Constitution of 1921
shall be continued as a statute until the legislature enacts the
law required by Article XI, Section 1 (Delegate Proposal No. 16)
of this constitution, but the amount of the exception shall be
fifteen thousand dollars in value until otherwise fixed by law.

Section 25. Effective Date
This constitution shall become effective at
twelve o'clock midnight on December 31, 1974. The secretary of
state shall promulgate the results of the election by publication
in the official state journal on the thirtieth day prior thereto;
however, he shall announce the results of the election within
thirty days after the date of the election at which the constitution
is submitted to the people.

Part I
Section 27. Board of Supervisors of Southern University
Section 27. At the next session of the legislature following
the effective date of this constitution, the governor shall submit
to the Senate for its consent the names of his appointees to the
Board of Supervisors of Southern University and Agricultural and
Mechanical College in accordance with and to effectuate Article IX,
Section 7.

PART I.
Section 28. Transition to Board of Regents and State
Board of Elementary and Secondary Education
Section 28. (A) If Alternative Proposition ______ concerning education
boards is approved by the electors and if the proposed constitution
is approved by the electors, then this Section shall become Section
_____ of Article XII of the new constitution and Sections _____, _____,
and _____ of Article XIV shall be null, void, and of no effect. If
Alternative Proposition ______ is not approved this Section shall be
null and void and of no effect.

(B) (1) On the effective date of this constitution, each member
of the Louisiana Coordinating Council for Higher Education whose term
has not expired shall become a member of the Board of Regents. The
legislature shall provide by law the procedure to effectuate
the transition to the board, the secretary of state notified of these
elections which must be held, and the governor notified of the appoint-
ments which must be made to complete the membership of the board.

The elections and appointments shall be made in accordance with
and to effectuate Article IX, Section 3 of Alternative Proposition
No. ______, adopted as Delegate Proposal No. 98, by Delegates Henry,
et al.

(2) On the effective date of this constitution, each member of the
State Board of Education whose term has not expired may elect to
become a member of either the State Board of Elementary and Secondary
Education or the Board of Regents. He shall serve until the expiration
of the term for which he was elected. The legislature shall provide
by law the procedures by which this right shall be exercised, the
secretary of state notified of those elections which must be held,
and the governor notified of the appointments which must be made to
complete the membership of the boards. The elections and appointments
shall be made in accordance with and to effectuate Article IX, Sections
3 and 5 of Alternative Proposition No. ______, adopted as Delegate
Proposal No. 98, by Delegates Henry, et al.

(3) On the effective date of this constitution the Louisiana Coor-
dinating Council for Higher Education is abolished, and on such date
all powers, duties, and functions thereof not inconsistent with this
constitution shall be merged and consolidated into the Board of Regents.

(4) On the effective date of this constitution, all functions of
the State Board of Education with respect to the governance, super-
vision, management, administration, and direction of institutions of
higher education not inconsistent with this constitution shall be
transferred to the Board of Regents, and in all other respects the
functions of the State Board of Education not inconsistent with this
constitution shall be transferred to and be exercised by the State
Board of Elementary and Secondary Education.

(5) Subject to change by law and except as in conflict with this
Alternative Proposition and Act 2 of 1972, the provisions of Article
XII, Section 7A of the Constitution of 1921 are continued as a statute,
but the powers of the board shall be limited to the management of the
daily operations of the Louisiana State University System.

Section 29. Effect of Adoption
Section 29. Notwithstanding any contrary provision of any law
Page 8
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or the prior constitution, this constitution when approved by the

electors of this state shall be the Constitution of the State of

Louisiana upon the effective date as provided in Section 25 of this

Article.

Section 30. Severability Clause

Section 30. If any provision of this constitution is declared

invalid for any reason, that provision shall not affect the validity

of the entire constitution or any other provision thereof.
DELEGATE PROPOSAL No. 1—

Introduced by Dr. Asseff:

A PROPOSAL

For supplemental pay increases for state policemen.

PROPOSED SECTION:

Article ......, Section ..... Supplemental pay increase for the state police

The State Civil Service Commission shall adopt a plan, which shall not require approval of the governor, under which supplemental monthly compensation shall be paid to law enforcement officers employed by the division of state police which shall be equal to the supplemental pay program provided by law for municipal and parish law enforcement personnel and shall be paid under the same terms and conditions. The initial plan so adopted shall include supplemental pay increases heretofore provided by law.

The legislature shall appropriate the funds necessary for the supplemental pay for state policemen provided for by this section. The amount to be appropriated shall be included as a line item in the general appropriation bill for each year, and the governor shall have no power to veto the appropriation. In any year in which the legislature fails to appropriate the necessary funds, the state treasurer shall pay over such funds, out of any moneys available in the state treasury, to the director of the State Department of Public Safety.

DELEGATE PROPOSAL No. 2—

Introduced by Dr. Asseff:

A PROPOSAL

To protect the sources of information of news reporters.

Article ......, Section ...... Reporters of news, protection of sources of information.

A. No news reporter shall be compelled to disclose the identity of any informant or any source of information obtained by him while acting as a news reporter except in a prosecution for a capital offense or offense necessarily punishable at hard labor.

B. For the purposes of this article a news reporter is a person who for a period of at least five years has been regularly engaged in the business of collecting and writing news for publication through a news media.
Constitutional Convention of Louisiana of 1973

1 DELEGATE PROPOSAL No. 3—

2 Introduced by Dr. Asseff:

A PROPOSAL

4 Relative to legislation increasing financial burdens of school boards.

6 Article ......., Section ....... School boards, legislation increasing financial burden; local approval

8 No law or regulation requiring increased school board expenditures from local funds shall become effective unless either the law or regulation provides for funds from state sources to meet the increased local expenditure or the affected local school board or local school boards approve by local ordinance.

Constitutional Convention of Louisiana of 1973

1 DELEGATE PROPOSAL No. 4—

2 Introduced by Womack, Asseff, Edward N. Lennox:

A PROPOSAL

4 RELATIVE TO THE MANAGEMENT OF THE STATE HIGHWAY SYSTEM.

6 The Legislature shall provide for the establishment and maintenance of a system of state highways and bridges, shall provided for a general highway fund for the construction and maintenance thereof; shall authorize the acquisition, by expropriation or otherwise, of rights of way for highways and for drainage therefor; may provide for the acquisition by expropriation or otherwise of property necessary or useful for the purpose of building, operating and maintaining highways and buildings and desirable appurtenances thereto, including rest areas and scenic strips, and may provide for control of outdoor advertising and junkyards and zoning relative thereto, and shall provide for a Department of Highways.

19 The Board of Highways shall consist of nine members, one of whom shall be ex-officio, the Governor, and one shall be appointed by the Governor from each congressional district; the members of the Board presently in office shall complete their present terms and may be re-appointed; two shall have terms of four years coinciding with that of the Governor and the others shall serve terms of six years, staggered so that one member is appointed each year. New appointees shall fill the unexpired term of the retiring or deceased member. A member of the Board shall hold no salaried public office or employment for compensation (other than per diem), and may be removed by the Legislature for cause only.

32 The Board of Highways shall have general control.
supervision of the management and direction of the Department of Highways. It shall have authority to establish, construct, and extend, improve, maintain and regulate the use of the state highways and bridges. It may make such studies and investigations as it thinks necessary. It shall formulate the policies, plans and procedures of the Department. No member of the Board may prescribe or direct the conduct of the Department nor the action of any employee thereof in any matter or case unless first authorized by the Board. The Board shall take no action except in public meeting, which action shall be recorded in the minutes. The Board and the Department shall be represented in all legal matters by the General Counsel or his designated assistant.

The Director of Highways is the executive officer of the Department, appointed by and serving at the pleasure of the Board; his compensation shall be fixed by the Board.

The bonds heretofore sold by the Department of Highways shall continue to be lawful obligations of the Department and, until said bonds are paid in full, the taxes heretofore levied on motor fuels, motor vehicle licenses, the use fuel tax, the taxes upon lubricating oils, and the dedication of all royalties and bonuses including annual delay rentals, heretofore provided by Article IV, Section 2 (c), shall continue to be collected, any excess over the amount required to pay the principal and interest on said bonds being paid into the General Highway Fund.

The Legislature shall have authority to authorize the taking of property for highway purposes by orders rendered ex parte in expropriation suits prior to judgment herein provided that provision be made for deposit before such taking with a court officer for the amount of appraisals of the property so taken and damages to which the owner thereof may be entitled, if any, which appraisals may be made in such manner as may be provided by law either before or after institution of suit, and need not be by judicially appointed appraisers.
Constitutional Convention of Louisiana of 1973

CC-1009

1 DELEGATE PROPOSAL No. 5—
2 Introduced by Delegate Weiss:
3 A PROPOSAL
4 To provide a guarantee of the right to life and to provide ex-
5 ceptions thereto.
6 Be it adopted by the Constitutional Convention of Louisi-
7 ana of 1973:
8 Article I, Section 26. Right to Life
9 Section 26. No person shall be deprived of life intentionally,
10 except in execution of a judicial sentence imposed for a capi-
11 tal crime in accordance with law.
12

Constitutional Convention of Louisiana of 1973

1 DELEGATE PROPOSAL No. 6—
2 Introduced by Delegate Weiss:
3 A PROPOSAL
4 Making general provisions for elections.
5 Be it adopted by the Constitutional Convention of Lou-
6 isiana of 1973:
7 ARTICLE X. ELECTIONS
8 Section 1. Election Laws
9 Section 1. The legislature shall establish procedures for
10 the conduct of elections, including provisions to facilitate
11 registration and voting, protect the integrity of the voting
12 process, preserve secrecy of voting, and permit absentee
13 voting.
14 Section 2. Periodic Elections
15 Section 2. General elections shall be held periodically as
16 provided by law. Parish officers shall be elected at the same
17 time as state officers unless otherwise provided by law or
18 by the instrument of government of the parish. Municipal-
19 ies may prescribe election dates and procedures for the
20 administration of their municipal elections, subject to max-
21 imum elective terms of four years and other standards pro-
22vided by law.
23 Section 3. Privilege from Arrest
24 Section 3. In all cases except felony or breach of the
25 peace, electors shall be privileged from arrest during their
26 attendance at, and in going to and from the polls.
27

Page 1
DELEGATE PROPOSAL No. 7—

Introduced by Delegate Burns:

A PROPOSAL

Making provisions for gambling, futures of agricultural products, and lotteries and necessary provisions with respect thereto.

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

Article XII, Section 1. Gambling; Futures of Agricultural Products; Lotteries

Section 1. Gambling is a vice and the legislature shall pass laws to suppress it.

Gambling in futures on agricultural products or articles of necessity, where the intention of the parties is not to make an honest and bona fide delivery, is declared to be against public policy; and the legislature shall pass laws to suppress it.

Lotteries and the sale of lottery tickets are prohibited in this state.

DELEGATE PROPOSAL No. 8—

Introduced by Delegate Leithman:

A PROPOSAL

Making provisions for education and necessary provisions with respect thereto.

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

Article IX. EDUCATION

Section 1. Educational Goals

Section 1. The goal of the public educational system shall be to provide learning environments and experiences that are designed to promote excellence so that every individual may be afforded the opportunity to develop to his full potential.

Section 2. Public Educational System

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

Section 3. State Board of Education

Section 3. (A) There is created a body corporate, known as the State Board of Education, which shall be composed of the Board of Public Education and the Board of Regents.

The State Board of Education shall be responsible for long-range planning, coordination and evaluation of policies and programs, and submission of unified budget requests for the state public educational system. It shall have such other powers, duties, and responsibilities as are provided in this Article and by law.

(B) The board shall consist of twenty-two members, elev-
en members each from the Board of Public Education and
the Board of Regents. The board shall elect a chairman to
serve for such term as it may deem appropriate.

Section 4. Board of Public Education

Section 4. (A) There is created a body corporate, known
as the Board of Public Education. The board shall super-
vice, control, and have budgetary responsibility for all pre-
collegiate public education. The board shall have such other
specific powers, duties, and responsibilities as are provided
by law, but shall have no control over the business affairs
of parish and municipal school boards or the selection or re-
moval of their officers and employees.

(B) The board shall consist of eleven members. One mem-
ber shall be elected from each of the congressional districts
into which the state is divided and an additional number of
members shall be appointed by the governor, with the con-
sent of the Senate, from the state at large. All members
shall serve overlapping terms of six years, following the
initial terms which shall be determined by the legislature
in a manner as to effectuate this purpose. The board shall
elect a chairman to serve for such terms as it may deem
appropriate.

Section 5. State Superintendent of Public Education

Section 5. The Board of Public Education shall appoint a
superintendent of public education who shall be the ex offici-
cio secretary of the board and serve as its chief adminis-
trative officer. The board shall prescribe his term of office
and his powers, duties, and responsibilities.

Section 6. State Department of Education

Section 6. The State Department of Education shall be
the administrative and research staff of the Board of Pub-
lic Education.

Section 7. Qualification and Certification of Teachers

Section 7. The Board of Public Education shall prescribe
and provide for the qualifications to be met by teachers
and for the certification of teachers of precollegiate public
schools.

Section 8. Approval of Private Schools; Effect

Section 8. The Board of Public Education may approve
private schools whose sustained curriculum is of a quality
equal to that prescribed for similar public schools. The cer-
tificates issued by private schools so approved shall carry
the same privileges as those issued by state public schools.

Section 9. Parish School Boards; Parish Superintendents

Section 9. The legislature shall provide for the creation of
parish school boards and shall provide for the election of
the members of such boards. Each parish board shall elect
a superintendent of parish schools. The Board of Public
Education shall fix the qualifications and prescribe the du-
ties of the parish superintendent, who need not be a resident
of the parish where he serves.

Section 10. Recognition of Existing Boards

Section 10. Parish and municipal school boards in exis-
tence as of the date of this constitution are recognized.

Section 11. Board of Regents

Section 11. (A) There is created a body corporate known
as the Board of Regents. The board shall have full power
and authority to supervise, coordinate, and have budgetary
responsibility for all public higher education except that the
board may provide for governing boards to manage each
college and university.

(B) The board shall consist of eleven members. One mem-
ber shall be elected from each of the congressional districts
into which the state is divided and an additional number of
members shall be appointed by the governor, with the consent of the Senate, from the state at large. All members shall serve overlapping terms of six years, following the initial terms which shall be determined by the legislature in a manner as to effectuate this purpose. The board shall elect a chairman to serve for such terms as it may deem appropriate.

Section 12. Chancellor; Higher Education

Section 12. The Board of Regents shall appoint a chancellor of higher education who shall be the ex officio secretary of the board and serve as its chief administrative officer for four years. The board shall prescribe his powers, duties, and responsibilities.

Section 13. Higher Education; Master Plan

Section 13. The Board of Regents shall formulate and make timely revision of a master plan for all public higher education. As a minimum, the plan shall include a formula for the equitable distribution of funds to the institutions of higher education of the state.

Section 14. Board; Staff

Section 14. The legislature shall establish and maintain an administrative and research staff for the Board of Regents.

Section 15. Public Educational Finance

Section 15. The legislature shall have the primary responsibility for financing the public educational system. Funds for the support of the system shall be derived from the sources and in the manner prescribed by law.

Section 16. Boards of Education; General

Section 16. (A) The membership of the Board of Public Education and the Board of Regents shall include members of the predominant minority race in a number equal to the proportionate number of members of that race in the total population of the state.

(B) Vacancies occurring for any cause prior to the expiration of the term shall be filled by appointment by the governor for the remainder of the unexpired term.

(C) Members of boards shall serve without pay except for such per diem and expenses as shall be fixed by the legislature.
Constitutional Convention of Louisiana of 1973

CC-1149

1 DELEGATE PROPOSAL No. 9—
2 Introduced by Delegate Leithman:
3 A PROPOSAL
4 Making provisions for education and necessary provisions
5 with respect thereto.
6 Be it adopted by the Constitutional Convention of Louisiana
7 of 1973:
8 ARTICLE IX. EDUCATION
9 Section 1. Education
10 Section 1. A general diffusion of knowledge and intelligence is essential to the preservation of the rights and liberties of the people, and for the preservation of republican institutions throughout the different parishes of the state.
11 The state shall provide, by law, a statewide system of free public schools and such other public educational institutions and services for the promotion of the intellectual, literary, scientific, mining, mechanical, agricultural, and occupational development of the people of the state.

Constitutional Convention of Louisiana of 1973

CC-1088

1 DELEGATE PROPOSAL No. 10—
2 Introduced by Delegate Juneau:
3 A PROPOSAL
4 Making provisions for education and necessary provisions
5 with respect thereto.
6 Be it adopted by the Constitutional Convention of Louisiana
7 of 1973:
8 ARTICLE IX. EDUCATION
9 Section 1. Educational Goals
10 Section 1. The goal of the public educational system shall be to provide learning environments and experiences designed to promote excellence so that every individual may be afforded the opportunity to develop to his full potential.
11 Section 2. Public Educational System
12 Section 2. The legislature shall provide for a public educational system for the people of the state.
13 Section 3. Public Educational Finance
14 Section 3. The legislature shall provide for financing the system of public education and shall provide for equitable distribution of funds to all components of the public educational system.
Constitutional Convention of Louisiana of 1973

CC-1090

1 DELEGATE PROPOSAL No. 11—

Introduced by Delegate Duval:

A PROPOSAL

For prohibition against dual officeholding.

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

Article . . . Section. . . . Dual Officeholding; Prohibition

Section . . . . . (A) No person holding any office of emolument, honor, profit, or trust under the government of this state, any of its political subdivisions, or of the United States or any foreign country, shall, at the same time hold any other such office.

(B) For the purposes of this Section the following are excepted:

(1) ex officio positions;

(2) notaries public;

(3) those serving on boards, commissions, and other instrumentalities performing only advisory functions;

(4) delegates to any constitutional convention;

(5) members in the reserve of the armed forces and the National Guard.

Constitutional Convention of Louisiana of 1973

CC-1164

1 DELEGATE PROPOSAL No. 12—

Introduced by Delegate Dennery:

A PROPOSAL

To provide for uniform compensation to members of all state boards, commissions, and authorities.

Article IV, Section 1. Compensation

Section 1. Unsalaried members of all state boards, commissions, and authorities shall be compensated for each day devoted to the work of the board, commission, or authority. The amount of compensation, which shall be the same for all such members, shall be determined by the legislature.
Constitutional Convention of Louisiana of 1973
CC-1164

DELEGATE PROPOSAL No. 12—

Introduced by Delegate Dennery:

A PROPOSAL

To provide for uniform compensation to members of all state boards, commissions, and authorities.

Article IV, Section 1. Compensation

Section 1. The legislature may provide that unsalaried members of any state board, commission, or authority may be compensated for each day devoted to the work of the board, commission, or authority. The amount of compensation, if any, shall be determined by the legislature, and shall be the same for the members of all such boards, commissions, or authorities.

Constitutional Convention of Louisiana of 1973
CC-1165

DELEGATE PROPOSAL No. 13—

Introduced by Delegate Burson:

A PROPOSAL

Making provisions for the selection of jurors and necessary provisions with respect thereto.

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

Article VII, Section 41. Selection of Jurors; Women Jurors; Trial by Judge; Trial by Jury

Section 41. The legislature shall provide for the election and drawing of competent and intelligent jurors for the trial of civil and criminal cases; provided, however, that no woman shall be drawn for jury service unless she shall have previously filed with the clerk of the district court a written declaration of her desire to be subject to such service. All cases in which the punishment may not be at hard labor shall, until otherwise provided by law, be tried by the judge without a jury. Cases, in which the punishment may be at hard labor, shall be tried by a jury of five, all of whom must concur to render a verdict; cases, in which the punishment is necessarily at hard labor, by a jury of twelve, nine of whom must concur to render a verdict; cases in which the punishment may be capital, by a jury of twelve, all of whom must concur to render a verdict.
Constitutional Convention of Louisiana of 1973

CC-1104

DELEGATE PROPOSAL No. 14—

Introduced by Delegate Bergeron:

A PROPOSAL

Relative to amending the constitution.

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

A proposal to amend this constitution shall be submitted to the electorate if approved by two-thirds of the elected membership of each house in two successive regular sessions of the legislature. The proposal shall be adopted upon approval of a majority of the electors voting on the proposal.

Constitutional Convention of Louisiana of 1973

CC-1109

1 DELEGATE PROPOSAL No. 15—

A PROPOSAL *

To provide for making appeals from the Public Service Commission.

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

ARTICLE IV

Section______ Appeals from Public Service Commission

Section______ Appeals from orders of the Public Service Commission shall be filed with the district court at the domicile of the regulated entity involved, or in a judicial district where the controversy arose, and appeal from the district court shall be of right to the court of appeal in the circuit having jurisdiction over the district court.

* [Introduced by Delegate Avant]
DELEGATE PROPOSAL No. 16—

Introduced by Delegates Alario, Chehardy, Edwards, Mire, Rayburn, Nunez, Winchester, Mauberret, Slay and Pianchard

A PROPOSAL

Making provisions for homestead exemptions.

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

ARTICLE XI. HOMESTEAD EXEMPTIONS

Section 1. Property Exempt; Valuation; Claim of Benefit

Section 1. There shall be exempt from seizure and sale by any process whatever, except as hereinafter provided, the homestead, bona fide, owned by the debtor and occupied by him, consisting of lands, not exceeding one hundred and sixty acres, buildings and appurtenances, whether rural or urban, of every head of a family, or person having a mother or father or a person or persons dependent on him or her for support to the total value of not more than fifty thousand dollars.

Provided, that in case the homestead exceeds fifty thousand dollars in value, the beneficiary shall be entitled to that amount in case of a sale of the homestead under legal process realizes more than that sum; if the sale does not realize more than that sum, over and above all costs and expenses, said sale shall be null and void.

The benefit of this exemption may be claimed by the surviving spouse, or minor child or children, of a deceased beneficiary.

Section 2. Debts Excluded From Exemption

Section 2. A homestead exemption shall not apply to the following debts:

(1) For the purchase price of property or any part of such purchase price.
Reprinted as Engrossed

Constitutional Convention of Louisiana of 1973
CC-1089

DELEGATE PROPOSAL No. 16—

Introduced by Delegates Alario, Chehardy, Edwards, Mire, Rayburn, Nunez, Winchester, Mauberret, Slay and Planchard

A PROPOSAL

Making provisions for homestead exemptions.

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

ARTICLE XI. HOMESTEAD EXEMPTIONS

Section 1. Property Exempt; Valuation; Claim of Benefit

Section 1. There shall be exempt from seizure and sale by any process whatever, except as hereinafter provided, the homestead, bona fide, owned by the debtor and occupied by him, consisting of lands, not exceeding one hundred and sixty acres, buildings and appurtenances, whether rural or urban, of every head of a family, or person having a mother or father or a person or persons dependent on him or her for support to the total value of not more than fifteen thousand dollars.

Provided, that in case the homestead exceeds fifteen thousand dollars in value, the beneficiary shall be entitled to that amount in case of a sale of the homestead under legal process realizes more than that sum; if the sale does not realize more than that sum, over and above all costs and expenses, said sale shall be null and void.

The benefit of this exemption may be claimed by the surviving spouse, or minor child or children, of a deceased beneficiary.

Section 2. Debts Excluded From Exemption

Section 2. A homestead exemption shall not apply to the following debts:

(1) For the purchase price of property or any part of such purchase price.

Section 3. Sales; Waiver of Homestead

Section 3. The right to sell voluntarily any property that is exempt as a homestead shall be preserved; but no sale shall destroy or impair any rights of creditors thereon. Any person entitled to a homestead may waive same, in whole or in part, by signing a written waiver thereof; provided, that if such person be married, and not separated from bed and board from the other spouse, then the waiver shall not be effective unless signed by the latter; and all such waivers shall be recorded in the mortgage records of the parish where the homestead is situated. Such waiver may be either general or special, and shall have effect from the time of recording.

Section 4. Registration of Homestead

Section 4. Homestead exemptions must be registered only in cities having a population of two hundred and fifty thousand or more and shall be recorded or provided by law.
Constitutional Convention of Louisiana of 1973

DELEGATE PROPOSAL NUMBER 16

Introduced by Delegates Alario, Chabert, Edwards, Mire, Rayburn, Nunez, Winchester, Mauberret, Slay, and Planchard

A PROPOSAL

Making provisions for homestead exemptions.

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

ARTICLE XI. HOMESTEAD EXEMPTIONS

Section 1. Exemptions From Seizure and Sale

Section 1. The legislature shall provide by law for exemptions from seizure and sale, as well as waivers of and exclusions from such exemptions. The exemption shall extend to at least fifteen thousand dollars in value of a homestead, as provided by law.

Constitutional Convention of Louisiana of 1973

DELEGATE PROPOSAL No. 17—

Introduced by Delegate Planchard:

A PROPOSAL

Making provisions prohibiting lotteries.

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

Article II, Section 14. Lotteries

Section 14. Neither the state nor any of its political subdivisions shall conduct a lottery.
First Enrollment

Constitutional Convention of Louisiana of 1973

DELEGATE PROPOSAL NUMBER 17

Introduced by Delegate Planchard

A PROPOSAL

Making provisions prohibiting lotteries and gambling.

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

ARTICLE XII. GENERAL PROVISIONS

Section 12. Lotteries, Gambling

Section 12. Neither the state nor any of its political subdivisions shall conduct a lottery. Gambling shall be defined by and suppressed by the legislature.

Constitutional Convention of Louisiana of 1973

DELEGATE PROPOSAL No. 18—

Introduced by Delegates Casey, Alario, Denney and gravel:

A PROPOSAL

Providing for meeting of the legislature for the next three years following the adoption of this constitution.

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

ARTICLE XIV. SCHEDULE

Section 1. Legislative Sessions

Section 1. The legislature, during the first three regular annual sessions following the adoption of this constitution, shall provide, by rule or otherwise, for a recess of at least eight calendar days after the first fifteen calendar days of the session.
A PROPOSAL

Providing for meeting of the legislature for the next three years following the adoption of this constitution.

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

ARTICLE XIV. SCHEDULE

Section 1. Legislative Sessions

Section 1. The legislature, during the first two regular annual sessions following the effective date of this constitution, shall provide, by rule or otherwise, for a recess of at least eight calendar days after the first fifteen calendar days of the session.

First Enrollment

CC-1107

Constitutional Convention of Louisiana of 1973

DELEGATE PROPOSAL NUMBER 18

Introduced by Delegates Casey, Alario, Dennery, Gravel and Riecke

A PROPOSAL

Providing for meeting of the legislature for the next two years following the adoption of this constitution.

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

ARTICLE XIV. SCHEDULE

Section 1. Legislative Sessions

Section 1. The legislature shall provide, by rule or otherwise, for a recess during the 1975 and 1976 regular annual sessions, which shall be for at least eight calendar days immediately after the first fifteen calendar days of the session.
DELEGATE PROPOSAL No. 19—

Introduced by Delegate Velazquez:

A PROPOSAL

To provide for the Public Service Commission and necessary provisions.

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

ARTICLE ______. PUBLIC SERVICE COMMISSION

Section 1. Composition

Section 1. The Public Service Commission shall consist of seven members. Five shall be elected at the time fixed for congressional elections from districts established by law for overlapping terms of six years, provided the legislature shall establish initial terms of less than six years to implement the overlapping terms. Two shall be appointed by the governor with the advice and consent of the Senate for a term concurrent with that of the governor, one selected from a list of three submitted by the Louisiana Consumer League, the Better Business Bureau of New Orleans, and the League of Women Voters of Louisiana, and the other selected from a list of three submitted by the deans of the departments or colleges of agriculture of Louisiana State University and Agricultural and Mechanical College, Southern University, and Louisiana Polytechnic Institute.

Section 2. Authority

Section 2. The commission shall regulate common carriers and other public utilities, adopt and enforce reasonable rules, regulations, and procedures for the discharge of its duties, and perform such other functions as provided by law.

Section 3. Limitations

Section 3. The commission shall have no authority to regul...
Constitutional Convention of Louisiana of 1973

CC-1184

1 DELEGATE PROPOSAL No. 20—

2 Introduced by Delegate Jack:

3 A PROPOSAL

4 Limiting the number of proposed constitutional amendments
5 that may be submitted to the voters at any one elec-
6 tion.

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

9 Article XIII, Section 1. Constitutional Amendments; Limit
10 on Number

11 Section 1. No more than six proposed amendments shall
12 be submitted to the electors of the state at any one elec-
13 tion.

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Constitutional Convention of Louisiana of 1973

CC-1185

1 DELEGATE PROPOSAL No. 21—

2 Introduced by Delegate Jack:

3 A PROPOSAL

4 Making provisions for a deduction in state income taxes for
5 federal income tax payments made during the same
6 period.

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

9 Article ——, Section ——— State Income Tax; Deduction
10 Section ———. Federal income taxes paid shall be allowed
11 as a deductible item in computing state income taxes paid
12 during the same period.
Constitutional Convention of Louisiana of 1973

CC-1132

D. P. No. 22

1. railroads in any incorporated town or city.
2. (5) Exempting property from taxation; extending the time for the assessment or collection of taxes; for the relief of any assessor or collector of taxes from the remittance of his official duties or of his sureties from liability; remitting fines, penalties, and forfeitures; or refunding moneys legally paid into the treasury.
3. (6) Regulating labor, trade, manufacturing, or agriculture; fixing the rate of interest.
4. (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.
5. (8) Regulating the management of public schools, the building or repairing of schoolhouses and the raising of money for such purposes.
6. (9) Legalizing the unauthorized or invalid acts of any officer, employee, or agent of the state, its agencies, or political subdivisions.

Page 1
First Enrollment

CC-1132

Constitutional Convention of Louisiana of 1973

DELEGATE PROPOSAL NUMBER 22

Introduced by Delegates Conroy and Newton

A PROPOSAL

To provide for the prohibition of certain enumerated local and special laws.

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

ARTICLE III. LEGISLATIVE BRANCH

Section 12. Prohibited Local and Special Laws

Section 12. (A) Except as otherwise provided in this constitution, the legislature shall not pass any local or special law:

(1) For the holding and conducting of elections, or fixing or changing the place of voting.

(2) Changing the names of persons; authorizing the adoption or legitimation of children or the emancipation of minors; affecting the estates of minors or persons under disabilities; granting divorces; changing the law of descent or succession; giving effect to informal or invalid wills or deeds or to any illegal disposition of property.

(3) Concerning any civil or criminal actions, including changing the venue in civil or criminal cases, or regulating the practice or jurisdiction of any court, or changing the rules of evidence in any judicial proceeding or inquiry before courts, or providing or changing methods for the collection of debts or the enforcement of judgments, or prescribing the effects of judicial sales.

(4) Authorizing the laying out, opening, closing, altering, or maintaining of roads, highways, streets, or alleys; relating to ferries and bridges, or incorporating bridge or ferry companies, except for the erection of bridges crossing streams which form boundaries between this and any other state; authorizing the constructing of street passenger railroads in any incorporated town or city.

(5) Exempting property from taxation; extending the time for the assessment or collection of taxes; for the relief of any assessor or collector of taxes from the performance of his official duties or of his sureties from liability; remitting fines, penalties, and forfeitures; or refunding moneys legally paid into the treasury.

(6) Regulating labor, trade, manufacturing, or agriculture; fixing the rate of interest.

(7) Creating private corporations, or amending, renewing, extending, or explaining the charters thereof; granting to any private corporation, association, or individual any special or exclusive right, privilege, or immunity.

(8) Regulating the management of parish or city public schools, the building or repairing of parish or city schoolhouses and the raising of money for such purposes.

(9) Legalizing the unauthorized or invalid acts of any officer, employee, or agent of the state, its agencies, or political subdivisions.

(10) Defining any crime.

(11) The legislature shall not indirectly enact special or local laws by the partial repeal or suspension of a general law.
Constitutional Convention of Louisiana of 1973

CC-1111

DELEGATE PROPOSAL No. 23—

Introduced by Delegate Abraham:

A PROPOSAL

Relative to appropriations by the legislature for the state budget.

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

Article III, Section 18. Appropriations

Section 18. (F) Total appropriations for the year shall not exceed anticipated annual revenues as projected by the governor in the operating budget.

DELEGATE PROPOSAL No. 24—

Introduced by Delegate Schmitt:

A PROPOSAL

Providing for a commissioner of consumer affairs.

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

Article____, Section_____. Commissioner of Consumer Affairs

Section_____. A commissioner of consumer affairs shall be elected for a term of four years by the electors of the state at the time of voting for members of the legislature.
DELEGATE PROPOSAL No. 25—

Introduced by Delegate Asseff:

A PROPOSAL

To prohibit favoritism in the law towards women.

Be It Adopted by the Constitutional Convention of Louisiana of 1973:

Article____, Section____. Women, favoritism towards forbidden.

The legislature shall not enact any statute showing favoritism towards women.

DELEGATE PROPOSAL No. 26—

Introduced by Delegate Newton:

A PROPOSAL

To establish a Board of Highways, a director, its powers, duties, and functions.

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

Article____, Section____. Board of Highways; Director; Powers, Duties, and Functions

Section____. (A) The Board of Highways shall consist of nine members, one of whom shall be ex officio the governor. There shall be eight other members, one from each congressional district. Two of the members shall serve for terms of four years coinciding with the term of the governor. The remaining six members shall each serve for terms of six years, the terms of office being staggered so that one new member is appointed each year.

(1) The members of the board shall elect one member, other than the governor, to serve as chairman of the board, and one member, other than the governor, to serve as vice chairman. It shall appoint its secretary and fix his compensation.

(2) The first board shall be appointed by the governor, and he shall appoint one member to serve for a term ending June 1, 1974; one member to serve for a term ending June 1, 1975; one member to serve for a term ending June 1, 1976; one member to serve for a term ending June 1, 1977; and one member to serve for a term ending June 1, 1978; one member to serve for a term ending June 1, 1979; and two members for the four-year terms to coincide with his own.

Thereafter any vacancy occurring in said board, by reason of the expiration of the term for which appointed, or by
reason of death, resignation or otherwise, shall be filled by
appointment by the governor, from among residents of the
same congressional district as that of the members whose
office was vacated.

(a) Names may be submitted for the panel hereinafter
created by the governing authorities of the several parishes
of the state and of the city of New Orleans, each governing
authority to submit a list of ten names, by certification
of the president or secretary or equivalent officer of such
group to the secretary of state at the state capitol within
ninety days from the effective date of this amendment.

Annually, between June first and June thirtieth, the said
groups shall be authorized to make new certifications to the
secretary of state; provided that after one certification is
made, the list originally submitted shall be included on the
panel hereinafter established by the secretary of state until
changed by the group submitting same.

It shall be the duty of the secretary of state to compile a
panel of names so submitted and to keep same on file in
his office for use as contemplated herein, the said panel to
be designated the “State Boards Panel.”

Within thirty days after a vacancy occurs on said board
from any cause, the remaining members of the board shall
nominate, from the panel herein provided for, seven persons
residents of the same congressional district as that of the
member whose office becomes vacant and shall certify such
nomination to the governor.

(b) From this list of seven names, the governor shall
normally appoint one to fill such vacancy within thirty
days from the date he receives the nomination, but he may
within his discretion appoint any one.

(c) In the event that for any reason, the governor fails
to receive the nominees provided for herein, within the time
prescribed following the occurrence of a vacancy on the
board, the governor shall have the right and it shall be his
duty to proceed forthwith to make an appointment to fill
such vacancy.

(d) No member shall be eligible for reappointment who
shall have served for as many as four years or more.

(3) Any succeeding member appointed to fill the term
of a member leaving the board, before the expiration of the
term to which he shall have been appointed, shall be
appointed to fill the unexpired term of such retiring or
deceased member.

(4) No member of said board may be a member of the
legislature or hold any salaried public office or employment
for compensation (other than per diem) existing under or
created by the laws of the United States, the State of Louisi-
ana, or any municipality or subdivision thereof.

(5) No compensation for his services shall be paid to any
member of the board, but each member shall be paid a per
diem of twenty-five dollars for each day of meeting and his
actual expenses in traveling to and from and attending
meetings of the board and in attendance to his duties away
from his domicile under assignment by the board.

(6) The board shall hold an open meeting at least once
each month. It may hold other meetings at its discretion,
or on call of its chairman. A majority of the members con-
stitutes a quorum of the board. In case of a tie vote, the
governor shall cast the deciding vote.

(7) The board shall have general control, management,
supervision, and direction of the Department of Highways.
It shall have authority to establish, construct, extend, im-
prove, maintain, and regulate the use of the state highways
and bridges. It may make such studies and investigations as it thinks necessary. It shall formulate the policies and may determine the wisdom and efficacy of the policies, plans, and procedures of the department and execution of which may be delegated to the director and engineers within the scope of its functions.

(B) The functions of the governor and the director of highways in relation to the appointment of the chief engineer, maintenance engineer, and the general counsel and his assistants, of the Department of Highways as now provided by law, are transferred to and vested in the Board of Highways. All other functions of the director, the chief engineer, and the maintenance engineer may be exercised only under the supervision, direction, and control of the Board of Highways. No appointed member of the board may prescribe or direct the conduct of the department or the action of the executive officer of the department or any subordinate member thereof in any matter or case, unless first authorized by the board.

(C) The board shall not take any action except by vote in meeting assembled, and which shall be recorded in the minutes.

(1) The director of highways is the executive officer of the department. He shall be appointed by the Board of Highways. He shall serve at the pleasure of the board. His salary shall be fixed by the Board of Highways. He shall serve on a full-time basis.

(2) Under the direction, supervision, and control of the Board of Highways, the director has the management of the department and shall exercise all of the functions of the department through the department organizations provided for by law, except those functions specifically assigned to the Board of Highways under the provisions of this Section. The department cannot and shall not act otherwise than through the Board of Highways or the director or through someone acting under authority of the board or director. Every lawful act of the director performed in his official capacity is the act of the department.

(3) The provisions of this amendment shall be self-operative and shall require no further or other legislation.
Constitutional Convention of Louisiana of 1973

DELEGATE PROPOSAL No. 27—
Introduced by Delegate Dennery:

A PROPOSAL

To establish state and city civil service.

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

ARTICLE VII. HUMAN RESOURCES

Section 1. State and City Civil Service

Section 1. (A) Civil Service System; State, Cities. (1)

State Civil Service. The state civil service includes all offices and positions of trust or employment in the employ of the state, or any instrumentality thereof, or any joint state and federal, parochial, or municipal agency, except municipal boards of health, irrespective of what funds are used to pay for such employment.

(2) City Civil Service. The city civil service includes all offices and positions of trust or employment in the employ of each city in the state with over two hundred fifty thousand population, and every instrumentality thereof.

(B) Classified and Unclassified Service. The state and city civil service is divided into the unclassified and classified service.

All persons not included in the unclassified service are in the classified service.

The unclassified service shall include the following officers and employees in the state and city civil service:

(1) elected officers and persons appointed to fill vacancies in elective offices; (2) heads of principal executive departments appointed by the governor, the mayor, or the governing authority of a city; (3) city attorneys; (4) registrars of voters; (5) members of state and city boards, authorities, and commissions; (6) one person holding a confidential...
cordance with the procedure governing the original appointment, and from the same source. Within thirty days after a vacancy occurs, the president concerned shall submit the required nominations. Within thirty days thereafter, the governor shall make his appointment. Should the governor fail to appoint within thirty days, the nominee whose name is first on the list of nominees shall automatically become a member of the commission.

(D) City Civil Service Commission; Appointment; Nomination; Vacancies. There shall be a city civil service commission in each city having a population exceeding two hundred fifty thousand. Each commission shall be composed of three members, who are qualified electors of the city, two of whom constitute a quorum. The members shall serve terms of six years as hereinafter provided. The domicile of each commission shall be in the city which it serves.

(1) New Orleans; Nomination and Appointment. In the city of New Orleans, the presidents of Dillard University, Loyola University of the South, and Tulane University of Louisiana, after giving due consideration to representation of all groups, each shall nominate three persons, and from the three persons so nominated by each, the governing authority of the city shall appoint one to serve as a member of the commission.

(2) Other Cities; Nomination and Appointment. In other cities subject to the provisions of this Section, the presidents of three of the universities listed in Paragraph (C) (2), which three universities shall be selected by the governing authority of the respective city, each shall nominate three persons, after giving due consideration to representation of all groups, and from the three persons so nominated by each, the governing authority of the city shall appoint one to serve as a member of the commission.

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1 one to serve as a member of the commission.
2 (3) Vacancies. Vacancies for any cause shall be filled by appointment in accordance with the procedure for the original appointment and from the same source. Within thirty days after a vacancy occurs, the university president concerned shall submit the required nominations. Within thirty days thereafter, the governing authority of the city shall make the appointment. Should the governing authority of the city fail to appoint within the thirty days, the nominee whose name is first on the list of nominees shall automatically become a member of the commission.

(E) Removal. A member of the state or of a city civil service commission may be removed by the governor or the governing authority for cause after being served with written specifications of the charges against him, and an opportunity for a public hearing thereon is afforded by his appointing authority.

(F) Department of Civil Service; Directors.

(F) (1) State Department. There shall be a Department of State Civil Service in the executive branch of the state government.

(2) City Departments. There shall be a department of city service in each city having a population exceeding two hundred fifty thousand.

(3) Directors. Each commission shall appoint a director, after competitive examination, who shall be the administrative head of his department, and who shall be in the classified service. Each director shall appoint personnel and exercise powers and duties to the extent prescribed by the commission appointing him.

(G) Appointments; Promotions. Permanent appointments and promotions in the classified state and city service shall
be made only after certification by the appropriate department of civil service under a general system based upon merit, efficiency, and fitness, as ascertained by examination which, so far as practical, shall be competitive. The number to be certified shall not be less than three; however, if more than one vacancy is to be filled, the name of one additional eligible for each vacancy may be certified. Each commission shall adopt rules for the method of certification of persons eligible for appointment, promotion, reemployment, and reinstatement and shall provide for appointments defined as emergency and temporary appointments where certification is not required.

(H) Disciplinary Actions; Appeals. No person who has gained permanent status in the classified state or city service shall be subjected to disciplinary action except for cause expressed in writing, and no classified employee shall be discriminated against by reason of his political or religious beliefs, sex, or race. Any classified employee subjected to such disciplinary action or so discriminated against shall have the right of appeal to the appropriate commission.

The burden of proof on appeal, as to the facts, shall be on the employee.

(1) Prohibitions Against Political Activities.

(1) No member of any civil service commission and no officer or employee in the classified service shall participate or engage in political activity; or be a candidate for nomination or election to public office; or be a member of any national, state, or local committee of a political party or faction; or make or solicit contributions for any political party, faction, or candidate; or take active part in the management of the affairs of a political party, faction, or candidate or any political campaign, except to exercise his right as a citizen to express his opinion privately, to serve as a commissioner or official watcher at the polls and to cast his vote as he desires.

(2) No person shall solicit contributions for political purposes from any classified employee or official or use or attempt to use his position in the state or city service to punish or coerce the political action of such classified employee.

(J) Rules; Investigations; Wages and Hours.

(J) (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, veteran’s preferences, 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.

Rules adopted pursuant hereto shall have the effect of law. Each commission may impose penalties for violation of its rules by demotion in, or suspension or discharge from position, with attendant loss of pay.

(2) Investigations. Each commission is authorized to investigate violations of the provisions of this Section and the rules, statutes, or ordinances adopted pursuant hereto.

(3) Wages and Hours. Any rule or determination affecting wages or hours shall become effective and shall have the
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(C) Penalties. Any person who willfully violates any provision of this Section shall be guilty of a misdemeanor and shall, upon conviction, be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or both.

(L) Appeal. Each commission shall have the exclusive power and authority to hear and decide all removal and disciplinary cases, with subpoena power and power to administer oaths. It may appoint a referee to take testimony, with subpoena power and power to administer oaths to witnesses. The decision of a commission shall be final on the facts, but shall be subject to review on any question of law upon appeal to the court of appeal wherein such commission is located, upon application filed with such commission within thirty calendar days after its decision becomes final.

(M) Appropriations. (1) State. Beginning with the regular session that convenes in the year 197... and at each regular session thereafter, the legislature shall appropriate to the State Civil Service Commission and to the Department of State Civil Service for the succeeding fiscal year a sum equal to not less than seven-tenths of one percent of the aggregate payroll of the state classified service for the twelve-month period ending on the first day of March preceding the next regular session as certified by the State Civil Service Commission.

(2) Cities. Each city subject to the provisions of this Section shall make adequate annual appropriations to enable its civil service commission and department to carry out efficiently and effectively the provisions of this Section.

(N) Acceptance of Act; Other Cities, Parishes, City and Parish Governed Jointly. Any city having a population exceeding ten thousand but not exceeding two hundred fifty thousand, and any parish, or any parish governed jointly with one or more cities under a plan of government, having a population exceeding ten thousand, according to the last preceding decennial federal census for which the final report of population returns have been reported to the president of the United States, may elect to accept the provisions of this Section by a majority vote of its qualified electors voting at a general or special election for this purpose. The election shall be ordered and held by the city, the parish, or the city-parish, as the case may be, upon (1) the adoption of an ordinance by the governing body thereof calling for such elections; or (2) the presentation to such governing body of a petition signed by qualified electors equal in number to five percent of the qualified registered voters of the city, the parish, or the city-parish, as the case may be, calling for such election.

If a majority of the votes cast in such election are in favor of the adoption of the provisions of this Section, all the provisions thereof shall thereafter permanently apply to and govern the city or city-parish, as the case may be, in the same manner and to the same extent as if said Section and all its provisions had originally applied to such city, parish, or city-parish. In such instance, all officers and employees of the city, the parish, or the city-parish, or any other subdivision of the state, as the case may be, who have acquired civil service status under a civil service system established by legislative act, city charter, or otherwise, shall retain such status and shall thereafter be subject to and governed by the provisions of this Section and the
rules and regulations adopted under the authority of this
Section. If a majority of the votes cast in such election are
against the adoption of the provisions of this Section, the
question of adopting the provisions of this Section shall not
be resubmitted to the voters of the city, the parish, or the
city-parish, as the case may be, within one year thereafter.

(O) City, Parish Civil Service System; Creation. Nothing
in this Section shall prevent the establishment by the legis-
lature, or by the respective local governing body, in one or
more parishes, of a civil service system applicable to any
or all parish employees, including those hereinabove ex-
deparently from the state classified service, or the establish-
ment by the legislature, or by the respective local governing
body, of a civil service system in one or more cities having
a population of less than two hundred fifty thousand, in
any manner now or hereafter provided by law.

DELEGATE PROPOSAL No. 27—

Introduced by Delegate Denney:

A PROPOSAL

To establish state and city civil service.

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

ARTICLE VII. HUMAN RESOURCES

Section 1. State and City Civil Service

Section 1. (A) Civil Service System; State, Cities.

(1) State Civil Service. The state civil service includes
all offices and positions of trust or employment in the
employ of the state, or any instrumentality thereof, or any
joint state and federal, parochial, or municipal agency, ex-
cept municipal boards of health, irrespective of what funds
are used to pay for such employment.

(2) City Civil Service. The city civil service includes all
offices and positions of trust or employment in the employ
of each city in the state with over two hundred fifty
thousand population, and every instrumentality thereof.

(B) Classified and Unclassified Service. The state and
city civil service is divided into the unclassified and classi-
ified service.

All persons not included in the unclassified service are
in the classified service.

The unclassified service shall include the following of-
officers and employees in the state and city civil service:

(1) elected officers and persons appointed to fill vacancies
in elective offices; (2) heads of principal executive de-
partments appointed by the governor, the mayor, or the
governing authority of a city; (3) city attorneys; (4) regis-
trars of voters; (5) members of state and city boards,
authorities, and commissions; (6) one person holding a
A vacancy for any cause shall be filled by appointment in accordance with the procedure governing the original appointment, and from the same source. Within thirty days after a vacancy occurs, the president concerned shall submit the required nominations. Within thirty days thereafter, the governor shall make his appointment. Should the governor fail to appoint within thirty days, the nominee whose name is first on the list of nominees shall automatically become a member of the commission.

(D) City Civil Service Commission; Appointment; Nomination; Vacancies. There shall be a city civil service commission in each city having a population exceeding two hundred fifty thousand. Each commission shall be composed of three members, who are qualified electors of the city, two of whom constitute a quorum. The members shall serve terms of six years as hereinafter provided. The domicile of each commission shall be in the city which it serves.

(1) New Orleans; Nomination and Appointment. In the city of New Orleans, the presidents of Dillard University, Loyola University of the South, and Tulane University of Louisiana, after giving due consideration to representation of all groups, each shall nominate three persons, and from the three persons so nominated by each, the governing authority of the city shall appoint one to serve as a member of the commission.

(2) Other Cities; Nomination and Appointment. In other cities subject to the provisions of this Section, the presidents of three of the universities listed in Paragraph (C)(2), which three universities shall be selected by the governing authority of the respective city, each shall nominate three persons, after giving due consideration to rep-
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 commis-

(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 presi-
dent concerned shall submit the required nominations.
Within thirty days thereafter, the governing authority
of the city shall make the appointment. Should the gov-
erning authority of the city fail to appoint within the
thirty days, the nominee whose name is first on the list of
nominees shall automatically become a member of the com-

(E) Removal. A member of the state or of a city civil
service commission may be removed by the governor or the
governing authority for cause after being served with written
specifications of the charges against him, and an oppor-
tunity for a public hearing thereon is afforded by his
appointing authority.

(F) Department of Civil Service; Directors.

(F) (1) State Department. There shall be a Department
of State Civil Service in the executive branch of the state
government.

(2) City Departments. There shall be a department of
city service in each city having a population exceeding
two hundred fifty thousand.

(3) Directors. Each commission shall appoint a director,
after competitive examination, who shall be the administra-
tive head of his department, and who shall be in the classified
service. Each director shall appoint personnel and exercise

(G) Appointments; Promotions. Permanent appointments
and promotions in the classified state and city service shall
be made only after certification by the appropriate depart-
ment of civil service under a general system based upon
merit, efficiency, and fitness, as ascertained by examination
which, so far as practical, shall be competitive. The number
to be certified shall not be less than three; however, if
more than one vacancy is to be filled, the name of one
additional eligible for each vacancy may be certified. Each
commission shall adopt rules for the method of certification
of persons eligible for appointment, promotion, reemploy-
ment, and reinstatement and shall provide for appointments
defined as emergency and temporary appointments where
certification is not required.

(H) Disciplinary Actions; Appeals. No person who has
attained permanent status in the classified state or city
service shall be subjected to disciplinary action except for
cause expressed in writing, and no classified employee
shall be discriminated against by reason of his political
or religious beliefs, sex, or race. Any classified employee
subjected to such disciplinary action or so discriminated
against shall have the right of appeal to the appropriate
commission.

The burden of proof on appeal, as to the facts, shall be
on the employee.

(I) Prohibitions Against Political Activities.

(I) (1) No member of any civil service commission and
no officer or employee in the classified service shall par-
ticipate or engage in political activity; or be a candidate
for nomination or election to public office; or be a member
of any national, state, or local committee of a political party or faction; or make or solicit contributions for any political party, faction, or candidate; or take active part in the management of the affairs of a political party, faction, or candidate or any political campaign, except to exercise his right as a citizen to express his opinion privately, to serve as a commissioner or official watcher at the polls and to cast his vote as he desires.

(2) No person shall solicit contributions for political purposes from any classified employee or official or use or attempt to use his position in the state or city service to punish or coerce the political action of such classified employee.

(J) Rules; Investigations; Wages and Hours.

(JJ) 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, veteran's preferences, 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 carry out and effectuate the objectives and purposes of the merit system of civil service as herein established.

Rules adopted pursuant hereto shall have the effect of law.

Each commission may impose penalties for violation of its rules by demotion in, or suspension or discharge from position, with attendant loss of pay.

Investigations. Each commission is authorized to investigate violations of the provisions of this Section and the rules, statutes, or ordinances adopted pursuant hereto.

(3) Wages and Hours. Any rule or determination affecting wages or hours shall become effective and shall have the effect of law only after approval by the governor or the appropriate governing authority.

(K) Penalties. Any person who willfully violates any provision of this Section shall be guilty of a misdemeanor and shall, upon conviction, be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or both.

(L) Appeal. Each commission shall have the exclusive power and authority to hear and decide all removal and disciplinary cases, with subpoena power and power to administer oaths. It may appoint a referee to take testimony, with subpoena power and power to administer oaths to witnesses. The decision of a commission shall be final on the facts, but shall be subject to review on any question of law upon appeal to the court of appeal wherein such commission is located, upon application filed with such commission within thirty calendar days after its decision becomes final.

(M) Appropriations. (1) State. Beginning with the regular session that convenes in the year 197... and at each regular session thereafter, the legislature shall appropriate to the State Civil Service Commission and to the Department of State Civil Service for the succeeding fiscal year a sum equal to not less than seven-tenths of one percent of the aggregate payroll of the state classified service for the twelve-month period ending on the first day of March preceding the next regular session as certified by the State Civil Service Commission.

(Cities. Each city subject to the provisions of this
Section shall make adequate annual appropriations to enable
its civil service commission and department to carry out
efficiently and effectively the provisions of this Section.

(N) Acceptance of Act; Other Cities, Parishes, City and
Parish Governed Jointly. Any city having a population
exceeding ten thousand but not exceeding two hundred fifty
thousand, and any parish, or any parish governed jointly
with one or more cities under a plan of government, having
a population exceeding ten thousand, according to the last
preceding decennial federal census for which the final re-
port of population returns have been reported to the presi-
dent of the United States, may elect to accept the provisions
of this Section by a majority vote of its qualified electors
voting at a general or special election for this purpose. The
election shall be ordered and held by the city, the parish, or
the city-parish, as the case may be, upon (1) the adoption
of an ordinance by the governing body thereof calling for
such elections; or (2) the presentation to such governing
body of a petition signed by qualified electors equal in
number to five percent of the qualified registered voters of
the city, the parish, or the city-parish, as the case may be,
calling for such election.

If a majority of the votes cast in such election are in favor
of the adoption of the provisions of this Section, all the
provisions thereof shall thereafter permanently apply to
and govern the city or city-parish, as the case may be, in
the same manner and to the same extent as if said Section
and all its provisions had originally applied to such city,
parish, or city-parish. In such instance, all officers and
employees of the city, the parish, or the city-parish, or any
other subdivision of the state, as the case may be, who have
acquired civil service status under a civil service system

Page 8
DELEGATE PROPOSAL No. 28—

Introduced by Delegate Dennery:

A PROPOSAL

Relative to transition for members of the State Civil Service Commission.

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

Article XIV, Section 1. Transition; Civil Service Commission; State; Cities

Section 1. (A) State Commission. Each person who, on the effective date of this constitution, is a member of the State Civil Service Commission shall continue in such position for the remainder of the term to which he was appointed. Within thirty days after the effective date of this constitution, the presidents of St. Mary's Dominican College and Xavier University of Louisiana each shall submit three names to the governor for appointment to the commission as provided in Article VII, Section 1, Paragraph (C). The term of these appointees shall be six years. Within thirty days after the expiration of the term of the present member nominated by the president of Louisiana State University and Agricultural and Mechanical College, the president of Dillard University shall submit three names to the governor for appointment to the commission as provided in Article VII, Section 1. The term of this appointee shall be six years.

(B) City Commission. Each person who, on the effective date of this constitution, is a member of the New Orleans City Civil Service Commission shall continue in such position for the remainder of the term to which he was appointed. Within thirty days after the expiration of the term of the present member nominated by the governing body of the city, the president of Dillard University shall submit three names to the governing body of the city for appointment to the New Orleans City Civil Service Commission as provided in Article VII, Section 1, Paragraph (D). The term of this appointee shall be six years.

Section 2. Transition; Civil Service Officers; Employees; State; Cities

Section 2. Upon the effective date of this constitution, all officers and employees of the state and of the cities covered hereunder who have status in the classified service of the state shall retain said status in the position, class, and rank that they have on such date and shall thereafter be subject to and governed by the provisions of this constitution and the rules and regulations adopted under the authority hereof.
DELEGATE PROPOSAL No. 28—

Introduced by Delegate Dennery:

A PROPOSAL

Relative to transition for members of the State Civil Service Commission.

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

Article XIV, Section 1. Transition; Civil Service Commission; State; Cities

Section 1. (A) State Commission. Each person who, on the effective date of this constitution, is a member of the State Civil Service Commission shall continue in such position for the remainder of the term to which he was appointed. Within thirty days after the effective date of this constitution, the presidents of St. Mary's Dominican College and Xavier University of Louisiana each shall submit three names to the governor for appointment to the commission as provided in Article VII, Section 1, Paragraph (C). The term of these appointees shall be six years. Within thirty days after the expiration of the term of the present member nominated by the president of Louisiana State University and Agricultural and Mechanical College, the president of Dillard University shall submit three names to the governor for appointment to the commission as provided in Article VII, Section 1. The term of this appointee shall be six years.

(B) City Commission. Each person who, on the effective date of this constitution, is a member of the New Orleans City Civil Service Commission shall continue in such position for the remainder of the term to which he was appointed. Within thirty days after the expiration of the term of the present member nominated by the governing body of the city, the president of Dillard University shall submit three names to the governing body of the city for appointment to the New Orleans City Civil Service Commission as provided in Article VII, Section 1, Paragraph (D). The term of this appointee shall be six years.

Section 2. Transition; Civil Service Officers; Employees; State; Cities

Section 2. Upon the effective date of this constitution, all officers and employees of the state and of the cities covered hereunder who have status in the classified service of the state shall retain said status in the position, class, and rank that they have on such date and shall thereafter be subject to and governed by the provisions of this constitution and the rules and regulations adopted under the authority hereof.
First Enrollment

CC-12#2
Constitutional Convention of Louisiana of 1973

DELEGATE PROPOSAL NUMBER 28

1. Introduced by Delegate Denney

A PROPOSAL

Relative to transition for members of the State Civil Service Commission.

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

Article XIV, Section 1. Transition; Civil Service Commission; State; Cities

Section 1. (A) State Commission. Each person who, on the effective date of this constitution, is a member of the State Civil Service Commission shall continue in such position for the remainder of the term to which he was appointed. Within thirty days after the effective date of this constitution, the president of Xavier University of Louisiana shall submit three names to the governor for appointment to the commission as provided in Article VII, Section 1, Paragraph (C). Within ninety days after the effective date of this constitution, one member of the commission shall be elected by the classified employees of the state from their number as provided by law. The term of these appointees shall be six years. Within thirty days after the expiration of the term of the present member nominated by the president of Louisiana State University and Agricultural and Mechanical College, the president of Dillard University shall submit three names to the governor for appointment to the commission as provided in Article VII, Section 1. The term of this appointee shall be six years.

(B) City Commission. Each person who, on the effective date of this constitution, is a member of the New Orleans City Civil Service Commission shall continue in such position for the remainder of the term to which he was appointed. Within thirty days after the effective date of this constitution, the presidents of St. Mary’s Dominican College and Xavier University of Louisiana each shall submit three names to the governing body of the city for appointment to the commission as provided in Article VII, Section 1, Paragraph (D). Within thirty days after the expiration of the term of the present member nominated by the governing body of the city, the president of Dillard University shall submit three names to the governing body of the city for appointment to the New Orleans City Civil Service Commission as provided in Article VII, Section 1, Paragraph (D). The term of these appointees shall be six years.

Section 2. Transition; Civil Service Officers; Employees; State; Cities

Section 2. Upon the effective date of this constitution, all officers and employees of the state and of the cities covered hereunder who have status in the classified service shall retain said status in the position, class, and rank that they have on such date and shall thereafter be subject to and governed by the provisions of this constitution and the rules and regulations adopted under the authority hereof.
DELEGATE PROPOSAL No. 29—

Introduced by Delegate Asseff:

A PROPOSAL

Providing for the reorganization of the executive branch of state government.

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

ARTICLE IV. EXECUTIVE BRANCH

Section 1. Reorganization

Section 1. (A) The governor may propose to the legislature, on or before the first day of any regular session, a plan of reallocation of the functions, powers, duties, and responsibilities of all departments, offices, agencies, and other instrumentalities of the executive branch, except for those functions, powers, duties, and responsibilities allocated by this constitution, among and within not more than twenty-five departments. Either house of the legislature, by a majority vote of the elected members, may disapprove such plan but may not substantively amend it. In the event neither house disapproves the plan submitted prior to the sine die adjournment of the session of the legislature at which submitted, the plan shall become effective at twelve o'clock noon on the day following sine die adjournment.

(B) The legislature, by majority vote of the elected members of each house, may reallocate the functions, powers, duties, and responsibilities of all departments, offices, agencies, and other instrumentalities of the executive branch, except those functions, powers, duties, and departments allocated by this constitution, among and within not more than twenty-five departments.
in Section 2 hereof, and shall be the owner of all of the
assets, interests and the real, personal and mixed property
belonging to such district. Thereafter, the parish shall be
the governing authority of the levee district so merged and
consolidated and shall by ordinance, provide for powers,
functions and jurisdiction of such district. The provisions
of this paragraph shall be self-executory.
(C) No action taken under this Section shall impair the
obligation of any outstanding bonded indebtedness or of any
other contract of such levee district.
(D) The parish governing authority which assumes the
authority of any levee district shall recognize the sanctity
and honor all contracts previously entered into by its
predecessor providing such contracts were not violative
of law at the time of their initiation.
(E) The parish governing authority which becomes the
governing authority of any levee district shall make all
provisions necessary to protect the Civil Service status and
retirement benefits which have accrued to all classified
employees of the levee district under the conditions of this
article.
Section 2. District Taxes and Refunding Bonds; Increase
in Tax to Raise Additional Funds
Section 2. (A) For the purpose of constructing and main-
taining 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 dollar on all
taxable property situated within the alluvial portions of said
district subject to overflow.
(B) Should the necessity to raise additional funds arise
in any levee district for any of the purposes herein set
forth, or for any other purpose related to its authorized
powers and functions which may be specified by the legis-
lature, or the governing authority of a levee district which
has been merged and consolidated pursuant to Section 1
(B) hereof, as the case may be, the tax herein authorized
may be increased; provided, however, that before taking
effect, the necessity for the increase and the rate thereof
shall be submitted to the electors of such district at an
election called and held in the manner provided in Article
Section 24 of this Constitution, 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.
Section 3. Interstate Districts
Section 3. The legislature, with the concurrence of an
adjoining state, may create levee districts composed of
territory partly in each state, and may authorize the con-
struction and maintenance of levees wholly within another
state.
Section 4. Cooperation with State and Federal Government
Section 4. (A) Parish governing authorities having once
assumed the authority previously delegated to levee districts
shall be free to contract with agencies of the State of Louisi-
ana for the construction, maintenance, upkeep and super-
vision of all levees, hurricane and/or tidal protection devices
including areas immediately contiguous thereto on terms and
conditions satisfactory to the parties and consistent with
law.
(B) 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 levee districts.

Constitutional Convention of Louisiana of 1973
CC-1206

DELEGATE PROPOSAL No. 31—

Introduced by Delegate Dennery:

A PROPOSAL

Providing for trust; forced heirship.

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

Article II, Section 14. Trusts; Forced Heirship; Abolition

Prohibited; Adopted Children

Section 14. The legislature may authorize the creation of express trusts for any purpose, including but not limited to private trusts, trusts for the benefit of employees, trusts for educational, charitable, or religious purposes, and mixed trusts for any combination of purposes. Substitutions not in trust are and remain prohibited; but trusts may contain substitutions to the extent authorized by the legislature. No law shall be passed abolishing forced heirship, but the legitime may be placed in trust to the extent authorized by the legislature. Children lawfully adopted shall become forced heirs to the same extent as if born to the adopter and shall retain their rights as heirs of their blood relatives, but their blood relatives shall have their rights of inheritance from these children terminated.
DELEGATE PROPOSAL No. 32—

By Delegate Drew:

A PROPOSAL

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

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

Article V, Section 9. Courts of Appeal; Circuits and Districts

Section 9. Each circuit shall be divided into at least three districts, with at least one judge elected from each. The present circuits and districts and the number of judges as elected in each circuit are retained, subject to change by two-thirds vote of the elected members in each house of the legislature.
Constitutional Convention of Louisiana of 1973

CC-1209

1 DELEGATE PROPOSAL No. 33—
2 Introduced by Delegate Dennis:
3 A PROPOSAL
4 Providing for the financing of the judicial system.
5 Be it adopted by the Constitutional Convention of Louisiana of 1973:
6 Article ______, Section ______. Financing of Judicial System
7 Section ______. The entire judicial system shall be financed at the state level. One-half of the financing shall come from the general fund and the remaining one-half from all fines and forfeitures hereby dedicated to financing the court system. The legislature may share any excess revenues with local governmental units as it deems appropriate. This provision shall not cause the reduction of the salary of any public official.

Constitutional Convention of Louisiana of 1973

CC-1208

1 DELEGATE PROPOSAL No. 34—
2 Introduced by Delegate Dennis:
3 A PROPOSAL
4 Providing for the financing of the state judicial system.
5 Be it adopted by the Constitutional Convention of Louisiana of 1973:
6 Article ______, Section ______. Financing of Judicial System
7 Section ______. The total cost of the state judicial system shall be paid by the state from the general fund. The legislature may require reimbursement to the state by political subdivisions of appropriate portions of such cost. This provision shall not cause the reduction of the salary of any public official.
Constitutional Convention of Louisiana of 1973
CC-1098

DELEGATE PROPOSAL No. 35—
Introduced by Delegate Miller:
A PROPOSAL
Providing for supreme court districts.
Be it adopted by the Constitutional Convention of Louisiana of 1973:
Article V, Section Supreme Court; Districts
Section. The state shall be divided into seven supreme court districts; said districts shall be determined by the legislature. One judge shall be elected from each district.

Constitutional Convention of Louisiana of 1973
CC-1097

DELEGATE PROPOSAL No. 36—
Introduced by Delegate Gravel:
A PROPOSAL
To provide with respect to retirement systems and plans for public officials and employees and judges.
Be it adopted by the Constitutional Convention of Louisiana of 1973:
Article VII, Section 1. Retirement.
Section 1. The legislature shall provide for the retirement of public officials and employees of the state and its political subdivisions, through the establishment of one or more retirement systems or plans. No law enacted under authority of this provision shall diminish or impair the retirement rights and benefits to which any member of such system or plan, or any other person, is entitled; nor shall the retirement rights or benefits to which any person is entitled on the effective date of this constitution be diminished or impaired. Notwithstanding any other provision of this constitution to the contrary, the retirement system and plan for judges and their surviving spouses shall be as set forth in Article VII, Section 8 of the Constitution of 1921, shall be exclusive, and shall be continued in full force and effect.
1 DELEGATE PROPOSAL No. 37—

Introduced by Delegates Bel, Bergeron, Casey, Lennox, Mauberret, Tapper, Vesich, Vick, Alexander, Landrum, J. Jackson, Warren, Riecke:

A PROPOSAL

Relative to Orleans Parish courts and officials.

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

Article V, Section 35. Orleans Parish Courts, Officials

Section 35. Notwithstanding any provisions of this constitution to the contrary, the following courts in Orleans Parish, and the judges and officers thereof, are continued: 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. The terms of office as existing at the time of the adoption of this constitution of the hereinabove named officers and judges are retained, subject to change by a two-thirds vote of the elected members of each house of the legislature. The powers and duties of the hereinabove named officers, as provided by the legislature, are continued and their retirement benefits and compensation shall not be reduced during their terms of office.

The civil district court shall have civil jurisdiction as provided in Section 16 of this Article and the criminal district court shall have criminal jurisdiction as provided in Section 16 of this Article.

The judicial expense fund of Orleans Parish as existing at the time of the adoption of this constitution is retained subject to change by two-thirds vote of the elected members of each house of the legislature.

Constitutional Convention of Louisiana of 1973 CC-1230

1 DELEGATE PROPOSAL No. 38—

Introduced by Delegate Casey:

A PROPOSAL

To provide for the prohibition of local and special laws where general laws can be made applicable.

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

Article III, Section 12. Local and Special Laws; Prohibition Against Enactment

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

(B) The legislature shall not indirectly enact special or local laws by the partial repeal or suspension of a general law.
DELEGATE PROPOSAL No. 39—

Introduced by Delegate Casey:

A PROPOSAL

To provide for a date for taking office of members of the legislature at the beginning of each term, or to fill the remainder of an unexpired term.

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

Article III, Section____. Taking Office

Section____. (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.

DELEGATE PROPOSAL No. 40—

Introduced by Delegates Bel and Vesich:

A PROPOSAL

To provide with respect to the terms of district court judges.

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

Article V, Section____. District Court Judges; Terms

Section____. The initial term of a district judge shall be six years. Each consecutive term for which he is reelected shall be twelve years.
Constitutional Convention of Louisiana of 1973

CC-1211

1 DELEGATE PROPOSAL No. 41—
2 Introduced by Delegates Bel and Vesich:
3
4 A PROPOSAL
5 To provide with respect to the terms of appellate judges.
6 Be it adopted by the Constitutional Convention of Louisiana of 1973:
7 Article V, Section ___. Appellate Judges; Terms
8 Section ___. The term of an appellate court judge shall be
9 twelve years.

Constitutional Convention of Louisiana of 1973

CC-1100

1 DELEGATE PROPOSAL No. 42—
2 Introduced by Delegates Dennery and Stovall:
3
4 A PROPOSAL
5 Providing for the lieutenant governor as ombudsman.
6 Be it adopted by the Constitutional Convention of Louisiana of 1973:
7 Article IV, Section ___. Powers and Duties of the Lieutenant Governor
8 Section ___. The lieutenant governor shall be the ombudsman for the people of the state. He shall receive and investigate complaints made against the state, its officials, employees, agencies, boards, or commissions. The legislature shall prescribe procedures and remedies necessary to effectuate this provision.
Constitutional Convention of Louisiana of 1973
CC-1102

DELEGATE PROPOSAL No. 43—

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

A PROPOSAL

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

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

Article____, Section____. Juvenile Courts; Jurisdiction

Section____. Juvenile courts including district courts and parish and city courts when sitting as ex officio juvenile courts, shall have exclusive original jurisdiction of all offenses committed by persons under the age of seventeen, except that the criminal district courts in the parish of Orleans and the several district courts in the other parishes of the state shall have exclusive original jurisdiction of persons who at the time of the commission of the offense are over the age of fifteen years and who have been indicted by a grand jury for the offenses of murder, aggravated kidnapping, armed robbery, or aggravated rape committed within their respective jurisdictions.

First Enrollment

1 Constitutional Convention of Louisiana of 1973
2 DELEGATE PROPOSAL NUMBER 43
3 Introduced by Delegates J. Jackson, Gauthier, Gravel, A. Jackson, Pugh, Roy, Stovall, and Warren
4
5 A PROPOSAL
6
7 Providing for special juvenile procedures.
8 Be it adopted by the Constitutional Convention of Louisiana of 1973:
9
10 Article____, Section____. Special Juvenile Procedures
11 Section____. Except for a person fifteen years of age or older who is alleged to have committed a capital offense or attempted aggravated rape, the determination of guilt or innocence, the detention, and the custody of a person who is alleged to have committed a crime prior to his seventeenth birthday shall be exclusively pursuant to special juvenile procedures which shall be provided by law. However, by law enacted by a two-thirds vote of the elected members of each house, the legislature may (1) lower the maximum ages of persons to whom juvenile procedures would apply and (2) establish a procedure by which the court of original jurisdiction may waive such special juvenile procedures in order that adult procedures would apply in individual cases.

Page 1
DELEGATE PROPOSAL No. 44—

Introduced by Delegate Vick:

A PROPOSAL

Making provision for the powers, duties, and qualifications for the state attorney general.

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

Article , Section: Powers, Duties, and Qualifications of the Attorney General

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

(1) institute, and prosecute or intervene in any legal actions or other proceedings, civil or criminal and make such investigations as he may consider necessary, including full participation in grand jury investigations;

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

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

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

(B) The attorney general shall have been admitted to the practice of law in this state for at least the five years immediately preceding his election.

DELEGATE PROPOSAL No. 45—

Introduced by Delegate Gauthier:

A PROPOSAL

To provide a retirement system for judges.

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

Article V, Section 23. Retirement of Judges

Section 23. (A) A judge shall not remain in office beyond his seventieth birthday, except as otherwise provided herein.

(B) A judge or judicial administrator in office or retired at the time of the adoption of this constitution, shall not have diminished any retirement benefits or judicial service rights, including the right to remain in office, as judge, during his present term, as provided under the previous constitution or laws, nor shall the benefits to which his surviving spouse was entitled be reduced.

(C) A judge taking office after the adoption of this constitution and a judge in office who so elects within ninety days of the adoption of this constitution by notifying the secretary of state, shall be vested and entitled to the following retirement benefits:

(1) This subsection applies to a judge of a court authorized by this constitution, except mayors and justices of the peace.

(2) A judge with sixteen years of judicial service may retire at any age; a judge of twelve years of judicial service may retire with benefits commencing at the age of fifty-five. On retirement, a judge shall receive annually as retirement benefits three and one-half percent of his salary times the number of years served, but not more than ninety percent.

(3) A judge who is physically or mentally incapacitated to
perform his duties shall be retired. He shall receive as annual retirement benefits two-thirds of his annual salary, or three and one-half percent of his salary times the number of years served, whichever is greater, not to exceed the maximum amount provided in paragraph (2).

(4) Upon the death of a judge, in office or retired, the surviving spouse, until remarriage, shall be entitled to one-half of his annual salary as a judge prior to death or retirement. If the judge is not survived by a spouse, or if the spouse dies, his unmarried children shall be entitled to the benefits provided in this subsection until the age of eighteen.

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

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

Constitutional Convention of Louisiana of 1973

DELEGATE PROPOSAL No. 46—

Introduced by Delegate Tobias:

A PROPOSAL

Providing for the continuance of Orleans Parish courts and officials.

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

Article_____, Section_____. Orleans Parish Courts, Officials;

Continued

Section_____. 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.
Constitutional Convention of Louisiana of 1973

CC-1256

DELEGATE PROPOSAL No. 47—

Introduced by Delegates Drew and Singletary:

A PROPOSAL

Providing with respect to the expropriation of private property for public purposes.

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

Article I, Section...... Expropriation of Private Property for Public Purposes; Just Compensation

Section...... Except as otherwise provided in this constitution, private property shall not be taken or damaged except for public purposes and after just and adequate compensation is paid.

Constitutional Convention of Louisiana of 1973

CC-1254

DELEGATE PROPOSAL No. 48—

Introduced by Delegates Singletary and Drew:

A PROPOSAL

Making provisions for equal protection of the laws, prohibiting discrimination, slavery and involuntary servitude.

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

Article I, Section...... Equal Protection; Discrimination; Slavery and Involuntary Servitude

Section...... No person shall be denied equal protection of the laws. No law shall discriminate against a person because of race or religion. Slavery and involuntary servitude are prohibited, except in the latter case as a punishment for crime.
Constitutional Convention of Louisiana of 1973

CC-1260

DELEGATE PROPOSAL No. 49—

Introduced by Delegate Brien:

PROPOSAL

Providing with respect to consumer education and information councils.

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

Article 1, Section 1. Consumer Education and Information Councils

Section 1. The legislature shall create consumer education and information councils, which may provide consumer representation for the interest of consumers throughout the state in hearings before any board, commission, department, or agency of the state or any political subdivision thereof and which shall exercise such other powers and duties as are fixed by law.

Page 1
Constitutional Convention of Louisiana of 1973

CC-1257

DELEGATE PROPOSAL No. 50—

1 Introduced by Delegate Thistlethwaite:

A PROPOSAL

2 To provide a preamble and a declaration of rights to the constitution.

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

PREAMBLE

4 We, the people of Louisiana, grateful to Almighty God for divine guidance and mindful of our unique heritage, do reaffirm our adherence to the Constitution of the United States of America and, desiring to declare and ensure the rights of the individual and provide a plan of government for the good order of the state, do ordain and establish this constitution.

ARTICLE I. DECLARATION OF RIGHTS

Section 1. Inherent Rights

Section 1. Every person has a natural right to life, liberty, the pursuit of happiness, and the enjoyment of the rewards of his own industry. Each person is entitled to equal rights and opportunities under the law, and has corresponding obligations to the people and to the state. Government originates with the people, is founded upon their will, and is instituted to protect the rights of the individual and to enhance the good of the people as a whole.

Section 2. Due Process and Equal Protection

Section 2. No person shall be deprived of life, liberty, property, or other rights without due process of law, nor be denied the equal protection of the laws. No law shall discriminate against a person in the exercise of his rights.

Private property shall not be taken or damaged nor shall vested rights be divested, except for a public purpose and after just and adequate compensation.

Section 3. Freedom of Religion, Speech, Assembly and Petition

Section 3. No law shall be enacted concerning an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the communications media, or the right of the people to assemble peaceably and to petition the government for a redress of grievances.

Section 4. Right to Privacy

Section 4. The right of the people to be secure in their persons, communications, houses, papers, and effects against unreasonable searches and seizures shall not be violated; and no warrant shall issue without probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

Section 5. Rights in Criminal Procedure

Section 5. (A) A detained person shall be advised of his legal rights and the reason for his detention. If prosecuted, he shall be informed of the nature and cause of the accusation against him and shall have the right to the assistance of counsel of his choice, or appointed by the court in indigent cases if charged with a serious offense.

(B) 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, and no one shall be twice put in jeopardy for the same offense even if tried by a court of another sovereignty, except on his own application for a new trial or where there is a mistrial or a motion is sustained in arrest of judgment.

(C) In all criminal prosecutions the accused has the right to a speedy, public trial. In prosecutions for an offense punishable by imprisonment of more than six months, the
accused has the right to a trial by an impartial jury unless waived. All trials shall take place in the jurisdiction in which the offense was committed, unless the venue be changed. No person shall be compelled to give evidence against himself. An accused is entitled to confront and cross-examine witnesses against him, compel the attendance of witnesses, present a defense, and take the stand in his own behalf.

(D) Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted. Every person shall be bailable by sufficient sureties, except for a person charged with a capital offense or an offense punishable by life imprisonment where the proof is evident and the presumption great.

Section 6. Rights of Redress

Section 6. All courts shall be open and every person shall have an adequate remedy for injury done to him in violation of his rights. The privilege of the writ of habeas corpus shall never be suspended except in the event of rebellion or invasion when the public safety may require it.

Section 7. Right to Bear Arms

Section 7. The right of a person to keep and bear arms shall not be abridged, but nothing herein shall be held to permit the carrying of concealed weapons.

Section 8. Prohibited Laws

Section 8. No ex post facto law or law impairing the obligations of contracts shall be enacted.

Section 9. Unenumerated Rights

Section 9. This listing of rights shall not be construed to deny or impair other rights of the people not herein expressed.

Constitutional Convention of Louisiana of 1973

1 DELEGATE PROPOSAL No. 51—

2 Introduced by Delegate Asseff:

3 A PROPOSAL

4 Providing for appointment of officials; merger, and consolidation.

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

6 Article IV, Section 23. Appointment of Officials; Merger, Consolidation of Offices and Departments

10 Section 23. (A) After the first election of state officials following adoption of this constitution, the legislature may, by a 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 may provide for the merger or consolidation of any such offices and their departments 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 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.

16 (B) Any statute enacted under authority of Paragraph (A) shall become effective only after submission to and approval by a majority of the electors voting thereon at a general election for representatives either in congress or in the state legislature.
1 DELEGATE PROPOSAL No. 52—
2 Introduced by Delegate Asseff:
3 A PROPOSAL
4 Providing for appointment of officials; merger, and consolidation.
5 Be it adopted by the Constitutional Convention of Louisiana of 1973:
6 Article IV, Section 23. Appointment of Officials; Merger, and Consolidation of Offices and Departments
7 Section 23. (A) After the first election of state officials following adoption of this constitution, the legislature may 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 may provide for the merger or consolidation of any of such offices and their departments 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. The legislature may reestablish any of these offices as an elective office and, in such event, shall prescribe qualifications.
8 (B) Any action taken pursuant to Paragraph (A) of this Section shall be taken only at a regular session immediately preceding a general election of members of the legislature and shall require approval of two-thirds of the elected members of each house. If so approved, the measure shall again be acted upon at the first regular session held after the general election, and if it then is adopted by a vote of two-thirds of the elected members of each house it shall become effective.

Constitutional Convention of Louisiana of 1973
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1 DELEGATE PROPOSAL No. 53—
2 Introduced by Delegate Leithman:
3 A PROPOSAL
4 Making provisions for education and necessary provisions with respect thereto.
5 Be it adopted by the Constitutional Convention of Louisiana of 1973:
6 ARTICLE IX. EDUCATION
7 Section 1. Educational Goals
8 Section 1. The goal of the public educational system shall be to provide learning environments and experiences that are designed to promote excellence so that every individual may be afforded the opportunity to develop to his full potential.
9 Section 2. Public Educational System
10 Section 2. The legislature shall provide for the education of the people of the state and shall establish and maintain a public educational system consisting of all public schools and institutions of learning supported in whole or in part by state funds, the funds of any political subdivision thereof, or both.
11 Section 3. State Superintendent of Education
12 Section 3. The Board of Public Education shall appoint a superintendent of education who shall be the ex officio secretary of the board and serve as its chief administrative officer.
13 The Board shall prescribe his term of office and his powers, duties, and responsibilities.
14 Section 4. State Board of Education
15 Section 4. (A) There is created a body corporate, known as the State Board of Education, which shall be composed of the Board of Public Education and the Board of Regents. The State Board of Education shall be responsible for long-range planning, coordination and evaluation of policies and programs, and submission of unified budget requests for the state
for the certification of teachers of precollegiate public schools.

Section 8. Approval of Private Schools; Effect

Section 8. The Board of Public Education shall approve private elementary, secondary and proprietary schools whose sustained curriculum is of a quality equal to that prescribed for similar public schools. The certificates issued by private schools so approved shall carry the same privileges as those issued by state public schools.

Section 9. Parish School Boards; Parish Superintendents

Section 9. The legislature shall provide for the creation of parish school boards and shall provide for the election of the members of such boards. Each parish board shall elect a superintendent of parish schools, whose term of office shall be six years. The Board of Public Education shall fix the qualifications and prescribe the duties of the parish superintendent, who need not be a resident of the parish where he serves.

Section 10. Recognition of Existing Boards

Section 10. Parish and municipal school boards in existence as of the date of this constitution are recognized.

Section 11. Board of Regents

Section 11. (A) There is created a body corporate known as the Board of Regents. The board shall have full power and authority to supervise, coordinate, and have budgetary responsibility for all public higher education except that the board may provide for governing boards to manage each college and university.

(B) The board shall consist of eleven members. One member shall be elected from each of the congressional districts into which the state is divided and an additional number of members shall be appointed by the governor, with the consent of the Senate, from the state at large. All members shall serve overlapping terms of six years, following the initial terms which shall be determined by the legislature in a manner as to effectuate this purpose. The board shall elect a chairman to serve for such terms as it may deem appropriate.

Section 6. State Department of Education

Section 6. The State Department of Education shall be the administrative and research staff of the Board of Public Education.

Section 7. Qualification and Certification of Teachers

Section 7. The Board of Public Education shall prescribe and provide for the qualifications to be met by teachers and
overlapping terms of six years, following the initial terms which shall be determined by the legislature in a manner as to effectuate this purpose. The board shall elect a chairman to serve for such terms as it may deem appropriate.

Section 12. Chancellor; Higher Education
Section 12. The Board of Regents shall appoint a chancellor of higher education who shall be the ex officio secretary of the board and serve as its chief administrative officer for four years. The board shall prescribe his powers, duties, and responsibilities.

Section 13. Higher Education; Master Plan
Section 13. The Board of Regents shall formulate and make timely revision of a master plan for all public higher education. As a minimum, the plan shall include a formula for the equitable distribution of funds to the institutions of higher education of the state.

Section 14. Board; Staff
Section 14. The legislature shall establish and maintain an administrative and research staff for the Board of Regents.

Section 15. Public Educational Finance
Section 15. The legislature shall have the primary responsibility for financing the public educational system. Funds for the support of the system shall be derived from the sources and in the manner prescribed by law.

Section 16. Boards of Education; General
Section 16. (A) The membership of the Board of Public Education and the Board of Regents shall include members of the predominant minority race in a number equal to the proportionate number of members of that race in the total population of the state.

(B) Vacancies occurring for any cause prior to the expiration of the term shall be filled by appointment by the governor for the remainder of the unexpired term.

Section 16. (C) Members of boards shall serve without pay except for such per diem and expenses as shall be fixed by the legislature.
DELEGATE PROPOSAL No. 54—

Introduced by Delegates Juneau, Leithman and Corne:

A PROPOSAL

Making provisions for education and necessary provisions with respect thereto.

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

ARTICLE IX. EDUCATION

Section 1. Educational Goals

The goal of the public educational system shall be to provide learning environments and experiences designed to promote excellence so that every individual may be afforded the opportunity to develop to his full potential.

Section 2. Public Educational System

The legislature shall provide for a public educational system for the people of the state.

Section 3. Educational Boards

The legislature shall establish such board or boards as may be necessary to meet the educational needs of the state. The duties and responsibilities of such board or boards shall be provided by law.

Section 4. Public Educational Finance

The legislature shall provide for financing the system of public education and shall provide for equitable distribution of funds to all components of the public educational system.

Section 5. State Superintendent of Education

The powers, duties, responsibilities, and salary of the state superintendent of education shall be prescribed by law.

Section 6. Approval of Private Schools; Effect

The legislature shall provide for approval by the appropriate board created under authority of Section 3 herein of private schools whose sustained curriculum is of a quality equal to that prescribed for similar public schools. The certificates issued by private schools so approved shall carry the same privileges as those issued by the state public schools.

Section 7. Parish School Boards; Parish Superintendents

Section 7. (A) Parish School Boards. The legislature shall create parish school boards and shall provide for the election of the members of such boards.

(B) Parish Superintendents. Each parish board shall elect a superintendent of parish schools. The appropriate board as created by Section 3 herein shall fix the qualifications and prescribe the duties of the parish superintendent, who need not be a resident of the parish in which he serves.

Section 8. Recognition of Existing Boards and Systems; Consolidation

Section 8. (A) Recognition of Boards and Systems. Parish and city school board systems, in existence on the effective date of this constitution, by virtue of special or local legislative acts or previous constitutional provisions, are hereby recognized, subject to control by and supervision of the appropriate state board for elementary and secondary education and the power of the legislature to enact laws affecting them.

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

Section 9. Appropriations

Section 9. Appropriations for the institutions of the public educational system shall be made to and administered by the appropriate board, agency, or authority and shall be used...
solely for the operations of the institutions for which designated in the appropriations.

Section 10. Tulane University

Section 10. 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.

DELEGATE PROPOSAL No. 54—

Introduced by Delegates Juneau, Leithman and Corne:

A PROPOSAL

Making provisions for education and necessary provisions with respect thereto.

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

ARTICLE IX. EDUCATION

Section 1. Educational Goals

Section 1. The goals of the educational system of Louisiana shall be to provide learning environments and experiences designed to promote excellence so that all the children of the state may be afforded the opportunity to develop to their full potential.

Section 2. Public Educational System

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

Section 3. Educational Boards

Section 3. The legislature shall establish such board or boards as may be necessary to meet the educational needs of the state. The duties and responsibilities of such board or boards shall be provided by law.

Section 4. Public Educational Finance

Section 4. The legislature shall provide for financing the system of public education and shall provide for equitable distribution of funds to all components of the public educational system.

Section 4.1. Funding; Elementary and Secondary Education; Apportionment

Section 4.1. (A) State funds. State funds for the education of the school children of this state in the elementary and secondary schools shall be derived from sources determined
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1 by the legislature and shall be apportioned to the parish and
2 city school boards in the manner hereinafter set forth.
3 (1) Minimum program. The legislature shall appropriate
4 sufficient funds to insure a minimum program of education
5 in all public elementary and secondary schools. The minimum
6 program of education to be maintained in all parish and city
7 school systems shall be established by the educational board
8 or authority having supervision over public elementary and
9 secondary education. The board shall adopt formulas and pro-
10 cedures for the distribution of these funds to the several
11 school boards.
12 (2) Other funds. Any other funds provided by the legisla-
13 ture for the support of public schools shall be apportioned and
14 distributed in accordance with a formula established by the
15 educational board or authority having supervision over public
16 elementary and secondary education, except as otherwise spe-
17 cifically provided for by the law appropriating the funds.
18 Any funds for public education from any other source shall
19 be distributed in the manner determined by the board or au-
20 thority having supervision over public elementary and sec-
21 ondary education, subject, however, to the terms of the laws
22 governing such funds or the lawful stipulations of the source
23 of the funds.
24 (B) Local funds. Local funds for the support of public ele-
25 mentary and secondary schools shall be derived from the
26 following sources:
27 (1) Each parish and city school board, the parish of Or-
28 leans excepted, shall levy annually an ad valorem maintenance
29 tax of five mills, or as much thereof as is necessary, on all
30 property subject to such taxation within the parish or city in
31 the manner prescribed by law.
32 The Orleans Parish School Board shall levy annually a tax
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1 not to exceed thirteen mills on the dollar on the assessed val-
2 uation of all property within the city of New Orleans assessed
3 for city taxation and shall certify the fact to the governing
4 authority of the city. The governing authority shall cause
5 said tax to be entered on the tax rolls of the city and collected
6 in the manner and under the conditions and with the interest
7 and penalties prescribed by law for city taxes. The money thus
8 collected shall be paid daily to the Orleans Parish School
9 Board.
10 (2) For giving additional support to the public elementary
11 and secondary schools, any parish, school district, or sub-
12 school district, or any municipality which supports a separate
13 city system of public schools may levy ad valorem taxes for
14 specific purposes, when authorized by a majority of the elec-
15 tors voting in the parish, municipality, district, or subdistrict,
16 in an election called for the purpose. The amount, duration,
17 and purpose of such taxes shall be in accord with any limita-
18 tions imposed by this constitution or by the legislature. No
19 such tax shall be levied for a period longer than ten years,
20 except that any tax levied to pay the costs of bonds or other
21 debts incurred shall be levied and collected until the principal
22 and interest on the bonds or other debts have been paid.
23 (3) The legislature may provide for additional sources of
24 local support for elementary and secondary schools.
25 (C) Monroe, Bogalusa; treatment as parishes. For the
26 effects and purposes of the provisions of this entire Section,
27 the municipalities of Monroe, in Ouachita Parish, and Boga-
28 lusa, in Washington Parish, and no other, shall be regarded as,
29 and treated upon the same basis and shall have the same
30 authority as though they were separate parishes instead of
31 municipalities.
32 (D) Ouachita Parish. The school board of Ouachita Parish
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shall not be required to pay to the city of Monroe out of the public funds any per capita for children residing without the limits of said city and who may attend the schools maintained by the city of Monroe under its legislative charter.

Section 4.2. Free School Books and Materials of Instruction
The legislature shall appropriate funds to supply free school books, and other materials of instruction as prescribed by the appropriate state educational board or other authority, to all school children in elementary and secondary schools.

Section 5. State Superintendent of Education
The powers, duties, responsibilities, and salary of the state superintendent of education shall be prescribed by law.

Section 6. Approval of Private Schools; Effect
The legislature shall provide for approval by the appropriate board created under authority of Section 3 herein of private elementary, secondary, and proprietary schools whose sustained curriculum or specialized course of study is of a quality equal to that prescribed for similar public schools. The certificates issued by private schools so approved shall carry the same privileges as those issued by the state public schools.

Section 7. Parish School Boards; Parish Superintendents
Section 7. (A) Parish School Boards. The legislature shall create parish school boards and shall provide for the election of the members of such boards.

(B) Parish Superintendents. Each parish board shall elect a superintendent of parish schools. The appropriate board as created by Section 3 herein shall fix the qualifications and prescribe the duties of the parish superintendent, who need not be a resident of the parish in which he serves.
1 DELEGATE PROPOSAL No. 55—

2 Introduced by Delegate Fontenot:

3 A PROPOSAL

4 Making provisions for exemptions from taxation.

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

6 Article XI, Section ___ Exemptions

7 Section The following property, and no other, shall be exempt from taxation: (A) Homesteads. From state, parish, and special taxes, the homestead, bona fide, 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 and sixty acres, buildings and appurtenances, whether rural or urban, owned and occupied by every head of a family, or person having a mother or father, or a person or persons dependent on him or her for support, in the full amount of three thousand dollars of the assessed valuation; provided that this exemption shall not extend to any municipal or city taxes, save and except in Orleans Parish, and shall in Orleans Parish apply to the state, the general city, the school, the levee, and levee board taxes.

8 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, provided that the exemption shall not be extended to more than one homestead owned by the husband or wife. An additional two thousand dollar homestead exemption shall be provided for veterans.

9 An additional two thousand dollar homestead exemption for all other than veterans upon reaching age sixty-five shall be provided. Applications shall be made yearly and the term veteran and any other explanation of this matter shall be as

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1 defined by the legislature.

2 (B) All public property.

3 (C) Places of religious worship; property owned by religious denominations and used as residences for ministers; places of burial, and property held by any religious denomination or nonprofit corporation or organization for burial purposes, but the exemption shall not apply to unsold lots, crypts, or places for burial, nor shall it apply to lands held for development as places for burial, when so held for profit; places devoted to charitable undertakings, including that of such organizations as lodges and clubs organized for charitable and fraternal purposes and practicing the same; schools and colleges; nonprofit hospitals; but the exemption shall extend only to property, and grounds thereunto appurtenant, used for the above mentioned purposes, and not leased for profit or income.

17 (D) Cash on hand or deposit; obligations secured by mortgage on property located in Louisiana and the notes or other evidence thereof; loans by life insurance companies to policy holders, 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 or civic activities and not operated for profit to the owners; all ocean-going vessels engaged
in international trade and domiciled 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 granted; boats using gasoline as motor fuel; commer-
cial vessels used for gathering seafood; and rights-of-way
granted to the State Department of Highways.

(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 au-
thority thereof shall provide for such exemption by ordinance
or resolution.

(F) (1) All raw materials, goods, commodities, and articles
imported into this state from outside of the continental
United States:

(a) So long as such imports remain upon the public prop-
erty 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 origi-
inal 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 manufac-
turers 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 shall not

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apply to a retail merchant holding such imports as part of his
stock-in-trade for sale at retail.

All such property whether entitled to exemption or not shall
be reported to the proper taxing authority on the forms re-
quired by law.

(2) All raw materials, goods, commodities, and other
articles being held upon the public property of a port author-
ity 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.

All such property entitled to exemption shall be reported
to the proper taxing authority on the forms required by law.

(3) All goods, commodities, and personal property in public
or private storage while in transit through this state which is
(a) moving in interstate commerce through or over the terri-
tory of the State of Louisiana, or (b) which is in public or
private storage within the State of Louisiana having been
shipped thereto 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 whether
entitled to exemption or not shall be reported to the proper
taxing authority on the forms required by law.
Constitutional Convention of Louisiana of 1973

CC-1289

1 **DELEGATE PROPOSAL No. 56—**
2 Introduced by Delegate Toomy:
3 A PROPOSAL
4 Providing with respect to local officials and employees.
5 Be it adopted by the Constitutional Convention of Louisiana
6 of 1973:
7 Article VI, Section ___. Local Officials and Employees
8 Section ___. The governing authority of any local government
9 subdivision shall prescribe the duties and fix the
10 compensation of its members, as well as that of other
11 officers and employees, subject to any applicable civil service
12 law. Compensation of local elected officials shall not be re-
13 duced during the terms for which they are elected.

Constitutional Convention of Louisiana of 1973

CC-1158

1 **DELEGATE PROPOSAL No. 57—**
2 Introduced by Delegate Flory:
3 A PROPOSAL
4 To provide for the registration of corporate stockholders.
5 Be it adopted by the Constitutional Convention of Louisiana
6 of 1973:
7 Article ___, Section ___. Registration of Corporate Stock-
8 holders
9 Section ___. The legislature shall require all corporations
10 doing business in the State of Louisiana, but not registered
11 with the United States Securities and Exchange Commission,
12 to submit a list of its stockholders to the secretary of state.
13 This register of stockholders shall be submitted annually, at
14 the direction of the legislature, but the secretary of state may
15 order supplemental delivery of the register at any time during
16 a calendar year.
DELEGATE PROPOSAL No. 58—

Introduced by Delegate Flory:

A PROPOSAL

Providing for municipal fire and police civil service.

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

ARTICLE VII. HUMAN RESOURCES

Section 1. Municipal Fire and Police Civil Service

Section 1. The legislature shall enact and provide for a system of fire and police civil service applicable to all municipalities with a population of not less than seven thousand persons according to the last decennial census of the United States, and to all parishes and fire and/or police protection districts. Such system shall embrace the principle of tenure during good behavior of all firemen and policemen, and shall recognize the right of promotion and tenure according to seniority. A state examiner for fire and police civil service shall be provided for and funded in a manner to insure independent and impartial testing and certification of employees for appointment and promotion. Testing procedures and scoring requirements shall be established and all positions in the classified service shall be filled according to the seniority of all applicants who have attained a passing test score for a particular position with the exception of positions which are to be filled by competitive examination. In such case any applicant who has attained a passing test score may be appointed. Admission to tests for a position to be filled pursuant to seniority shall be limited to applicants of the next lower classification. Applicants for competitive examination shall not be restricted to the next lower class, but competitive appointments shall be made only for the following classifications:

1. Chief of the departmental service;
2. The entrance or lowest ranking class in the classified service;
3. (3) Operation, maintenance and supervision of radio, fire alarm, police alarm and other signal systems;
4. (4) Automotive or fire apparatus mechanics and repairmen;
5. (5) Secretary to the chief and departmental records clerk.

The system may provide for temporary appointments not to exceed ninety days, but in every case of a temporary appointment, the employee shall be entitled to all privileges of the position to which he is temporarily appointed.

A local civil service board shall be provided for in a manner to insure civil service employee representation thereon. Such board shall be vested with the power to hear and pass upon all complaints arising out of fire and police civil service employment, including disciplinary action taken by the appointing authority. The board may render appropriate obligatory orders relative thereto. The right of judicial review from a decision of a local board shall be provided for and the scope of such review shall be delineated.

No civil service employee shall be discriminated against nor disciplined for any cause not directly related to the performance of his public duties, and any disciplinary action taken must be supported by detailed written reasons conveyed to the employee.
DELEGATE PROPOSAL No. 59—
Introduced by Delegate Haynes:

A PROPOSAL
Making provisions for freedom from discrimination.

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

Article I, Section ______. Freedom from Discrimination

Section ______. Each person shall be free from arbitrary, capricious, or unreasonable discrimination on the basis of race, religion, national ancestry, sex, or physical handicap in access to public accommodations, in the hiring or promotion practices of employers, or in the sale or rental of property. Nothing herein shall be construed to impair freedom of association.

DELEGATE PROPOSAL No. 60—
Introduced by Delegate Jenkins:

A PROPOSAL
Making provision to control future growth of state tax revenues.

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

Article ______, Section ______. Control of Tax Revenues

Section ______. A state tax revenue limit shall serve as a check on uncontrolled increases in state tax revenues. The state tax revenue limit for any fiscal year shall be ten percent of state personal income. State personal income is the dollar amount that is reported by the United States Department of Commerce or its successor agency as total income by persons in the State of Louisiana for the calendar year in which the fiscal year commences. State tax revenues include sales, severance, income, gift, inheritance, excise, property, license, fee, corporation franchise and similar taxes, collected by the state during the fiscal year. State tax revenues collected in excess of ten percent of state personal income shall be placed in a tax surplus fund which shall be used only for annual income tax refunds or reductions as provided by law.
Constitutional Convention of Louisiana of 1973

CC-1246

1 DELEGATE PROPOSAL No. 61—
2 Introduced by Delegates Bel and Vesich:
3 A PROPOSAL
4 To provide with respect to judicial districts.
5 Be it adopted by the Constitutional Convention of Louisiana
6 of 1973:
7 Article V, Section ____ Judicial Districts; Orleans Civil and
8 Criminal District Courts, Separate Districts
9 Section ____ The civil district court and the criminal dis-
10 trict court of the parish of Orleans shall be considered as
11 separate judicial districts.

Constitutional Convention of Louisiana of 1973

CC-1300

1 DELEGATE PROPOSAL No. 62—
2 Introduced by Delegate Burson:
3 A PROPOSAL
4 Making provisions for the grand jury.
5 Be it adopted by the Constitutional Convention of Louisi-
6 ana of 1973:
7 Article V, Section ____ Grand Jury
8 Section ____ (A) There shall be a grand jury or grand
9 juries in each parish whose qualifications, duties and respon-
10 sibilities shall be provided by law. The secrecy of the pro-
11 ceedings, including the identity of the witnesses appearing,
12 shall be provided for by law.
13 (B) Except as otherwise provided in this constitution, a
14 district attorney, or his designated assistant, shall have charge
15 of every criminal prosecution by the state in his district before
16 the grand jury, and its legal advisor. He shall perform such
17 other duties as may be provided by law.
Constitutional Convention of Louisiana of 1973

CC-1301

1 DELEGATE PROPOSAL No. 63—

2 Introduced by Delegate Burson:

3 A PROPOSAL

4 Making provisions for legislative limitation on executive

5 power of commutation.

6 Article IV, Section ____. Executive Commutation; Limita-

7 tion

8 Section ____. The legislature shall have the power to limit

9 the governor's power of pardon or commutation in defining

10 the penalties for the crime of murder. The governor must

11 submit to the state legislature each year a detailed report

12 showing all pardons or commutations granted during the

13 previous year including the name of the person who received

14 the pardon or commutation and the reason therefor.

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Constitutional Convention of Louisiana of 1973

CC-1240

1 DELEGATE PROPOSAL No. 64—

2 Introduced by Delegate Toca:

3 A PROPOSAL

4 Making provision for a board of commissioners of the Louisi-

ana State Library.

5 Be it adopted by the Constitutional Convention of Louisi-

ana of 1973:

6 Article ____, Section ____. Board of Commissioners; State

7 Library

8 Section ____ (A) There is created a board of commis-

9 sioners of the Louisiana State Library. The board shall have

10 such powers, duties, and responsibilities as provided by law.

11 (B) The board shall consist of eight members. Six members

12 shall be appointed by the governor, with the advice and con-

13 sent of the Senate, from six library groups to be determined

14 by the legislature so as to effectuate representation of li-

15 braries serving small segments of the population to those

16 serving large segments of the population. One member of

17 the House of Representatives shall be appointed by the

18 Speaker of the House and one member of the Senate shall be

19 appointed by the President of the Senate. All members shall

20 serve overlapping terms of four years, following the initial

21 terms which shall be determined by the governor or the

22 legislature, as the case may be, in a manner as to effectuate

23 this purpose.

24 (C) Vacancies occurring prior to the expiration of the

25 term shall be filled by appointment by the governor for the

26 remainder of the unexpired term. Members shall serve without

27 pay except for such per diem and expenses as shall be fixed

28 by the legislature.

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Constitutional Convention of Louisiana of 1973

CC-1308

1 DELEGATE PROPOSAL No. 65—

2 Introduced by Delegate Roy:

3 A PROPOSAL

4 Making provisions regarding civil service employment.

5 Be it adopted by the Constitutional Convention of Louisiana

6 of 1973:

7 Article VII, Section ___. State Employment Rights

8 Section ___. Everyone shall have an equal opportunity to

9 apply for civil service employment. Selection shall be based

10 on merit without unreasonable qualifications of age or sex.

11 No civil service employee may be dismissed for cause without

12 the opportunity for a prior hearing.

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Constitutional Convention of Louisiana of 1973

CC-1308

1 DELEGATE PROPOSAL No. 65—

2 Introduced by Delegate Roy:

3 A PROPOSAL

4 Making provisions regarding civil service employment.

5 Be it adopted by the Constitutional Convention of Louisiana

6 of 1973:

7 Article VII, Section ___. State Employment Rights

8 Section ___. Everyone shall have an equal opportunity to

9 apply for civil service employment. Selection shall be based

10 on merit without unreasonable qualifications of age or sex.

11 No civil service employee may be dismissed for cause without

12 the opportunity for a prior hearing.

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Constitutional Convention of Louisiana of 1973

CC-1292

DELEGATE PROPOSAL No. 66—
Introduced by Delegate Robinson:
A PROPOSAL
Making provisions to prohibit the appropriation of public funds for private or sectarian schools.
Be it adopted by the Constitutional Convention of Louisiana of 1973:

Article IX, Section No. Appropriation of Public Funds to be Made to Private or Sectarian Schools
Section No. No appropriation of public funds shall be made to any private or sectarian school. The legislature may enact appropriate legislation to permit institutions of higher learning which receive all or part of their support from the State of Louisiana to engage in interstate and intrastate education agreements with other state governments, agencies of other state governments, institutions of higher learning of other state governments and private institutions of higher learning within or outside state boundaries.

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DELEGATE PROPOSAL No. 68—

Introduced by Delegate Abraham:

A PROPOSAL

Making provisions for the Public Service Commission and necessary provisions with respect thereto in the Executive Branch of state government.

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

ARTICLE IV. EXECUTIVE BRANCH

Section ______. Public Service Commission

Section ______ (A) Composition; Term. There shall be a Public Service Commission, which shall consist of a number of members equal to the number of congressional districts into which the state is divided. One member shall be elected from each congressional district. Members shall be elected at the time fixed for congressional elections for terms of six years. The legislature, by statute, shall provide for overlapping terms.

(B) Powers and Duties. Except as otherwise provided by this constitution, the commission shall regulate all common carriers and other public utilities. It shall adopt and enforce reasonable rules, regulations, and procedures necessary for the discharge of its duties. It shall render decisions on applications, petitions, and proposed rate schedules in the manner provided by statute, and it shall have such other powers and perform such other duties as shall be provided by statute.

(C) Limitation. The commission shall have no power to regulate any common carrier or other public utility owned, operated, or regulated by the governing authority of a political subdivision, except by the consent of a majority of the electors of such political subdivision voting in an election held for that purpose; however, such political subdivision may reinvest itself with such regulatory power in the same manner as it was surrendered.
DELEGATE PROPOSAL No. 69—

Introduced by Delegate Abraham:

A PROPOSAL

Making provisions for the registration of voters.

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

Article X, Section 6. Registration of Voters

Section 6. All electors of the state shall be registered in the manner provided by law. Declaration of political party affiliation shall not be a prerequisite for registration.

DELEGATE PROPOSAL No. 70—

Introduced by Delegate Abraham:

A PROPOSAL

Making provisions for the right to property.

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

Article I, Section 4. Right to Property

Section 4. Subject to reasonable statutory restrictions, every person has the right to acquire, control, enjoy, own, protect, use, and dispose of private property. Property shall not be taken or damaged except for a public and necessary purpose, in which case the owner shall be compensated to the full extent of his loss. The legislature shall provide by statute the methods and procedures of such taking.
Constitutional Convention of Louisiana of 1973
CC-1247

DELEGATE PROPOSAL No. 71—

Introduced by Delegate Abraham:

A PROPOSAL

Making provisions for the inclusion of the attorney general in the Executive Branch of government.

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

Article IV, Section 8. Powers and Duties of the Attorney General

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

As may be necessary for the assertion or protection of the rights and interests of the state, the attorney general shall have authority to:

(1) institute and prosecute or intervene in any 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.

Constitutional Convention of Louisiana of 1973
CC-1248

DELEGATE PROPOSAL No. 72—

Introduced by Delegate Abraham:

A PROPOSAL

Making provisions for the deletion of the attorney general from the Judicial Branch of state government.

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

Section 1. Sections 26 and 27 of Article V of the proposed constitution as adopted by Committee Proposal Number 21 are hereby repealed in their entirety.
Constitutional Convention of Louisiana of 1973
CC-1237

DELEGATE PROPOSAL No. 73—

Introduced by Delegate Abraham:

A PROPOSAL

Making provisions for open primary elections.

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

Article X, Section Open Primary Elections

Section All elections shall be open to all qualified candidates for office, regardless of political party affiliation.

When there are more than two candidates for an office, all candidates for office shall enter the same primary election, and the candidate receiving a majority of the votes cast for an office shall be declared elected. If no candidate receives a majority of the votes cast for an office, the two receiving the highest number of votes shall enter the general election to determine the winner. The names of the candidates shall appear on the election ballot under the heading of their party affiliation.

Constitutional Convention of Louisiana of 1973
CC-1309

DELEGATE PROPOSAL No. 74—

Introduced by Delegates Gravel and Berry:

A PROPOSAL

Providing for freedom from discrimination.

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

Article I, Section Freedom from Discrimination

Section In access to public areas, accommodations, and facilities and in the hiring, promotion, and other employment practices in any business or occupation, 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 sex, age, or physical handicap.
Constitutional Convention of Louisiana of 1973

CC-1302

1 **DELEGATE PROPOSAL No. 75—**
2 Introduced by Delegate Burson:
3 A PROPOSAL
4 Providing with respect to trial by jury in criminal cases.
5 Be it adopted by the Constitutional Convention of Louisiana
6 of 1973:
7 Article I, Section ___. Trial by Jury in Criminal Cases
8 Section ___. Any person charged with an offense or set of
9 offenses punishable by imprisonment of more than six months
10 may demand a trial by jury. In cases involving a crime neces-
11 sarily punishable by hard labor, the jury shall consist of twelve
12 persons, all of whom must concur to render a verdict in capital
13 cases, and nine of whom must agree in others. In cases not
14 necessarily punishable by hard labor, the jury may consist of
15 five persons, all of whom must concur to render a verdict.
16 The accused shall have the right to voir dire and to challenge
17 jurors peremptorily.
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Constitutional Convention of Louisiana of 1973

CC-1303

1 **DELEGATE PROPOSAL No. 76—**
2 Introduced by Delegate Burson:
3 A PROPOSAL
4 For initiation of the prosecution of felonies.
5 Be it adopted by the Constitutional Convention of Louisiana
6 of 1973:
7 Article V, Section ___. Initiation of Prosecution
8 Section ___. Prosecution of felonies shall be initiated by
9 indictment or information, provided that no person shall be
10 held to answer for a capital crime, except on indictment by
11 a grand jury. No person shall be twice placed in jeopardy
12 for the same offense, except on his own application for a new
13 trial or when a mistrial is declared or a motion in arrest of
14 judgment is sustained.
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Constitutional Convention of Louisiana of 1973

CC-1291

DELEGATE PROPOSAL No. 77—

Introduced by Delegate Robinson:

A PROPOSAL

To provide for the financing of the office of sheriff.

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

Article V, Section ______. Sheriffs.

Section ______. The operations of the sheriff's office in each parish shall be financed as authorized by law.

CC-1293

DELEGATE PROPOSAL No. 78—

Introduced by Delegate Robinson:

A PROPOSAL

Making provisions to prohibit religious discrimination and to prohibit the direct or indirect appropriation of money from the public treasury for sectarian, private, charitable or benevolent purposes, except for designated state charities.

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

Article I, Section ______ Religious Freedom; Prohibition of Funds

Section ______. No money shall ever be taken from the public treasury, directly or indirectly, in aid of any church, sect or denomination of religion, or in aid of any priest, preacher, minister or teacher thereof, as such, and no preference shall ever be given to, nor any discrimination made against, any church, sect or creed of religion, or any form of religious faith or worship. No appropriation from the state treasury shall be made for private, charitable or benevolent purposes to any person or community; provided, this shall not apply to the state asylums for the insane, and the state schools for the deaf and dumb, and the blind, and the charity hospitals, and public charitable institutions conducted under state authority.
DELEGATE PROPOSAL No. 79—

Introduced by Delegate Deshotels:

A PROPOSAL

Providing for a right to privacy.

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

Article I, Section 5. Right to Privacy

Section 5. Every person shall be secure in his person, property, houses, papers, and effects against unreasonable searches, seizures or invasions of privacy. No warrant shall issue without probable cause supported by oath or affirmation.
Constitutional Convention of Louisiana of 1973
CC-1262

DELEGATE PROPOSAL No. 87—
Introduced by Delegate Segura:

A PROPOSAL

Providing for state and city civil service.

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

ARTICLE VII. HUMAN RESOURCES

Section 1. State and City Civil Service

Section 1. The legislature shall provide for the establishment and administration of a system of personnel administration in the civil service of the state and its political subdivisions. No changes shall be made in the existing state and city civil service system except by a two-thirds vote of each house of the legislature. Appointments and promotions shall be based on merit, length of service, and fitness, demonstrated by examination or by other evidence of competence.

Constitutional Convention of Louisiana of 1973
CC-1099

DELEGATE PROPOSAL No. 88—
Introduced by Delegate Lennox:

A PROPOSAL

To provide for the continuous operation of government.

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

Article I, Section —— Right of Continuous Operation of Government

Section ——. Every person shall have the right of continuous operation of the government of the State of Louisiana or any of its political subdivisions.

An individual may not accept or hold office or employment in the government of the State of Louisiana or any of its political subdivisions if he participates in a strike against the government of the State of Louisiana or any of its political subdivisions.
Constitutional Convention of Louisiana of 1973

CC-1101

DELEGATE PROPOSAL No. 89—

Introduced by Delegate Lennox:

A PROPOSAL

Prohibiting strikes by public employees.

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

Article VII, Section Strikes; Prohibition

Section No classified employee of the state or of its political subdivisions shall engage in a strike, nor shall any classified employee cause, condone, instigate, encourage or cooperate in a strike.

A strike means any concerted action in failing to report for duty, willful absence, the stoppage of work, including a stoppage by reason of the expiration of a collective bargaining agreement, the interruption or interference with operations of the public employer, slowdowns, or the abstinence in whole or in part from the full, faithful and proper performance of the duties of employment.

Rules relative to the provisions herein shall be made by the appropriate civil service commission.

Constitutional Convention of Louisiana of 1973

CC-1078

DELEGATE PROPOSAL No. 90—

Introduced by Delegate Lennox:

A PROPOSAL

To prohibit monopolistic control over employment in any industry within the state.

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

Article VII, Section Employment; Monopolistic Control; Prohibition

Section 1. It shall be the public policy of the State of Louisiana that no person shall be denied the opportunity to obtain or retain employment because of nonmembership in a private organization, nor shall the state or any subdivision thereof, or any corporation, individual, or association of any kind enter into any agreement, written or oral, which excludes any person from employment or continuation of employment because of nonmembership in a private organization.
DELEGATE PROPOSAL No. 91—

Introduced by Delegate Zervigon:

A PROPOSAL

Making provisions for property taxation.

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

Article XI. Revenue and Finance

Section 1. Generally

All property subject to ad valorem taxation by the state or any political subdivision of the state, shall be listed on the assessment rolls at its assessed valuation. The assessed valuation shall be a percentage of current fair market value or use value.

Section 2. Limits

In no case shall the assessed valuation exceed 25% of current fair market value.

Section 3. Manner of Assessment

Except as to such public utility property as may be provided by law to be assessed by the Louisiana Tax Commission, the fair market value of property shall be determined by the respective assessors in each parish in a manner provided by law.

Section 4. Parish Ad Valorem Assessments

a) All taxes levied wholly within a single parish shall be levied on the basis of the parish assessment roll.

b) Except as provided in Subsection C of this Section, the assessor or assessors of each parish shall prepare a parish assessment roll, listing all property in the parish subject to ad valorem taxation. All such property shall be classified for the purposes of assessment as

(1) Land

(2) Residential Improvements

(3) Commercial or Industrial Improvements

(4) Personal Property

(5) Public Utilities Improvements

For each classification of property the governing authority of the parish shall fix the assessment at a percentage of fair market value, subject to the limitations of Section 2. Such fair market value, assessment ratio, the year of valuation and classification of property shall be clearly shown on the assessment rolls.

c) Property subject to ad valorem taxation within a municipality with a population of more than 50,000 shall be classified as urban property and shall be listed as such on the parish assessment rolls by the assessor or assessors of each parish containing such a municipality.

All such property shall be sub-classified for the purposes of assessment as

(1) Land

(2) Residential Improvements

(3) Commercial or Industrial Improvements

(4) Personal Property

(5) Public Utilities Improvements

For each subclassification of property the governing authority of the municipality shall fix the assessment at percentage of fair market value, subject to the limitation of Section 2. Such fair market value, assessment ratio, the year of valuation and classification of property shall be clearly shown on the assessment rolls.

Section 5. Multi-Parish Assessments

a) All ad valorem taxes levied by a political subdivision of the state, including two or more parishes, shall be levied on the basis of a multi-parish assessment roll.

b) All taxable property within the multi-parish district
shall be listed on the multi-parish assessment roll at a percentage of fair market value, as the governing authority of the multi-parish district shall determine. The governing authority of the multi-parish district shall compute the multi-parish assessment roll from the several parish assessment rolls such that all property within a class is assessed equally and uniformly on a multi-parish basis.

c) The governing authority of a multi-parish district shall make such classifications of property as provided in paragraph (b) hereof, provided that such classifications shall not distinguish property according to its location.

Section 6. State-Wide Assessments

a) All taxes levied on a state-wide basis shall be levied on the basis of a state assessment roll.

b) All property subject to taxation shall be listed on the state assessment roll at a percentage of fair market value or use value as the state legislature shall determine.

c) The State Tax Commission shall compute the state assessment roll from the several parish assessment rolls such that all property within a class as shown on the parish assessment rolls, is assessed equally and uniformly on a state-wide basis. The State Tax Commission may classify for the purpose of State assessments:

1) Land

2) Residential Improvements

3) Commercial or Industrial Improvements

4) Personal Property

5) Rolling Stock

6) Bank Stock

7) Public Utilities Improvements

Section 7. Exemptions

The following property, and no other shall be exempt from taxation:

A. Homesteads

From state, parish, and special taxes, the homestead, bona fide, 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 and sixty acres, buildings and appurtenances, whether rural or urban, owned and occupied by every head of a family, or person having a mother or father, or a person or persons dependent on him or her for support, in the full amount of three thousand dollars of the assessed valuation; provided that this exemption shall not extend to any municipal or city taxes, save and except in Orleans Parish, and shall in Orleans Parish apply to the state, the general city, the school, the levee, and levee board taxes. 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, provided that the exemptions shall not be extended to more than one homestead owned by the husband or wife. An additional $2,000 homestead exemption shall be provided for veterans. An additional $2,000 homestead exemption for all other than veterans upon reaching age 65 shall be provided. Applications shall be made yearly and the term veteran and any other exemption of this matter shall be as defined by the legislature.

B. All public property.

C. Places of religious worship; property owned by religious denominations and used as residences for ministers; places of burial, and property held by any religious denomination or nonprofit corporation or organization for burial purposes, but the exemption shall not apply to unsold lots, crypts, or places for burial, nor shall it apply to lands held for development as
places for burial, when so held for profit; places devoted to charitable undertakings, including that of such organizations as lodges and clubs organized for charitable and fraternal purposes and practicing the same; schools and colleges; non-profit hospitals; but the exemption shall extend only to property, and grounds thereunto appurtenant, used for the aforesaid purposes, and not leased for profit or income.

D. 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.

E. The governing body of any parish may, with the consent of each popularly elected body which levies an ad valorem tax and which is domiciled within the parish, grant additional exemptions from local ad valorem taxes, in a manner consistent with law.

F. The Legislature may grant additional exemptions from state ad valorem taxes in a manner consistent with law.

The amount of taxes collected from a particular millage levied by any taxing authority shall not be increased or decreased because of the method of assessing property as provided in Section 4, and it shall be the mandatory duty of all public bodies that levy millage to adjust the millage proportionately to the adjustments in assessment values so as to produce the same total dollar amount of revenue. Nothing provided herein shall be construed to prohibit the respective municipalities, parishes, or other taxing districts or authorities from collecting a larger dollar amount of ad valorem taxes by means of levying additional millages in the manner provided by law, by additional property being placed on their respective tax rolls, or by reason of increased property values due to economic conditions, and provided further that this provision shall not be construed so as to diminish the security of outstanding bonds.

Section 9. Boards of Review

1. There shall be in each parish of the state a Board of Review.

2. The Board of Review of each parish shall each year equalize in a manner determined by law the assessed valuation of all taxable property.

3. The Board of review of each parish may recommend additional homestead and other exemptions from ad valorem taxes levied within its jurisdiction to the local governing authority in a manner consistent with law.

Section 10. Grievance Procedure

Any taxpayer, city, or tax recipient body, aggrieved by the valuation placed upon an individual property, or class of properties or by any other concern involving ad valorem taxation shall be provided an opportunity in a manner established by law to state the grievance to the Board of Review and request a redress of that grievance, and all taxpayers, citizens, or tax recipient bodies shall have the right of testing the correctness of assessments or of appealing their grievance before the courts at the domicile of the assessing authority.
DELEGATE PROPOSAL No. 92——

Introduced by Delegate Robinson:

A PROPOSAL

Making provisions for public elementary and secondary education and necessary provisions with respect thereto.

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

ARTICLE IX. EDUCATION

Section 1. Public Educational System

Section 1. The legislature shall provide for the education of the people of the state and shall establish and maintain a public educational system consisting of all public schools and institutions of learning supported in whole or in part by state funds, the funds of any political subdivision thereof, or both.

Section 2. Superintendent of Education

Section 2. (A) Duties. There shall be a superintendent of education who shall be the chief executive officer of the state department of education and who shall have such duties and responsibilities for public elementary and secondary education as may be prescribed by law.

(B) Term of office; appointment or election. The superintendent of education shall be elected for a term of four years.

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 the appointment in lieu of election of the superintendent of education and by the same vote may subsequently reestablish the office as an elective office. Appointment shall be by the state board of elementary and secondary education for a term not to exceed four years.

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

Section 3. State Board of Elementary and Secondary Education

Section 3. (A) Creation; function. There is created a body corporate, known as the State Board of Elementary and Secondary Education. The board shall supervise, control, and have budgetary responsibility for all funds appropriated or allocated by the state for all public elementary and secondary schools and special schools under its jurisdiction, as provided by law. The board shall have such other specific powers, duties, and responsibilities as are provided by this constitution or by law, but shall have no control over the business affairs of parish and municipal school boards or the selection or removal of their officers and employees.

(B) Membership; terms; majority of members to be elected if superintendent of education appointed. The legislature shall provide for the membership, manner of election or selection, and terms of office of the state board of elementary and secondary education; provided, however, that not fewer than two-thirds of the members of the board shall be elected by the people should the office of superintendent of education be made appointive.

(C) Vacancies; compensation. Vacancies occurring for any cause prior to the expiration of the terms of members of the state board of elementary and secondary education shall be filled by appointment by the governor for the remainder of the unexpired term. Members shall serve without pay except for such per diem and expenses as shall be fixed by the legislature.
CC-1290

D. P. No. 92

and proprietary schools whose sustained curriculum is of a
d quality equal to that prescribed for similar public schools.
The certificates issued by private schools so approved shall
carry the same privileges as those issued by the state public
schools.
Section 5. Parish School Boards; Parish Superintendents
Section 5. (A) Parish school boards. The legislature shall
create parish school boards and shall provide for the election
of the members of such boards.
(B) Parish superintendents. Each parish board shall elect
a superintendent of parish schools. The state board of elemen-
tary and secondary education shall fix the qualifications and
prescribe the duties of the parish superintendent, who need
not be a resident of the parish in which he serves.
Section 6. Recognition of Existing Boards and Systems;
Consolidation
Section 6. (A) Recognition of boards and systems. Parish
and city school boards and systems in existence on the effec-
tive date of this constitution by virtue of special or local
legislative acts or previous constitutional provisions are hereby
recognized, subject to control by and supervision of the state
board of elementary and secondary education and the power
of the legislature to enact laws affecting them.
(B) Consolidation. Two or more school systems may be
consolidated under procedures enacted by the legislature,
subject to approval of a majority of the qualified electors vot-
ing in each system affected in an election called for that pur-
pose.
Section 7. Funding; Elementary and Secondary Education;
Appportionment
Section 7. (A) State funds. State funds for the education
of the school children of this state at the elementary and
secondary schools shall be derived from sources determined
by the legislature and shall be apportioned to the parish and
city school boards in the manner hereinafter set forth.
(1) Minimum program. There shall be appropriated from
the general fund of the state sufficient funds to insure a
minimum program of education in all public elementary and
secondary schools. The minimum program of education to be
maintained in all parish and city school systems shall be es-
tablished by the state board of elementary and secondary edu-
cation. The board shall adopt formulas and procedures for
the distribution of these funds to the several school boards.
(2) Other funds. Any other funds provided by the legisla-
ture for the support of public schools shall be apportioned
and distributed in accordance with a formula established by
the state board of elementary and secondary education, except
as otherwise specifically provided for by the law appropriat-
ing the funds.
Any funds for public education from any other source shall
be distributed in the manner determined by the state board
of elementary and secondary education, subject, however, to
the terms of the laws governing such funds or the lawful
stipulations of the source of the funds.
(B) Local funds. Local funds for the support of public
elementary and secondary schools shall be derived from the
following sources:
(1) Each parish and city school board, the parish of Or-
leans excepted, shall levy annually an ad valorem maintenance
tax of five mills, or as much thereof as is necessary, on all
property subject to such taxation within the parish or city in
the manner prescribed by law.
The Orleans Parish School Board shall levy annually a tax
not to exceed thirteen mills on the dollar on the assessed
Page 3
valuation of all property within the city of New Orleans assessed for city taxation and shall certify the fact to the governing authority of the city. The governing authority shall cause said tax to be entered on the tax roles 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.

(2) 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 subsdistrict, in an election called for the purpose. The amount, duration, and purpose of such taxes shall be in accord with any limitations imposed by the legislature. No such tax shall be levied for a period longer than ten years, except that any tax levied to pay the costs of bonds or other debts incurred shall be levied and collected until the principal and interest on the bonds or other debts have been paid.

(3) The legislature may provide for additional sources of local support for elementary and secondary schools.

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

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

Section 8. Appropriations; Boards

Section 8. The legislature shall appropriate funds for the operating and administrative expenses of the board or boards created pursuant to this Article.

Section 9. No Appropriation of Public Funds for Private or Sectarian Schools

Section 9. No appropriation of public funds shall be made to any private or sectarian school. The legislature may enact appropriate legislation to permit institutions of higher learning which receive all or part of their support from the State of Louisiana to engage in interstate and intrastate education agreements with other state governments, agencies of other state governments, institutions of higher learning of other state governments and private institutions of higher learning within or outside state boundaries.
Constitutional Convention of Louisiana of 1973
CC-1313

DELEGATE PROPOSAL No. 93—
Introduced by Delegate Burson:

A PROPOSAL

Providing with respect to grand jury proceedings.

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

Article V, Section ___ Grand Jury Proceedings

Section ___. Whenever the grand jury is investigating criminal charges previously filed against any person, that person may have counsel present in the jury room for the sole purpose of advising him while he is testifying. If he cannot employ counsel, the court shall appoint counsel for him. No other witness before the grand jury shall be entitled to have counsel present in the jury room.

Constitutional Convention of Louisiana of 1973
CC-1311

DELEGATE PROPOSAL No. 94—
Introduced by Delegate Pugh:

A PROPOSAL

Prohibiting the purchase or subscription by the state or its political subdivisions of stock of any corporation or association or for any private enterprise and providing exceptions.

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

Article XI, Section ___. Prohibition of Purchase or Subscription by the State or its Political Subdivisions of Stock of any Corporation or Association; Exceptions

Section ___. The state and its political subdivisions shall not purchase or subscribe to the stock of any corporation or association; however, neither the state nor any political subdivision thereof shall be prohibited from entering into a contract for the purchase of insurance from a mutual company or depositing money in savings and loan associations or savings banks.

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DELEGATE PROPOSAL No. 95—
Introduced by Delegate Bel:

A PROPOSAL

Making provisions for property taxation.

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

ARTICLE XI. REVENUE AND FINANCE

Section 1. 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 twenty-five percent of its use value or fair market value. The method of determining such fair market value or use value shall be uniform throughout the state upon all property.

(B) The legislature shall provide the method by which fair market or the use value of property shall be determined.

(C) The legislature may provide that agricultural, horticultural and timber lands be assessed for purposes of taxation at its use value rather than its fair market value, which use value shall for all purposes be treated as the fair market value of such property.

(D) The use and fair market value of all property subject to taxation shall be kept current from year to year by reappraisal thereof by each assessor in the state.

Section 2. Assessment of Property.

Section 2. Except as to such categories of property required to be assessed by the Louisiana Tax Commission, property shall be assessed at twenty-five percent of its fair market or use value by the assessors in the respective parishes, subject to review by the Boards of Review of each parish, by the Louisiana Tax Commission and the courts in accordance with the procedure established by law.

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Section 3. Exemptions

Section 3. The following property, and no other, shall be exempt from taxation:

(A) Homesteads. From state, parish, and special taxes, the homestead bona fide, 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 and sixty acres, buildings and appurtenances, whether rural or urban, owned and occupied by every head of a family, or person having a mother or father, or a person or persons dependent on him or her for support, in the full amount of two thousand dollars of the assessed valuation; provided that this exemption shall not extend to any municipal or city taxes, save and except in Orleans Parish, and shall in Orleans Parish apply to the state, the general city, the school, the levee, and levee board taxes. 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, provided that the exemption shall not be extended to more than one homestead owned by the husband or wife.

(B) All public property

(C) Places of religious worship; property owned by religious denominations and used as residences for ministers; places of burial, and property held by any religious denomination or nonprofit corporation or organization for burial purposes, but the exemption shall not apply to unsold lots, crypts, or places for burial, nor shall it apply to lands held for development as places for burial, when so held for profit; places devoted to charitable undertakings, including that of such organizations as lodges and clubs organized for charitable
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and fraternal purposes and practicing the same; schools and colleges; nonprofit hospitals; but the exemption shall extend only to property, and grounds therunto appurtenant, used for the above-mentioned purposes, and not leased for profit or income.

(D) Cash on hand or deposit; obligations secured by mortgage on property located in Louisiana and the notes or other evidence thereof; loans by life insurance companies to policy holders, 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 or civic activities and not operated for profit to the owners; all ocean-going vessels engaged in international trade and domiciled 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 granted; boats using gasoline as motor fuel; commercial vessels used for gathering seafood; and right-of-way granted to the State Department of Highways.

(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.

(F) The State Board of Commerce and Industry, with the approval of the governor, and the local governing authority may enter into contracts for the exemption of any new manufacturing establishment already existing in the state upon such terms and conditions as the board, with the approval of the governor, and the local governing authority, may deem to be to the best interest of the state. The terms "manufacturing establishment" and "addition" or "additions" as used in this Paragraph mean a new plant or establishment or an addition or additions to any existing plant or establishment which engages in the business of working raw materials into wares suitable for use or which gives new shapes, new qualities, or new combinations to matter which already has gone through some artificial process. No exemption shall be contracted for any new manufacturing establishment in any locality where there is a manufacturing establishment actually engaged in the manufacture of the same or closely competitive articles without the written consent of the owner of such existing manufacturing establishment to be attached to and identified with the contract of exemption. No exemption from taxes shall be granted under the authority of this Paragraph for a longer initial period than five calendar years from the date of the execution of the contract of exemption or five calendar years from the date of the completion of the construction as described in the contract for tax exemption, the commencement of the exemption upon either of such dates to be specified in the contract at the discretion of the State Board of Commerce and Industry and subject to approval by the governor. Upon application within ninety days before the expiration
of the initial period of five years, and upon proper showing
of a full compliance with the contract of exemption by the
contractee, any exemption granted under the authority of this
subsection shall be renewed for an additional period of five
calendar years. Any such exemption shall ipso facto cease
upon violation of the terms and conditions of the contract
which granted the same. All property exempted, in accor-
dance with the provisions of the paragraph shall be listed on
the assessment rolls and submitted to the Louisiana Tax Com-
m ission, but no taxes shall be collected thereon during the
period of exemption. On January first following the expira-
tion of any contract of exemption entered into under this
Paragraph, and for each year thereafter, all property ex-
empted by any such contract shall be listed on the assessment
rolls and shall be assessed at the end of the tax exemption
period at not more than the average assessment ratio on all
other property assessed by the assessor in the parish in which
the property is located. To determine the assessment ratio of
locally assessed property, the Louisiana Tax Commission shall
annually determine in each parish the assessed value of all
locally assessed property in relation to actual value. All taxes
imposed upon such property shall be collected in the manner
provided by law.

(G) (1) All raw materials, goods, commodities, and articles
imported into this state from outside of the continental United
States:

(a) So long as such imports remain upon the public prop-
erty 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 origi-

nal 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 manufac-
turers 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 shall not
apply to a retail merchant holding such imports as part of
his stock in trade for sale at retail.

All such property whether entitled to exemption or not
shall be reported to the proper taxing authority on the forms
required by law.

(2) All raw materials, goods, commodities, and other
articles being held upon 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.

All such property entitled to exemption shall be reported to
the proper taxing authority on the forms required by law.

(3) All goods, commodities, and personal property in public
or private storage while in transit through this state which is
(a) moving in interstate commerce through or over the terri-
tory of the State of Louisiana, or (b) which is in public or
private storage within the State of Louisiana having been
shipped thereto 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 whether
entitled to exemption or not shall be reported to the proper
taxing authority on the forms required by law.
Section 4. Adjustment of Ad Valorem Tax Millages

The amount of taxes collected from a particular millage levied by any taxing authority shall not be increased or decreased because of the method of assessing property at a uniform ratio of assessment to value as provided in Article XI, Section 1, or because of any subsequent change in percentage of fair market value established by the legislature for assessment and it shall be the mandatory duty of all public bodies that levy millage to adjust the millage proportionate to the adjustments in assessment values so as to produce the same total dollar amount of revenue. Nothing provided herein shall be construed to prohibit the respective municipalities, parishes, or other taxing districts or authorities from collecting a larger dollar amount of ad valorem taxes by means of levying additional millages in the manner provided by law, by additional property being placed on their respective tax rolls, or by reason of increased property values due to economic conditions, and provided further that this provision shall not be construed so as to diminish the security of outstanding bonds.

DELEGATE PROPOSAL No. 96—

Introduced by Delegates Vick, Abraham, Bel, Berry, Casey, Dennergy, Goldman, Guarisco, Haynes, A. Jackson, J. Jackson, LeBreton, Lennox, Miller, Pugh, Rachal, Riecke, Soniat, Stovall, Sutherland, Velazquez, and Weiss:

A PROPOSAL

Providing for the powers and duties of the attorney general.

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

Article V, Section _____. Attorney General; Powers and Duties

Section _____. (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 in any civil or criminal 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.
DELEGATE PROPOSAL No. 97—


A PROPOSAL

To provide with respect to an alternative provision relative to the Executive Branch.

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

Section 1. Section 22 of Article IV as set forth in Commit-tee Proposal Number 4 as finally enrolled, being Section 23 of said Article IV as originally adopted by this convention, is hereby deleted from said proposal.

Section 2. There shall be placed on the ballot submitted to the people for the ratification of the proposed new constitu- tion, as an alternative, the following propositions:

☐ 2A. FOR permitting the legislature by 2/3 vote to provide for appointment, in lieu of election, of certain statewide elected officials.

☐ 2B. AGAINST permitting the legislature by 2/3 vote to provide for appointment, in lieu of election, of certain statewide elected officials.

Section 3. (A) If Alternative Proposition No. 2A concerning legislat ive permission to provide for appointment, in lieu of election, of certain statewide elected officials is not approved by the electors but the proposed constitution is approved by the electors then no change shall be made therein and Section 22 of Article IV as set forth in Committee Proposal Number 4 as finally enrolled, being Section 23 of said Article IV as originally adopted by this convention shall be null, void, and of no legal effect.

ARTICLE IV. EXECUTIVE BRANCH

Section 22. Appointment of Officials; Merger, Consolidation of Offices and Departments

Section 22. After the first election of state officials follow-ing 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 depart-ments 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 compen-sation of any elected official. By a vote of two-thirds of the elected members of each house, the legislature may re-establish any of such offices as an elective office and, in such event, shall prescribe qualifications.

(B) If Alternative Proposition No. 2A concerning legisla-tive permission to provide for appointment, in lieu of election, of certain statewide elected officials is not approved by the electors then no change shall be made therein and Section 22 of Article IV as set forth in Committee Proposal Number 4 as finally enrolled, being Section 23 of said Article IV as originally adopted by this convention shall be null, void, and of no legal effect.
DELEGATE PROPOSAL No. 98—

Introduced by Delegates Henry, Gravel, Graham, Pugh, A. Jackson, Juneau, Kelly, Leithman, Corne, Shannon, Deshotels, Fowler, Zervigon, Riecke, Wattigny, Alario, Kilpatrick, Roe-
mer, LeBleu, Conino, Warren, Guarisco, Arnette, Abraham, Badeaux, Anzalone, Fayard, Derbes, Gauthier, Bollinger, Willis, Newton, A. Landry, Goldman, Ginn, Ullo, Toomy, Sutherland, Stovall, Schmitt, Bergeron, Chatelain, Vick, Con-
roy, Miller, Casey, Dennery, Tobias, O'Neill and Weiss:

A PROPOSAL

To provide with respect to an alternative provision relative to education.

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

Section 1. There shall be placed on the ballot submitted to
the people for the ratification of the proposed new constitu-
tion, as an alternative, the following propositions:

2A. FOR education article creating only a Board of Re-
gents to govern higher education and no management
boards.

2B. AGAINST education article creating only a Board
of Regents to govern higher education and no mana-
gement boards.

Section 2. (A) If Alternative Proposition No. 2A concern-
ing education boards is approved by the electors and if the
proposed constitution is approved by the electors, then the
following Article shall become Article IX of the new constitu-
tion and Article IX as set forth in Committee Proposal
Number 7 shall be null, void and of no effect and shall be
deemed stricken from the proposed constitution.

"ARTICLE IX. EDUCATION

Preamble

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

Section 1. Public Educational System

Section 1. The legislature shall provide for the education of
the people of the state and shall establish and maintain a
public educational system.

Section 2. State Superintendent of Education

Section 2. There shall be a superintendent of education for
public elementary and secondary education who, subject to
provisions for appointment in lieu of election set forth in
Article IV, Section 22, of this constitution, shall be elected
for a term of four years. If the office is made appointive,
the State Board of Elementary and Secondary Education shall
make the appointment. He shall be the administrative head
of the Department of Education and shall implement the
policies of the State Board of Elementary and Secondary
Education and the laws affecting schools under its jurisdic-
tion. The qualifications and other powers, functions, duties,
and responsibilities of the superintendent shall be provided
by law.

Section 3. State Board of Elementary and Secondary Edu-
cation

Section 3. (A) Creation; Functions. The State Board of
Elementary and Secondary Education is created as a body
corporate. It shall supervise and control the public elemen-
tary and secondary schools, post-secondary vocational-techni-
cal schools, special schools under its jurisdiction and shall
have budgetary responsibility for all funds appropriated or
allocated by the state for those schools, all as provided by

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law. The board shall have other powers, duties, and responsibilities as provided by this constitution or by law, but shall have no control over the business affairs of a parish or city school board or the selection or removal of its officers and employees.

(B) Membership; Terms. The board shall consist of eight members elected from single-member districts which shall be determined by law and three members appointed by the governor from the state at large, with consent of the Senate.

Members shall serve overlapping terms of six years, following the initial terms which shall be fixed by law.

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

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

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

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

(3) To study the need for and feasibility of any new institution of higher education, including branches of institutions and conversion of two-year institutions to institutions offering longer courses of study. If the creation of a new institution, or a management board for an institution or group of institutions is proposed, addition of another management board, or the transfer of an existing institution from one board to another is proposed, the Board of Regents shall report its written findings and recommendations to the legislature within one year. Only after the report has been filed, or,
after one year if no report is filed, may the legislature take affirmative action on such a proposal and then only by law enacted by two-thirds of the elected members of each house.

(4) To formulate and make timely revision of a master plan for higher education. As a minimum, the plan shall include a formula for equitable distribution of funds to the institutions of higher education.

(5) To require that every institution of higher education submit to it, at a time it specifies, an annual budget proposal for operational needs and for capital needs of each institution under the control of each board. The Board of Regents shall submit its budget recommendations for all institutions of higher education in the state. It shall recommend priorities for capital construction and improvements.

Section 6. Boards; Membership; Compensation

Section 6. (A) Dual Membership. No person shall be eligible to serve simultaneously on more than one board created by or pursuant to this Article.

(B) Compensation. A member of a board created by or pursuant to this Article shall serve without pay, but per diem and expenses may be provided by law.

Section 7. Parish School Boards; Parish Superintendents

Section 7. (A) Boards. The legislature shall create parish school boards and provide for the election of their members.

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

Section 8. Existing Boards and Systems Recognized; Consolidation

Section 8. (A) Recognition. Parish and city school board systems in existence on the effective date of this constitution are recognized, subject to control and supervision by the State Board of Elementary and Secondary Education and the power of the legislature to enact laws affecting them.

(B) Ouachita Parish and Monroe City School Systems; Board Membership. Only persons residing within the jurisdiction of the Monroe City School Board shall be eligible to vote for or be members of the Monroe City School Board. Only persons residing in that portion of Ouachita Parish outside the jurisdiction of the Monroe City School Board shall be eligible to vote for or be members of the Ouachita Parish School Board. The position of a member of either board shall be vacated when he no longer satisfies the requirements of this Paragraph. Notwithstanding any contrary provision of this constitution, this Paragraph shall become operative upon the election of members to the Ouachita Parish School Board taking office in 1977 or upon the first reapportionment affecting the Ouachita Parish School Board, whichever occurs earlier.

(C) Consolidation. Subject to approval by a majority of the electors voting, in each system affected, in an election held for that purpose, any two or more school systems may be consolidated as provided by law.

Section 9. Appropriations; State Boards

Section 9. The legislature shall appropriate funds for the operating and administrative expenses of the state boards created by or pursuant to this Article.

Section 10. Appropriations; Higher Education

Section 10. Appropriations for the institutions of higher education and post-secondary vocational-technical training and career education shall be made and administered as provided by law.
Section 11. Funding; Apportionment

Orleans Parish School Board.

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

(D) Municipal School Systems. For the effects and purposes of this Section, the municipalities of Monroe in Ouachita Parish, and Bogalusa in Washington Parish, and no others, shall be regarded and treated as parishes and shall have the authority granted parishes.

Section 12. Tulane University

Section 12. The Tulane University of Louisiana in New Orleans is recognized as created and to be developed in accordance with Act No. 43 approved July 5, 1884."

2. (B) If alternative Proposition No. 2A concerning education boards is not approved by the electors but the proposed constitution is approved by the electors then no change shall be made therein.
Constitutional Convention of Louisiana of 1973

DELEGATE PROPOSAL NUMBER 98

Introduced by Delegates Henry, Gravel, Graham, Pugh, A. Jackson,
Juneau, Kelly, Leithman, Corne, Shannon, Deshotels, Fowler,
Zervigon, Riecke, Wattigny, Alario, Kilpatrick, Roemer,
LeBlanc, Conino, Warren, Guarisco, Arnette, Abraham,
Badeaux, Anzalone, Fayard, Derbes, Gauthier, Rollinger,
Wills, Newton, A. Landry, Goldman, Ginn, Ullo, Toomy,
Sutherland, Stovall, Schmitt, Bergeron, Chatelain, Vick,
Conroy, Miller, Casey, Denny, Tobits, O'Neil, and Weiss

A PROPOSAL

To provide with respect to an alternative provision relative to education.

Section 1. Be it adopted by the Constitutional Convention of Louisiana of 1973:

2A. FOR education article creating only a Board of Regents to govern higher education and no management boards.

2B. AGAINST education article creating only a Board of Regents to govern higher education and no management boards.

Section 2. (A) If Alternative Proposition No. 2A concerning education boards is approved by the electors and if the proposed constitution is approved by the electors, then the following Article shall become Article IX of the new constitution and Article IX as set forth in Committee Proposal Number 7 shall be null, void, and of no effect and shall be deemed stricken from the proposed constitution.

"ARTICLE IX. EDUCATION

Preamble

D. P. No. 98

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

Section 1. Public Educational System

Section 1. The legislature shall provide for the education of the people of the state and shall establish and maintain a public educational system.

Section 2. State Superintendent of Education

Section 2. There shall be a superintendent of education who, subject to provisions for appointment in lieu of election set forth in Article IV, Section 22, of this constitution, shall be elected for a term of four years. If the office is made appointive, the State Board of Elementary and Secondary Education and the Board of Regents shall make the appointment. He shall be the administrative head of the Department of Education and the Board of Regents and shall implement the policies of the State Board of Elementary and Secondary Education and the Board of Regents and the laws affecting schools under their jurisdiction. The qualifications and other powers, functions, duties, and responsibilities of the superintendent shall be provided by law.

Section 3. State Board of Elementary and Secondary Education

Section 3. (A) Creation; Functions. The State Board of Elementary and Secondary Education is created as a body corporate. It shall supervise and control the public elementary and secondary schools, post-secondary vocational-technical schools, special schools under its jurisdiction and shall have budgetary responsibility for all funds appropriated or allocated by the state for those schools, all as provided by law. The board shall have other powers, duties, and responsibilities as provided by this constitution or by law, but shall have no control over the business affairs of a parish or city school board or the selection or removal of its officers and employees.
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1 (B) Membership; Terms. The board shall consist of eight
members elected from single-member districts which shall be
determined by law and three members appointed by the governor
from the state at large, with consent of the Senate. Members
shall serve overlapping terms of six years, following the
initial terms which shall be fixed by law.

2 (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 re-
mainder of the term by appointment by the governor.

3 Section 4. Approval of Private Schools

4 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.

5 Section 5. Board of Regents

6 Section 5. (A) Creation; Functions. The Board of Regents
is created as a body corporate. It shall plan, coordinate,
and have budgetary responsibility for all public higher educa-
tion and shall have other powers, duties, and responsibilities
provided in this Section or by law.

7 (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.

8 (C) Vacancy. A vacancy occurring prior to the expiration
of a term shall be filled for the remainder of the unexpired

term by appointment by the governor, with consent of the Senate.

9 (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 respon-
sibilities relating to public institutions of higher education:

10 (1) To revise or eliminate an existing degree program,
department of instruction, division, or similar subdivision.

11 (2) To approve, disapprove, or modify a proposed degree
program, department of instruction, division, or similar sub-
division.

12 (3) To study the need for and feasibility of any new
institution of higher education, including branches of insti-
tutions and conversion of two-year institutions to institutions
offering longer courses of study. If the creation of a new
institution, or a management board for an institution or group
of institutions is proposed, addition of another management
board, or the transfer of an existing institution from one
board to another is proposed, the Board of Regents shall re-
port its written findings and recommendations to the legisla-
ture within one year. Only after the report has been filed,
or, after one year if no report is filed, may the legislature
take affirmative action on such a proposal and then only by
law enacted by two-thirds of the elected members of each house.

13 (4) To formulate and make timely revision of a master plan
for higher education. As a minimum, the plan shall include
a formula for equitable distribution of funds to the institu-
tions of higher education.

14 (5) To require that every institution of higher education
submit to it, at a time it specifies, an annual budget proposal
for operational needs and for capital needs of each institution
under the control of each board. The Board of Regents shall
submit its budget recommendations for all institutions of
higher education in the state. It shall recommend priorities
First Enrollment

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for capital construction and improvements.

Section 6. Boards; Membership; Compensation

Section 6. (A) Dual Membership. No person shall be
eligible to serve simultaneously on more than one board
created by or pursuant to this Article.

(B) Compensation. A member of a board created by or pur-
suant to this Article shall serve without pay, but per diem
and expenses may be provided by law.

Section 7. Parish School Boards; Parish Superintendents
Section 7. (A) Boards. The legislature shall create
parish school boards and provide for the election of their
members.

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

Section 8. Existing Boards and Systems Recognized;
Consolidation

Section 8. (A) Recognition. Parish and city school
board systems in existence on the effective date of this con-
stitution are recognized, subject to control and supervision
by the State Board of Elementary and Secondary Education and
the power of the legislature to enact laws affecting them.

(B) Ouachita Parish and Monroe City School Systems; Board
Membership. Only persons residing within the jurisdiction of
the Monroe City School Board shall be eligible to vote for
or be members of the Monroe City School Board. Only persons
residing in that portion of Ouachita Parish outside the
jurisdiction of the Monroe City School Board shall be eligible
to vote for or be members of the Ouachita Parish School Board.
The position of a member of either board shall be vacated
when he no longer satisfies the requirements of this Para-
graph. Notwithstanding any contrary provision of this consti-
tution, this Paragraph shall become operative upon the election

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of members to the Ouachita Parish School Board taking office
in 1977 or upon the first reapportionment affecting the
Ouachita Parish School Board, whichever occurs earlier.

(C) Consolidation. Subject to approval by a majority of
the electors voting, in each system affected, in an election
held for that purpose, any two or more school systems may be
consolidated as provided by law.

Section 9. Appropriations; State Boards
Section 9. The legislature shall appropriate funds for
the operating and administrative expenses of the state boards
created by or pursuant to this Article.

Section 10. Appropriations; Higher Education
Section 10. Appropriations for the institutions of higher
education and post-secondary vocational-technical training and
career education shall be made and administered as provided by
law.

Section 11. Funding; Apportionment
Section 11. (A) Free School Books. The legislature shall
appropriate funds to supply free school books and other materials
of instruction prescribed by the State Board of Elementary and
Secondary Education to the children of this state at the ele-
mentary and secondary levels.

(B) Minimum Foundation Program. The legislature shall
appropriate funds sufficient to insure a minimum foundation
program of education in all public elementary and secondary
schools. The funds appropriated shall be equitably allocated
to parish and city school systems according to formulas adopted
by the State Board of Elementary and Secondary Education and
approved by the legislature prior to making the appropriation.

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

First: Each parish school board, Orleans Parish excepted,
and each municipality or city school board actually operating,
maintaining, or supporting a separate system of public schools,
First Enrollment

D. P. No. 98

shall levy annually an ad valorem maintenance tax not to exceed five mills on the dollar of assessed valuation on property subject to such taxation within the parish or city, respectively.

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

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

D. Municipal School Systems. For the effects and purposes of this Section, the municipalities of Monroe in Ouachita Parish, and Bogalusa in Washington Parish, and no others, shall be regarded and treated as parishes and shall have the authority granted parishes.

Section 12. Tulane University

Section 12. The Tulane University of Louisiana in New Orleans is recognized as created and to be developed in accordance with Act No. 43 approved July 5, 1886."

2. (B) If alternative Proposition No. 2A concerning education boards is not approved by the electors but the proposed constitution is approved by the electors then no change shall be made therein.

Constitutional Convention of Louisiana of 1973

DELEGATE PROPOSAL No. 99—


A PROPOSAL

To provide with respect to an alternative provision relative to the Judicial Branch.

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

Section 1. Section 26 of Article V as set forth in Committee Proposal Number 21 as finally enrolled, being Section 27 of said Article V as originally adopted by this convention is hereby deleted from said proposal.

Section 2. There shall be placed on the ballot submitted to the people for the ratification of the proposed new constitution, as an alternative, the following propositions:

2A. FOR authorizing the attorney general to institute, prosecute, or intervene in both civil and criminal suits to protect the interests of the state.

2B. FOR authorizing the attorney general to institute, prosecute, or intervene in only civil suits to protect the interests of the state.

Section 3. (A) If Alternative Proposition No. 2A authorizing the attorney general to institute, prosecute, or intervene in both civil and criminal suits to protect the interests of
the state is approved by the electors and if the proposed
constitution is approved by the electors, then the following
section shall become Section 26 of Article V of the new
constitution:

"ARTICLE VI. JUDICIAL BRANCH

* * *

Section 26. Attorney General; Qualifications; Powers and
Duties; Vacancies

Section 26. The attorney general and the assistants shall
be learned in the law and shall have actually resided and
practiced law, as duly licensed attorneys, in the state for
at least five years preceding their election and appointment.
They, or one of them, shall attend to, and have charge of
all legal matters in which the state has an interest, or to
which the state is a party, with power and authority to
institute and prosecute or to intervene in any and all suits
or other proceedings, civil or criminal, as they may deem
necessary for the assertion or protection of the rights and
interests of the state. They shall exercise supervision over
the several district attorneys throughout the state, and per-
form all other duties imposed by law.

In case of a vacancy in the office of attorney general,
the first assistant attorney general shall perform the duties
of the attorney general until his successor shall have been
duly elected and qualified."

(B) If Alternative Proposition No. 2B authorizing the at-
torney general to institute, prosecute, or intervene in only
civil suits to protect the interests of the state is approved
by the electors and if the proposed constitution is approved
by the electors, then the following section shall become Sec-
tion 26 of Article V of the new constitution:

"ARTICLE V. JUDICIAL BRANCH

Page 2

1 Section 26. Attorney General; Powers and Duties
2 Section 26. The attorney general shall be the chief legal
3 officer of the state. As necessary for the assertion or pro-
4 tection of the rights and interests of the state, the attorney
5 general may
6 (1) institute and prosecute or intervene in any civil action
7 or proceeding;
8 (2) advise and assist, upon request of a district attorney,
in the prosecution of a criminal case; and
9 (3) for cause, when authorized by the court of original
10 jurisdiction in which any proceeding or affidavit is pending
and subject to judicial review, supersede any attorney rep-
resenting the state in any civil or criminal action.

He shall have other powers and perform other duties
authorized by this constitution or provided by law."

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DELEGATE PROPOSAL No. 100—

1] Introduced by Delegates McDaniel, Elkins Goldman, O'Neill
2] Asseff, Cowen, Gauthier, Champagne, Avant, Bel, Grier,
3] Drew, Shannon, Ullo, Leigh, Bollinger, Sutherland, Sandez,
5] Smith, Alario, Fontenot, Winchester, Miller, Jones, Zervigon,
6] Roemer, Fulco, Henry, Planchard, E. J. Landry, Arnette,
7] Velazquez, Schmitt, Cannon, Leithman, LeBleu and Single-
8] tary:

A PROPOSAL

To provide with respect to an alternative provision relative
11] to the Executive Branch prohibiting a person elected as
governor from being his own immediate successor.
Section 1. There shall be placed on the ballot submitted to
the people for the ratification of the proposed new constitu-
tion, as an alternative, the following propositions:

A. FOR permitting the governor to serve two consecutive
18] terms.
B. AGAINST permitting the governor to serve two con-
19] secutive terms.

Section 2. (A) If Alternative Proposition No. A permitting
the governor to serve two consecutive terms is approved
by the electors and if the proposed constitution is approved,
then no change shall be made therein.
(B) If Alternative Proposition No. B prohibiting the gov-
ernor from serving two consecutive terms is approved by
the electors and if the proposed constitution is approved
by the electors, then Section 3(A) as set forth in Committee
Proposal Number 4 shall be null, void, and of no effect,
and shall be deemed stricken from the proposed constitution
and the following shall become Section 3(A) of Article IV
of the new constitution:
DELEGATE PROPOSAL No. 101—


A PROPOSAL

To provide with respect to an alternative provision relative to Revenue and Finance.

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

Section 1. There shall be placed on the ballot submitted to the people for the ratification of the proposed new constitution, as an alternative, the following propositions:

2A. FOR permitting local option property taxation assessment and homestead exemptions.

2B. AGAINST permitting local option property taxation assessment and homestead exemptions.

Section 2. (A) If alternative Proposition No. 2A concerning local option property taxation assessment and homestead exemption is approved by the electors and if the proposed constitution is approved by the electors, then the following sections shall become Sections 1 and 3 of Article XI of the new constitution and Sections 1 and 3 of Article XI as set forth in Committee Proposal Number 26 shall be null, void and of no effect and shall be deemed stricken from the proposed constitution.

ARTICLE XI. REVENUE AND FINANCE

Section 1. Assessment of Property; Classification; Assessment; Reappraisal. All property subject to taxation shall be reassessed and valued in accordance with the provisions of...
this Section at intervals of not more than four years.

2. (G) Multi-parish Districts. A board of assessors is created for each multi-parish district in which the assessed value of property of one of the parishes differs from any other to be composed of the assessor of each parish or part of a parish which is included within the boundaries of a multi-parish district. Such board of assessors for each multi-parish district shall determine the fair market value of all taxable property within the boundaries of said district and shall assess all property within the boundaries of such multi-parish district equally and uniformly and at the percentage of fair market value fixed by the governing authority of each multi-parish district.

4. (H) Enforcement. The state treasurer shall disburse funds out of the state revenue sharing fund to the several local agencies only after the Louisiana Tax Commission has certified that assessments in each parish fall no more than ten percent below the legal assessment ratio for the parish. Local agencies where assessments fall more than ten percent below the legal ratio shall receive only that proportion of revenue sharing funds that the assessment ratio in their parish represents of the legal assessment ratio for the parish. A period of three months will be allowed in which parish assessments may be brought into full conformity with the legal ratio, after which the withheld revenue shall be paid the respective local agencies. Thereafter, if such adjustments are not made, the funds shall revert to the state general fund.

Section 3. Homestead Exemption

3. (A) Homeowners. (1) The bona fide homestead, consisting of a tract of land or two or more tracts

Page 3

4. 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.

5. (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.

6. (3) The homestead exemption of veterans of the armed forces of the United States, honorably discharged or separated from such services or other persons who served in said armed forces, as defined by general law, and of persons sixty-five years of age or older shall be five thousand dollars of the assessed valuation.

7. However, if the percentage of fair market or use value is changed in any parish as authorized in Paragraph (B) of Section 1 of this Article, the value of the homestead exemption for all eligible homeowners shall be adjusted to compensate for the change.

8. (4) The homestead exemption shall extend to the surviving spouse or minor children of a deceased owner and shall apply when the homestead is occupied as such and title to it is in either husband or wife but not to more than the fullstead owned by the husband or wife.

9. (5) This exemption shall not extend to municipal taxes. However, the exemption shall apply (a) in Orleans Parish, to state, general city, school, levee, and levee district taxes and (b) to any municipal taxes levied for school purposes.

10. (B) Residential Lessees. Notwithstanding any contrary

Page 4
provision in this constitution, the legislature may provide
tax relief to residential lessees in the form of credits or
rebates in order to provide equitable tax relief similar to that
granted to homeowners through homestead exemptions.”

2. (B) If Alternative Proposition No. 2A concerning local
option property taxation assessment and homestead exemp-
tions is not approved by the electors but the proposed con-
stitution is approved by the electors then no change shall
be made therein.

DELEGATE PROPOSAL No. 102—

To provide with respect to an alternative provision relative
to the Judicial Branch.

Be it adopted by the Constitutional Convention of Lou-

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Louisiana of 1973:

Section 1. Section 8 of Article IV as set forth in Com-
mittee Proposal Number 4 as finally enrolled is hereby de-
leted from said proposal.

Section 2. There shall be placed on the ballot submitted
to the people for the ratification of the proposed new con-
stitution, as an alternative, the following propositions:

☐ 2A. FOR authorizing the attorney general to institute,
prosecute, or intervene in both civil and criminal
suits to protect the interests of the state.

☐ 2B. FOR authorizing the attorney general to institute,
prosecute, or intervene in only civil suits to pro-
tect the interests of the state.

Section 3. (A) If Alternative Proposition No. 2A authoriz-
ing the attorney general to institute, prosecute, or intervene
in both civil and criminal suits to protect the interests of
the state is approved by the electors and if the proposed

Page 5

Page 1
constitution is approved by the electors, then the following section shall become Section 8 of Article IV of the new constitution:

“ARTICLE IV. EXECUTIVE BRANCH

Section 8. Attorney General; Qualifications; Powers and Duties; Vacancies

Section 8. The attorney general and the assistants shall be learned in the law and shall have actually resided and practiced law, as duly licensed attorneys, in the state for at least five years preceding their election and appointment. They, or one of them, shall attend to, and have charge of all legal matters in which the state has an interest, or to which the state is a party, with power and authority to institute and prosecute or to intervene in any suits or proceedings, civil or criminal, as they may deem necessary for the assertion or protection of the rights and interests of the state. They shall exercise supervision over the several district attorneys throughout the state, and perform all other duties imposed by law.

In case of a vacancy in the office of attorney general, the first assistant attorney general shall perform the duties of the attorney general until his successor shall have been duly elected and qualified.”

(B) If Alternative Proposition No. 2B authorizing the attorney general to institute, prosecute, or intervene in only civil suits to protect the interests of the state is approved by the electors and if the proposed constitution is approved by the electors, then the following section shall become Section 8 of Article IV of the new constitution:

“ARTICLE IV. EXECUTIVE BRANCH

Section 8. Attorney General; Powers and Duties

Section 8. There shall be a Department of Justice, headed by the attorney general, who shall be the chief legal officer of the state. The attorney general shall be elected for a term of four years at the state general election. The assistant attorneys general shall be appointed by the attorney general to serve at his pleasure.

As necessary for the assertion or protection of any right or interest of the state, the attorney general may

(1) institute, prosecute, or intervene in any civil action or proceeding;

(2) advise and assist, upon the written request of a district attorney, in the prosecution of any criminal case; and

(3) for cause, when authorized by the court which would have original jurisdiction and subject to judicial review, (a) institute, prosecute, or intervene in any criminal action or proceeding, or (b) supersede any attorney representing the state in any civil or criminal action.

The attorney general shall exercise other powers and perform other duties authorized by this constitution or by law.”
DELEGATE PROPOSAL No. 103—


A PROPOSAL

To provide with respect to an alternative provision relative to the Legislative Branch

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

Section 1. There shall be placed on the ballot submitted to the people for the ratification of the proposed new constitution, as an alternative, the following proposition:

☐ 2A. FOR reducing the number of days within which legislative sessions may be held.

☐ 2B. AGAINST reducing the number of days within which legislative sessions may be held.

Section 2(A). If Alternative Proposition No. 2A concerning the legislature and the legislative sessions is approved by the electors, and if the proposed constitution is approved by the electors, then the following Paragraph shall become Paragraph (A) of Section 2 of Article III of the new constitution and Paragraph (A) of Section 2 of Article III as set forth in Committee Proposal Number 3 shall be null, void and of no effect and shall be deemed stricken from the proposed constitution.

"ARTICLE III. LEGISLATIVE BRANCH

Section 2. Sessions

Section 2. (A) Annual Session. The legislature shall meet annually in regular session in the state capitol for not more than sixty calendar days. The legislature shall convene at noon on the second Monday in May. No new matter intended to have the effect of law shall be introduced or received by either house after midnight of the fifteenth calendar day, except by a favorable record vote of two-thirds of the elected members of each house. No measure levying a new tax or increasing an existing tax shall be introduced or enacted during a regular session held in an odd-numbered year."

☐ ☐ ☐

"2(B) if Alternative Proposition No. 2A concerning the legislature and legislative sessions is not approved by the electors but the proposed constitution is approved by the electors then no change shall be made therein."

Page 1
A RESOLUTION

To provide for the standing rules of the Constitutional Convention.

BE IT RESOLVED by the Louisiana Constitutional Convention of 1973 that the following be adopted as the standing rules of the Convention until otherwise amended or rescinded as herein provided:

CHAPTER 1
General Provisions

Quorum and Majority

Rule No. 1. Call to Order. The Convention shall convene at such time as ordered on the preceding working day by a majority of the delegates and the chairman shall call the Convention to order at that time. If a quorum is in attendance, the Chairman shall cause the Journal of the preceding day to be read unless otherwise ordered by the Convention, to the end that any mistake may be corrected.

Rule No. 2. Quorum. Sixty-seven delegates to the Convention shall constitute a quorum for the transaction of business.

Rule No. 3. Roll Call. The secretary shall call the roll at the opening of each session of the Convention and announce whether or not a quorum is present. He shall announce the names of the delegates absent with leave of the Convention and the names of delegates absent without leave, and enter the names of all absentees upon the Journal. If a voting machine is provided, the machine shall be used whenever a roll call or a vote by yeas and nays is directed by or in accordance with these rules.

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

Rule No. 5. Absence from Convention Service. No delegate shall absent himself from the service of the Convention without first obtaining leave of the Convention. A majority of delegates may prescribe penalties for the non-attendance of delegates.

Rule No. 6. Absent Delegates. At any time the Convention is in session, whether upon first convening of the day's session or at any time after the hour has arrived to which the Convention stood adjourned, the chairman is authorized to send the Sergeant-at-Arms for any or all absent delegates as the majority of such delegates present shall agree.

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

Admission to Floor
_rule_8_persons_admitted_no_person_shall_be_admitted_on_the_convention_floor_while_the_convention_is_in_session_or_during_the_period_five_minutes_before_the_time_set_for_the_convening_of_each_session_or_the_period_five_minutes_after_the_adjournment_of_each_session_except_that_delegates_and_members_of_the_convention_staff_may_remain_on_the_floor_representatives_of_the_news_media_shall_be_admitted_to_the_floor_as_provided_in_rule_11_written_messages_may_be_delivered_to_the_delegates_by_a_sergeant-at-arms_from_persons_outside_the_restricted_area_the_convention_floor_for_purposes_of_these_rules_is_defined_as_the_entire_enclosed_seating_area_of_the_delegates_rule_9_restrictions_on_the_convention_floor_one_chair_shall_be_allowed_each_delegate_on_the_convention_floor_and_no_other_chairs_shall_be_permitted_in_this_section_rule_10_special_permission_special_permission_to_sit_on_the_convention_floor_may_be_granted_by_the_chairman_of_the_convention_to_visiting_officials_of_other_states_or_of_the_united_states_or_of_foreign_countries_rule_11_news_media_a_designated_place_in_the_convention_hall_shall_be_provided_for_the_news_media_who_shall_have_free_access_thereto_accreditation_of_members_of_the_press_and_of_members_of_any_news_media_for_admission_shall_be_administered_by_the_chairman_no_member_of_the_press_or_of_any_news_media_shall_conduct_any_interview_with_a_delegate_on_the_convention_floor_while_the_convention_is_in_session_rule_12_administration_of_rules_the_chairman_of_the_convention_shall_provide_for_the_administration_of_the_rules_governing_admission_to_the_convention_as_provided_herein_rule_13_regulation_of_convention_area_the_chairman_of_the_convention_area_hall_and_its_passage_or_any_other_places_of_general_assembly_as_are_or_may_be_set_apart_for_the_use_of_the_convention_its_officers_and_employees_rule_14_restrictions_on_non-delegates_no_motion_shall_be_deemed_in_order_to_admit_any_person_not_a_delegate_to_the_convention_floor_to_present_any_petition_memorial_or_to_addr_3_rule_15_open_meetings_all_meetings_of_the_convention_shall_be_open_to_the_public_and_the_news_media_chapter_2_officers_employees_and_duties_officers_rule_16_convention_officers_the_officers_of_the_convention_shall_be_a_chairman_who_shall_be_chairman_of_the_convention_a_first_vice-chairman_three_vice-chairmen_a_secretary_and_a_treasurer_these_officers_shall_constitute_the_executive_committee_of_the_convention_shall_be_delegates_to_the_convention_and_shall_each_be_elected_in_separate_elections_by_a_majority_vote_of_all_of_the_delegates_of_the_convention_employees_rule_17_convention_employees_a_aChief_clerk_and_a_sergeant-at-arms_shall_be_employed_by_the_chairman_of_the_convention_subject_to_the_approval_of_a_majority_vote_of_the_entire_convention_they_shall_not_be_delegates_to_the_convention_b_all_other_employees_necessary_to Aid_the_convention_shall_be_employed_by_the_executive_committee_of_the_convention_in_accordance_with_act_2_of_the_1972_regular_session_executive_committee_rule_18_duties_the_executive_committee_shall_a_employ_a_research_director_research_assistants_secretarial_and_or_clerical_personnel_and_such_other_employees_as_it_deems_necessary_in_accordance_with_provisions_of_act_2_of_the_1972_regular_session_the_executive_committee_shall_be_committee_on_administration_which_shall_consider_research_materials_and_personnel_convention_budget_and_financial_and_other_administrative_details_facilities_and_physical
The Chairman

Rule No. 19. Duties. The Chairman shall be the presiding officer and the Chief Executive Officer of the Convention, and as such, Chairman of the Executive Committee. He shall:

A. Preside at sessions of the Convention and exercise the usual powers and perform the usual duties of a presiding officer;

B. Preserve order and decorum;

C. Speak to points of order, and subject to an appeal to the Convention, decide all points of order;

D. Confine delegates in debate to the question, prevent personal reflections, and determine the order of recognition when two or more delegates rise at the same time;

E. Designate the First Vice-Chairman to preside in his absence and establish the order of the Vice-Chairmen to preside in the absence of both the Chairman and the First Vice-Chairman;

F. Name a delegate to preside as chairman on each occasion when the Convention sits as a Committee of the Whole;

G. Assign, with the assistance of the Executive Committee, the delegates to their seats, according to congressional districts;

H. At the request of at least twenty-seven delegates, a recorded yea and nay vote shall be ordered by the Chairman;

I. Sign all official documents of the Convention, attested by the Secretary;

J. Make corrections of the official journal of the Convention, if necessary, attested by the Secretary with notification of any substantive changes being made to the Convention at large;

K. Direct the Convention in its official activities, including naming delegates to perform duties connected with the business of the Convention;

L. Not engage in debate when sitting as Chairman, nor shall he vote on appeals from his rulings;

M. Maintain general control of the Convention Hall, its environs, and all rooms set apart for use of the Convention;

N. Sign all warrants and/or checks;

O. Supervise the Convention staff, provided that he may delegate certain of this function to members of the staff;

P. On his own initiative or at the direction of the Convention appoint such special committees as may be necessary to perform special functions.

First Vice-Chairman

Rule No. 20. Duties. The First Vice-Chairman shall serve as First Vice-Chairman of the Convention, and as such, shall:

A. Preside as acting Convention chairman, when requested to do so by the Convention Chairman, or in the absence or inability of the Chairman to serve;

B. Serve as a member of the Executive Committee of the Convention, and carry out such other duties as are assigned by the Chairman;

C. Serve as an ex officio member of the Committee on Rules, Credentials, Ethics and Schedules, but shall have no vote and shall not be counted for the purpose of obtaining a quorum.

Rule No. 21. Vice-Chairmen. The Vice-Chairmen shall:

A. Preside in the absence of the Chairman and the First Vice-Chairman in the order established by the Chairman as provided in Rule No. 19E;
B. Serve as members of the Executive Committee and carry out such duties as are assigned by the Chairman.

C. The Chairman shall designate Vice-Chairmen to serve ex officio on each of the three remaining procedural committees. No Vice-Chairman shall have a vote on the committee to which he is assigned and shall not be counted for the purpose of obtaining a quorum.

**Secretary**

Rule No. 22. **Duties.** The Secretary shall:

A. Exercise responsibility for the accuracy of the Convention Journal of Proceedings, and the daily publication and distribution of the Journal;

B. Keep a verbatim written record and a sound recording of all proceedings of the Convention and of the Committee of the Whole;

C. Prepare a daily calendar of business and notices of schedules of all committee meetings;

D. Receive, reproduce, number, and distribute all resolutions, delegate and committee proposals;

E. Read to the Convention all proposals, resolutions, petitions, memorials and communications;

F. Exercise responsibility for roll calls of the delegates;

G. Attest where necessary all official documents of the Convention;

H. Preserve and safeguard all original copies of official documents and be responsible for the preservation of all proceedings of the Convention and its committees, and see that all records are properly preserved in archives of the state;

I. Serve as a member of the Executive Committee;

J. Perform such other duties as may be designated by the Chairman or the Executive Committee.

Rule No. 23. **Delegation of Secretary's Duties to Chief Clerk.** Except for certification of official acts, documents and vouchers, and service on the Executive Committee, the Secretary may delegate his duties to the Chief Clerk, subject to supervision by the Secretary.

**The Treasurer**

Rule No. 24. **Duties.** The Treasurer shall:

A. Exercise responsibility for the accuracy of the Convention's financial records and the monthly distribution of financial statements to the delegates of the Convention;

B. Co-sign, with the Convention Chairman, all warrants and/or checks;

C. Serve as custodian of all Convention financial records;

D. Assist in the preparation of the Convention's budget;

E. File quarterly audits and the final audit of financial records with the State Treasurer, Clerk of the House of Representatives and the Secretary of the Senate;

F. Make financial records of the Convention available for audit to the Louisiana Legislative Auditor quarterly and at the end of the Convention;

G. Serve as a member of the Executive Committee, and carry out such other duties as may be assigned by the Chairman.

**Chief Clerk**

Rule No. 25. **Duties.** The Chief Clerk:

A. Shall not be a delegate to the Convention;

B. Shall perform general administrative duties of the Convention subject to supervision of the Chairman, and when he assumes the duties of the Secretary as provided in Rule No. 22, he shall do so under the supervision of the Secretary;

C. Shall be answerable to the entire Convention for faithful execution of his duties and the smooth functioning of the Convention in assembly as a deliberative body;

D. Shall serve as Parliamentarian of the Convention and shall be advisor and counselor to the Chairman and committee chairman on all matters of parliamentary procedure; however, all parliamentary rulings shall be the responsibility of.
and shall be made by the Chairman.

**Sergeant-at-Arms**

Rule No. 26. **Duties.** The Sergeant-at-Arms shall:

A. Attend the Convention during its sitting, to execute commands as directed to him by the chairman, including signing for and delivery of correspondence addressed to delegates;

B. Maintain order in the Convention Hall and execute Rules of the Convention concerning admission to the floor;

C. Maintain order at committee hearings and assist committee chairmen in their duties.

D. Exercise supervisory control over his assistants, subject to direction of the chairman.

**CHAPTER 3**

**Delegates**

Rule No. 27. **Delegates Oath.** No delegate shall be qualified to serve unless and until he has taken the prescribed oath.

Rule No. 28. **Recognition in Debate.** When any delegate desires to speak in debate or present any matter to the Convention, he shall rise and address himself to the chair. He shall not speak until recognized, and when recognized, he shall confine himself to the question under debate.

Rule No. 29. **Transgression of Rules.** If any delegate in speaking or otherwise, transgresses the rules of the Convention, the chairman shall call the delegate to order; in which case the delegate shall sit down and shall not proceed without leave of the chairman or the Convention.

Rule No. 30. **Limits on Debate.** Delegates shall not speak more than once to the same question, nor more than fifteen minutes, without leave of the Convention, unless the delegate is the mover, proposer or introducer of the matter pending, in which case, either the delegate and/or his designees shall be permitted to speak in reply, but not until every delegate choosing to speak shall have spoken, except where the previous question or the previous question on the entire subject matter has been ordered.

When the previous question has been ordered, the mover, proposer or introducer shall nonetheless have the right to speak or reply as provided in Rule No. 76. The time for reply shall not exceed a total of fifteen minutes.

Rule No. 31. **Prohibited Behavior.** No delegate shall walk off of the Convention floor during roll calls, nor shall any delegate in any way impede the business of the Convention by interrupting delegates who are speaking, by use of objectionable language, or by engaging in any way in discourteous conduct.

Rule No. 32. **Questions of Order.** Every question of order shall be decided by the chairman, without debate, subject to an appeal. The chairman may call for the sense of the Convention on any question of order, but when an appeal has been taken from the decision of the chair, any subsequent question of order which may arise from the decision of such appeal by the Convention shall be decided by the chairman without debate, and all appeals therefrom shall also be decided by the Convention without debate. Appeals from any ruling of the chairman shall be affirmatively put, and to overrule the chairman, shall require the same vote required to suspend the rules. (See Rule No. 85.)

Rule No. 33. **Answering Roll Calls.** Every delegate must be at his desk when a roll call is being taken, and answers to roll calls from other locations on the Convention floor shall not be counted.

Rule No. 34. **Absence from Daily Sessions.** A delegate may be excused from attendance at daily sessions only with leave from the chairman, and no delegate shall be compensated for a day on which he is absent from Convention sessions.

Rule No. 35. **Vacancies.** By a vote of at least two-thirds of the delegates to the Convention, the seat of a delegate may be declared vacant by the Convention if the delegate has been absent for at least fifteen unexcused,
consecutive, opening roll calls. In the event of the
death of, or written resignation by a delegate, the seat
may be immediately declared vacant by the Chairman. The
Chairman shall notify the Governor of any vacancy.

Rule No. 36. Voting in Person. No person other than
the delegate himself will be permitted to vote or to answer
any roll call or quorum call.

CHAPTER 4

Proposals

Rule No. 37. Proposal. Any original suggestion, prop-
osition, or draft intended to become a part of the Con-
stitution shall be referred to as a proposal. A proposal
introduced by a delegate shall be designated as a delegate
proposal, and a proposal submitted by a committee shall
be designated as a committee proposal. An amendment shall
be designated as an amendment.

Rule No. 38. Resolutions. All matters of general
convention business, other than proposals intended to be-
come a part of the Constitution, shall be proposed through
the instrument of a resolution, which instrument shall be
so designated and may be introduced at any time.

A resolution introduced by a delegate shall be designated
as a delegate resolution, and a resolution submitted by a
committee shall be designated as a committee resolution.

Resolutions shall be subject to the same rules of read-
ings, committee referral and adoption as proposals. Resolu-
tions shall contain a short title which shall be reflective
of its purpose and substance, and shall comply with the
form requirements of Rule No. 41.

Rule No. 39. Introduction. A proposal may be intro-
duced by a delegate or delegates or by a committee on behalf
of a majority of its membership.

Rule No. 40. Introduction of Committee Proposals.
Committee proposals prepared and approved by the several
committees of the Convention prior to July 5, 1973, shall
constitute the first proposals to be introduced in the
Convention and shall be introduced by the chairman of
each committee or his designee.

Rule No. 41. Form of Proposals. Delegate proposals
shall be distinguished from committee proposals and all
proposals shall be separately numbered. All proposals
shall be introduced or submitted in eight copies. All
proposals must be typed, double spaced on 8-1/2-by-14-inch
paper in a type face with excellent reproduction qualities.
A margin of one inch on the left and right side and at the
top and bottom shall be preserved. The lines on each page
shall be numbered consecutively from top to bottom at the
left margin, and the left typing margin shall be two spaces
to the right of the line numbers. Pages commencing with
page two shall be numbered at the top center of the page.
The original of all proposals shall remain in the custody
of the Convention. The secretary shall, as soon as any
proposal is printed, place it on the desks of the dele-
gates. The caption of each proposal shall be substantially
in the following form:

Constitutional Convention of Louisiana of 1973

PROPOSAL

(Committee or Delegate) (Number)

Introduced by

(Name of Delegate or Committee Chairman)

Each proposal shall also contain a short title stating
concisely the general nature of its subject matter.

Rule No. 42. Deadline on Proposals. No proposals may
be introduced by delegates after the first sixty days fol-
lowing July 5, 1973; committee proposals, however, may be
introduced at any time, provided rules governing procedures
for adoption are followed. Amendments to proposals may be
offered any time.

Rule No. 43. Printing. Each proposal introduced shall
be immediately printed and distributed to the delegates and
shall be available to the general public and other interested parties. No final action may be taken on any proposals until printed copies have been distributed to the delegates for at least forty-eight hours.

Rule No. 44. Order of Processing. The order of Convention procedure in processing each proposal shall be as follows:

A. Introduction, which shall constitute the first reading.

B. Committee referrals: Committee proposals shall be referred to the Committee offering the proposal. Delegate proposals shall be referred by the Chairman of the Convention to the appropriate committee based on the subject matter of the proposal. The Chairman shall announce his referral to the delegates and if no objection is raised, the proposal shall be referred to the Committee designated by the Chairman; if objection is raised, the referral shall be made by the Convention. Referrals shall be made the day following introduction. Committee referral shall commence the second reading.

C. Committee reports.

D. Consideration of and voting on the substantive committee report by delegates in general assembly.

E. If recommitted, reconsideration by substantive committee or committee of the whole.

F. Reference to committee on style and drafting.

G. Engrossment, which shall complete the second reading.

H. Third reading and final passage.

I. Enrollment.

J. Referral to Committee on Style and Drafting.

K. Convention approval of final styling.

L. Final enrollment.

Each of the three required readings shall occur on three different days.

Rule No. 45. Order of Proposals. When a proposal is up for third reading and final passage, it shall be read, debated, and acted upon separately by sections. Each section shall be considered a separate question for the purpose of "limits on debate" provided for in Rule No. 30.

Rule No. 46. Amendments. Amendments shall be submitted in writing, and a copy of every such amendment shall be distributed to each delegate before a vote occurs thereon.

Rule No. 47. Styling and Drafting. When all proposals have been processed, the entirety of those adopted shall be sent to the Committee on Style and Drafting for orderly arrangement in the new proposed Constitution, to the end that the document shall be properly coordinated and uniform in style, and such final draft must be approved by a majority of the delegates to the Convention.

Rule No. 48. Distribution. For the purpose of these rules "distribution" shall mean that a copy of any document is placed on the desk or chair of each delegate.

CHAPTER 5

Substantive, Procedural and Other

Rule No. 49. Substantive Committees.

The following substantive committees are hereby created:

1. Committee on Bill of Rights and Elections, which shall consider the Preamble, Bill of Rights, Human Rights, Obligations of Citizenship, distribution of powers, suffrage and elections, the amendment process, and future constitutional conventions;

2. Committee on Executive Department, which shall consider the offices comprising the executive department, reorganization, term of the Governor and other elected officials, and impeachment;

3. Committee on Legislative Powers and Functions, which shall consider the Legislative Department, apportionment,
qualifications, regular and special sessions;

4. Committee on Judiciary, which shall consider the
   Judiciary, tenure and selection of judges, the Department
   of Justice, district attorneys, sheriffs, clerks of court
   and coroners;

5. Committee on Local and Parochial Government, which
   shall consider local and parochial government, home rule,
   special districts, consolidation of governments and
   intergovernmental cooperation;

6. Committee on Revenue, Finance and Taxation, which
   shall consider revenue, finance, taxation, assessors and
   assessment, exemptions, state debts and management of state
   funds;

7. Committee on Education and Welfare, which shall
   consider public education, Board of Regents for Higher
   Education, welfare, consumer affairs, civil service, labor
   and industry; and

8. Committee on Natural Resources and Environment,
   which shall consider public lands, minerals, water resources,
   wildlife, environmental concerns, recreation and agriculture.

Other provisions that may not be covered by the areas
of responsibility shown above may be assigned by the Coordinating Committee to the appropriate substantive committee.

Rule No. 50. Procedural Committees.

The following procedural committees are hereby created:

1. Committee on Rules, Credentials, Ethics and Schedules,
   which shall consider rules, credentials of delegates, ques-
   tions of ethics, press and employees, schedules, calendar,
   agenda, and shall consider all questions on any procedural
   disputes referred to it by the Chairman or by the Convention;

2. Committee on Style and Drafting, which shall have
   control over literary style, consistency, arrangement and
   numbering. The committee shall have authority to rephrase
   or to regroup proposed language, but shall have no authority
   to change the sense or purpose of any proposal referred to

it; and

3. Committee on Legislative Liaison and Transitional
   Measures, which shall maintain liaison with the legislative
   branch and the Louisiana Law Institute and provide for co-
   ordination of the transition of subject matter from the
   Constitution to the appropriate statute law.

4. Committee on Public Information, which shall con-
   sider and implement measures to inform the people on the
   actions, procedures, recommendations and activities of the
   Convention. It shall plan and implement the report to be
   given to the voters of Louisiana on the result of the
   Convention's work, and shall direct the effort to obtain
   approval of the new Constitution and the form and manner
   of presentation.

Rule No. 51. Appointment of Committees.

The selection of delegates to serve on the substantive
and procedural committees shall be determined as follows:

Within twenty-four hours after the adoption of these rules
by the Convention, each delegate shall submit in writing to
the Convention the committee or committees in order of
preference to which he or she desires to be appointed.

A Committee on Committees shall select from among said
delepates the delegates to serve on each committee after
giving due consideration to the preference of each delegate
and based on the qualifications, experience and residence
of each delegate so as to provide as nearly as possible a
fair and balanced representation on each committee of this
Convention.

Rule No. 52. Committee on Committees.

The Committee on Committees shall be composed of the
Chairman of the Convention who shall be chairman of the
Committee on Committees and sixteen delegates, with two dele-
teas to be elected from each congressional district by
the delegates voting in the congressional district in which
they resided at the time of qualification or appointment.

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Such voting shall be in separate caucuses.

Rule No. 53. Service on Committees.

Each substantive and procedural committee shall be composed of at least ten delegates and no more than twenty. Each delegate except the Convention Chairman shall serve on at least one and only one substantive committee. Each committee shall elect a chairman, vice-chairman, and such other officers as the committee deems necessary.

The Chairman of the Convention shall be ex officio a member of all substantive committees, but shall have no vote and shall not be counted for the purpose of obtaining a quorum.

Rule No. 54. Coordinating Committee. The Coordinating Committee shall be composed of the Chairman and First Vice-Chairman of the Convention, and the chairman of the respective substantive committees. The Coordinating Committee shall consider any issues regarding omissions, overlap and/or conflict which might arise concerning the jurisdiction of any substantive committee or any subject matter; call joint meetings of any substantive committees for the purpose of discussing any omissions, overlap and/or conflict which might arise and make recommendations to the respective substantive committees as to possible resolution thereof.

Rule No. 55. Other Committees. The Convention shall have authority to create other committees, including special advisory committees, as it deems necessary, and all substantive committees may create such sub-committees as each deems necessary, provided that all such sub-committees shall be created only by a majority vote of the creating body.

Rule No. 56. Proposals. The various articles of the proposed draft of a Constitution shall be prepared under the direction and supervision of the respective substantive committees. The research staff shall be assigned to the respective committees by the Chairman of the Convention after consultation with the chairman of the committee to which the staff will be assigned.

Committee Hearings

Rule No. 57. Quorum and Rules of Committees. A majority of any committee constitutes a quorum, but the question of the presence of a quorum of a committee may not be raised on the consideration of a proposal before the Convention, unless the question has been raised before the committee. The rules of the Convention shall be observed in all committees as far as may be applicable, and, if applicable, may not be suspended.

Rule No. 58. A. Public Hearings, Records. No committee shall sit during sessions of the Convention or of the Committee of the Whole without special leave of a majority of Convention delegates present and voting. All committee hearings shall be publicized, shall be open to the public, and may be recorded verbatim, including the testimony of those wishing to be heard. Minutes of the committee meetings shall be recorded. All committees shall, and are hereby authorized to, hold public hearings either as a committee or through a designated sub-committee, said hearings to be conducted at such localities throughout the State as the committee may designate.

B. Appearance of Delegates or Witnesses. Any person wishing to be heard before a committee shall have a right to be heard subject to the rules of that committee.

C. Committees and sub-committees may take testimony under oath or affirmation, and the chairman of any committee or sub-committee is authorized to administer the oath.

Rule No. 59. Calling of Committees and Agenda. Each committee shall meet at the call of the chairman, who shall also set its agenda. One-third of the members of a committee may in writing request the chairman to call a meeting of that committee, and, upon his failure to do so within forty-eight hours not including Saturdays, Sundays, and legal holidays, a majority of the members of the committee...
shall have the right to call a meeting of the committee and
set its agenda and place of meeting under the appropriate
notice requirements. Each proposal referred to a committee
must appear on the committee's agenda at least once.

Rule No. 60. Reports. All proposals submitted to a
substantive committee shall be reported from that committee
indicating committee action provided that a majority of the
committee membership present and voting must approve the
committee report; a minority report may also be made by any
member of a substantive committee.

Rule No. 61. Form of Reports. The chairman of a
substantive committee shall write after each proposal or
resolution only the words "reported favorably," "reported
unfavorably," "reported with amendments," "reported without
action," "reported without action with recommendation that
it be recommitted to the Committee on ________," "reported
by substitute," as the case may be, which report shall be
signed by the chairman. Should amendments be proposed,
such amendment or amendments shall be written on a separate
paper, original and two copies, numbered consecutively, and
attached to the proposal or resolution, and under no circum-
stances shall words or sentences be interlined on the body
of the measure, and the same be marked while in possession
of the committee.

Rule No. 62. Notice of Committee Meetings. A. No
committee meetings may be held unless notice thereof is
given in the following manner: The chairman of the committee
or the members of the committee calling the meeting shall
notify the Secretary of the Convention of the time, date, and
place of the committee meeting. Within twenty-four hours thereafter
the Secretary shall mail notices of such meeting to all members
of the committee, all persons who have filed written requests
for notice with the Secretary, and to all members of the Con-
vention who have introduced proposals on the subject matter
to be considered. The committee hearing shall not be scheduled
less than four days from the date of notice to the Secretary.
This rule shall apply only when the convention is not in
session.

B. Committee and sub-committee meetings while the
Convention is in session may be called by the chairman or
by a majority of the Convention members upon twenty-four hour
notice given by announcement from the floor of the Convention
and by posting the notice thereof on a designated bulletin
board in the vicinity of the floor of the Convention at least
twenty-four hours before such meeting.

Rule No. 63. Sub-committees. A committee, by the affir-
mative vote of the majority of its members, may provide for
the appointment by the committee chairman of sub-commit-
tee composed of members of the committee. Reports of sub-com-
mittees shall be considered by the entire committee before
any committee recommends any action thereon by the Convention.
All rules applicable to committees shall be applicable to
sub-committees.

Rule No. 64. Records. All written records and reports
of committees of the Convention shall be subject to provi-
sions of the Public Records Act.

Rule No. 65. Procedure. The Convention by a majority
vote of the delegates present and voting may resolve itself
into a Committee of the Whole for a specified time and pur-
pose. The motion of the Committee of the Whole shall
specify the maximum time during which the Committee shall
sit.

A. The chairman shall designate a delegate to serve as
chairman of the Committee of the Whole. The rules of pro-
cedure of the Convention shall apply insofar as applicable,
except that delegates may speak more than once unless the
chairman imposes limits on debate, actions will be governed
by a majority of those present and voting, matters cannot
be referred to other committees, no question may be laid
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on the table, the previous question cannot be ordered, and
motions to adjourn will not be entertained.

B. Proposals in the Committee of the Whole shall be
read through, debated and acted upon by sections. All
amendments shall be in writing and reported to the Convention
by the chairman.

C. A motion that the Committee of the Whole rise shall
always be in order unless a delegate is speaking or a vote
is being taken. The motion is not debatable and shall be
deemed by a majority vote of those present and voting.

CHAPTER 6

Transaction of Business

Daily Business

Rule No. 65. Order. The daily business of the Conven-
tion shall proceed as follows:

Morning Hour

1. Roll call.
2. Prayer.
3. Reading and adoption of Journal.
4. Petitions, Memorials, and Communications.
5. Introduction of resolutions.
7. Proposals on Introduction and First Reading.
8. Resolutions on Second Reading and Referral.
9. Proposals on Second Reading and Referral.
10. Reports of Committees Lying Over.
11. Reconsideration

Regular Order of the Day

13. Special Order.
14. Resolutions on Third Reading and Final Passage.
15. Proposals on Third Reading and Final Passage.
16. Proposals on calendar for approval of final styling.

Rule No. 67. Change in Daily Order. The order of daily
business set forth in the above rule shall be adhered to

unless the consent of the Convention shall be otherwise given
by majority vote of the delegates present.

Rule No. 68. Time of Committee Referral. Where appro-
priate, all petitions and memorials shall be referred to the
proper committees by the chairman as soon as read, where
reference may be necessary or is requested by a delegate.

Rule No. 69. Privileged Motions. When a question is
under debate, no motion shall be received except:

1. To fix the time to which to adjourn.
2. To adjourn.
3. To take a recess.
4. To call for the Orders of the Day.
5. To lay on the table.
6. For a Call of the Convention.
7. To limit debate.
8. To move the previous question on the entire subject
matter.
9. To move the previous question.
10. To postpone to a day certain.
11. To commit, refer, or recommit.
12. To amend.
13. To postpone indefinitely.

The motions listed in this rule shall take precedence in
the order which they stand arranged. All of them shall be
decided by the affirmative vote of a majority of those pres-
ent and voting, except that a motion for the previous ques-
tion and the previous question on the entire subject matter
shall require a vote of two-thirds of the delegates
present and voting, and a motion to postpone indefinitely
requires the affirmative vote of a majority of all delegates
to the Convention. When a recess is taken while a question
is pending, consideration of such question shall be resumed
when the Convention reassembles, unless it determines
otherwise. No motion to postpone to a day certain, or to
commit, having been decided by the Convention, shall again
be in order on the same day or at the same stage of the
question. Whenever a proposal is being considered and a
motion is then made, either to postpone indefinitely or to
commit, any pending amendments to the proposal shall first
be in order before any vote is taken on any such motion.

Rule No. 70. Motions Not Debatable. A motion to adjourn
is always in order except when a motion to fix the time to
which to adjourn, or a motion to amend the calendar and
agenda, is pending. A motion to adjourn, a motion to lay
on the table, a motion for recess pending the consideration
of other business and all matters relating to questions of
order shall be decided without debate.

Rule No. 71. Withdraw. Any motion may be withdrawn
by the mover at any time before decision, amendment or
ordering of the yeas and nays, except a motion to reconsider,
which may not be withdrawn without consent of the Convention.

Rule No. 72. Format of Motions and Seconds. Motions
shall be presented in the following manner:

A. No motion listed in Rule No. 69 need be in writing.
Where a motion is in writing the delegate shall attach his
or her name hereto before it is received by the Chairman or
read by the Secretary, or before it is debated, if debate
is in order.

B. No motion need be seconded.

Rule No. 73. Motion for Reconsideration. Any member
may move for a reconsideration of any question at the same
session of the Convention or the next succeeding session.
The Committee on Style and Drafting may move for reconsider-
ation on any subsequent day if one session day's notice of
its intention to do so is given in writing to the Secretary
and is entered upon the Journal. A motion to reconsider
shall be taken up in its regular order and shall be decided
upon by a majority vote of those members present and voting.
A motion to reconsider shall not be renewed on the same
day.

Rule No. 74. Motion to Call from the Table. A motion
which has been laid on the table shall be called from the
table only by the affirmative vote of two-thirds of the
delegates to the Convention.

Rule No. 75. Division of a Question. Any delegate
may call for a division of the question, which shall be
divided if it includes propositions which are so distinct
in substance that, when one is removed or deferred, a sub-
stantive proposition remains for the decision of the Con-
vention. A motion to strike out and insert shall not be
subject to division within the meaning of this rule. No
section of a proposal may be divided. The limits on debate
as set forth in Rule No. 30 of these rules shall apply to
the debate on each division of a question.

Rule No. 76. Previous Question. A. Previous question.
This undebatable motion is applicable only to the pending
amendment, or amendments, if more than one amendment is under
discussion; and it shall be admitted when ordered by a
favorable vote of two-thirds of the delegates present and
voting, and when carried its effect shall be to put an end
to the debate and bring the Convention to a vote on the
pending amendments only, without prejudice to further debate
on, or subsequent amendments to, the main question. If
there has been any discussion on the amendments, the pro-
ponent, or a delegate designated by him, shall have the
right to close, even after the previous question is ordered,
which closing speech shall be limited to fifteen minutes.

B. Previous question on the entire subject matter. It
shall only be admitted when ordered by a favorable vote of
two-thirds of the delegates present and voting, and when
carried, its effect shall be to put an end to all debate,
and bring the Convention to a direct vote—

1. Upon the pending amendment and so on back to the
first amendment offered;

2. Upon amendment reported by a committee, if any;

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and,

(3) Upon the main question. But in all questions involving length of time, amount of interest, questions of quantity, and similar questions, such questions involving the longest time, the largest interest or quantity shall be put first regardless of the order in which motions, amendments or substitutes, may have been made.

On a motion for the previous question on the entire subject matter, and prior to the ordering of the same, a call of the Convention shall be in order; but after the Convention shall have ordered such motion no call shall be in order prior to a decision of the main question. On a motion for the previous question on the entire subject matter, there shall be no debate. All incidental questions of order, arising after a motion is made for the previous question on the entire subject matter, and pending such motion, shall be decided whether on appeal or otherwise, without debate. After a call for the previous question on the entire subject matter has been sustained, the question shall be put and determined in order as above, without debate on either amendments or the main question, provided that the proponents of the amendments and measure, or a delegate designated by him, shall respectively have the right to close the debate, after the previous question on the entire subject matter is ordered, which closing speeches shall be limited to a total of fifteen minutes.

Rule No. 77. Adjournment and Recess. A motion to adjourn or recess shall always be in order, except when, on a call for the previous question and previous question on the entire subject matter, the question shall have been ordered, or when a delegate has the floor, and shall be decided without debate.

Years and Nays

Rule No. 78. Voting after Decision is Announced. When the Yeas and Nays are taken on any question, no delegate shall be permitted, under any circumstances whatever, to vote after the decision has been announced by the chairman.

The names of absentees on all calls of the yeas and nays shall be placed on a separate list.

Rule No. 79. Explanation of Vote. No delegate shall be permitted to explain his or her vote except as hereafter provided. Any delegate may explain his or her vote in writing or reasons for not voting in writing and request that such explanation be made part of the record.

Rule No. 80. Tie Votes. When the Convention is equally divided, the decision of the chairman shall be taken to break the tie, provided that the chairman, in this event, shall not have previously voted as a delegate on the question.

Rule No. 81. Recording the Vote. On the passage on third reading of every proposal, section, or article the yeas and nays shall be entered in the Journal, and no proposal, section, or article shall be declared passed unless a majority of all the delegates to the Convention shall have voted in favor of the passage of same.

Special Orders

Rule No. 82. Consent. No proposal, resolution or other subject shall be made a special order for a particular day without the consent of two-thirds of the delegates present.

Rule No. 83. Precedence. When two or more subjects shall have been specially assigned for consideration, they shall take precedence according to the order of time for which they were severally made or assigned, and said orders shall at no time be lost or changed except by direction of the Convention.

Rule No. 84. Change in Rules. Any standing rule of the Convention may be rescinded, altered, or amended in the following manner: notice shall be given in writing of the motion therefore, which motion shall be referred immediately by the chairman to the Committee on Rules, which shall file its report to the Convention within twenty-four hours of
receipt of the motion. Two days after the filing of the proposed change, the motion shall be considered by the Convention with or without the report of the Committee on Rules, and for passage shall require a vote of a majority of the delegates to the Convention.

Rule No. 85. Suspension of Rules. One or more rules may be suspended for a specified purpose by the affirmative vote of two-thirds of the delegates present and voting or a majority of delegates to the Convention, whichever constitutes the lesser number.

Rule No. 86. Consideration of Proposals without Committee Recommendation. After one day's notice the Convention, on motion passed by the affirmative vote of a majority of the delegates present and voting, may require a committee to return, with or without a recommendation, any proposal referred to the committee.

Rule No. 87. Notice. Whenever notice is required to be given by these rules, the following shall constitute notice:

(a) If the Convention is in session, an announcement made by the Secretary in open session shall constitute notice for all purposes.

(b) If the Convention is not in session, the Secretary shall give notice to the delegates by U. S. Mail, certified, postage prepaid. The date of mailing said notice shall constitute the date of the notice for all purposes under these rules.

Rule No. 88. Authority. On any question of order and parliamentary practice, when these rules are silent or inexplicit, Mason's Manual of Legislative Procedure shall be considered authority.

Constitutional "Conventions - 1897"

Committee Resolution No. 2,

On behalf of

The Committee on Rules, Credentials and Ethics

RULES COMMITTEE RESOLUTION

Before lobbying for defeat or passage of proposals before the Convention, its committees, sub-committees or delegates, a lobbyist shall submit a registration statement setting forth his or her name and address, the name and address of the person or entity by whom the lobbyist is employed and the name and address of the person or entity whose interest the lobbyist represents.

A lobbyist is any person who is the representative for compensation of any person, or any partnership, committee, association, corporation or other organization to advocate passage or defeat of proposals of the Convention, its committees, sub-committees or delegates. This rule shall not apply to public officials advocating matters directly effecting their office or the bodies they represent. However, this rule shall apply to public officials when they are not acting within this capacity.

Registration of lobbyists shall be by oath or affirmation before an officer authorized by the convention to administer oaths, or before the chairman of any committee or sub-committee.

Whenever there occurs a change in the facts stated in the registration statement, the lobbyist shall file a revised statement. The Secretary of the Convention shall maintain for inspection by the public and by the delegates of this Convention a list of all lobbyists and their affiliations.

Any person who has canvassed the activities of a lobbyist without prior registration as herein required shall, upon resolution of a delegate, the committees or sub-committees of the Convention, be denied the privilege of addressing that representative delegate, committee or sub-committee. Any lobbyist who has falsified his or her registration statement shall be reported to the Executive Committee, and upon resolution of that committee, referred to an appropriate law enforcement officer or other action.
Committee Resolution No. 3—

Introduced by Delegate Stovall, Chairman, on behalf of the Committee on Rules, Credentials and Ethics, and Delegates Arnette, Bel, Bollinger, Corne, Elkins, McDaniel, Mire, Single- tary, Velazquez and Warren:

A RESOLUTION

Relative to amending the Standing Rules of the Constitutional Convention to provide expressly for submission of alternative proposals.

WHEREAS, Act 2 of the 1972 Regular Session provides for alternative proposals; and

WHEREAS, the Standing Rules are presently silent on the procedure by which alternative proposals may be introduced and considered; and

WHEREAS, the results of the vote of the people on recently proposed constitutions in other states clearly indicate that a constitution submitted to the people with alternative proposals will include to a greater extent involvement of all voters of Louisiana in the convention; and

WHEREAS, the delegates to CC'73 are desirous that this convention adopt a constitution that will be ratified by the voters.

THEREFORE, BE IT RESOLVED that Rule No. 37.1 is adopted to read as follows:


A. An alternative proposal is a special form of proposal in which two alternatives are to be submitted to the people on a separate part of the ballot, one of which shall be included in the constitution if adopted by a majority of those voting on the proposal at the election, but only if the proposed constitution is adopted.

B. Whenever one-third or more of the delegates request that

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C. R. No. 3

1 a particular issue be placed on the ballot in the alternative, the matter will be referred to the Coordinating Committee. The committee will consider such issues submitted to it, and report their recommendations to the convention. An alternative issue submitted to it by the above procedure may be introduced and reported by the Coordinating Committee as an alternative proposal at any time and shall conform to the rules for consideration and adoption of proposals. The convention will consider the report of the Coordinating Committee and shall proceed to vote on the placing of the alternative proposals on the ballot in the order of priority recommended by the committee.

The first six and no more than six such alternative proposals so approved by the convention shall be placed on the ballot.

C. Each such alternative proposal shall be so worded as to present two positive choices to the people.

(Vote for one)

1. □ For a unicameral (1 house) legislature.

2. □ For a bicameral (2 houses) legislature.

D. The introduction and consideration of alternative proposals shall conform to the rules for the introduction, considera- tion, and adoption of proposals.
COMMITTEE RESOLUTION No. 4

Introduced by Delegate Stovall, Chairman, on behalf of the Committee on Rules, Credentials and Ethics, and Delegates Arnette, Bel, Bollinger, Corne, Elkins, McDaniel, Mire, Singletary, Velazquez, and Warren:

A RESOLUTION

Relative to amending the Standing Rules of the Constitutional Convention to provide for regulation of lobbying before the Constitutional Convention.

BE IT RESOLVED that Rule No. 90 is adopted to read as follows:

Rule No. 90. Lobbying

A. Definitions. When used in this Rule:

1. The term “person” includes an individual, partnership, committee, association, corporation, and any other organization or group of persons.


3. The term “convention” means the Constitutional Convention of Louisiana of 1973, its committees, subcommittees, and delegates.

4. The term “proposition” means proposals, resolutions, amendments, nominations, and other matters pending or proposed in the convention and includes any other matter which possibly may become the subject of action by the convention.

B. Persons to Whom Applicable. The provisions of this Rule shall apply to any person, who by himself, or through any agent or employee or other persons in any manner whatsoever, directly or indirectly, solicits, collects, or receives money or any other thing of value to be used principally to aid, or the principal purpose of which person is to aid, in the accomplishment of any of the following purposes:

1. The passage or defeat of any proposition by the convention.

2. To influence, directly or indirectly, the passage or defeat of any proposition by the convention.

C. Registration of Lobbyists with the Clerk; Compilation of Information.

1. Any person who shall engage himself for pay or for any consideration for the purpose of attempting to influence the passage or defeat of any proposition by the convention shall, before doing anything in furtherance of such object, register with the clerk and shall give to him in writing and under oath, his name and business address, the name and address of the person by whom he is employed, and in whose interest he appears or works, the duration of such employment, and by whom he is paid or is to be paid. In addition, each such person shall submit a recent photograph and shall file a resume, including all details with respect to the names and addresses of the person, group of persons, or organization whose interests he represents, including the kind of business in which each is engaged. This resume shall be filed with the clerk before engaging in the activities described in this Rule at any of the sessions of the convention, and shall be published by the clerk in a loose-leaf-type book to be maintained in the office of the clerk for the use of each delegate of the convention. This book shall be kept current during the convention as each person registers as required by the provisions of this Rule.

2. Each such person shall pay a fee of ten dollars which shall be used by the clerk to defray the cost of the publishing of the booklet and identification badges. A list of all such people shall be furnished each delegate. The provisions of this Rule shall not apply to any person who merely appears before
a committee of the convention in support of or opposition to
a proposition; nor to any public official acting in his official
capacity, unless said official receives special compensation
for these activities; nor in the case of any newspaper or other
regularly published periodical (including any individual who
owns, publishes, or is employed by such newspaper or period-
ical) which in the ordinary course of business publishes news
items, editorials, or other comments, or paid advertisements,
which directly or indirectly urge the passage or defeat of a
proposition, if such newspaper, periodical, or individual en-
gages in no further or other activities in connection with the
passage or defeat of such a proposition, other than to appear
before a committee of the convention in support of or in op-
oposition to such a proposition.

3. Each person registered according to these provisions
shall be issued an identification badge containing the lobby-
ist's name and whom he represents, to be worn at all times
when engaged in the activities regulated by this Rule.

D. Reports and Statements Under Oath. All reports and
statements required under this Rule shall be made under
oath, before an officer authorized by law to administer oaths.

E. Written Charges, Public Hearings, Notice. It shall be in
order at any time when the convention is in session for writ-
ten charges to be made by any delegate that a violation of
this Rule has occurred. All such charges shall be referred to
the Committee on Rules, Credentials and Ethics. The clerk,
through the sergeant-at-arms, shall serve a copy of said writ-
ten charge on the accused violator. The written charge shall
notify the accused of the nature of the charge and his right
to a public hearing. The committee shall hold a public hear-
ing within five days from service of said charge on the ac-
cused violator. The committee shall report its findings and

recommendations, if any, to the convention within five days
after the public hearing, together with this recommendation,
if any, as to the penalty to be imposed.

F. For the first violation of the provisions of this Rule, the
convention shall instruct the sergeant-at-arms to deny the
violator any of the regulated activities of this Rule, access
to any committee, subcommittee meeting, convention ses-
sion, or delegate for not less than three nor more than fifteen
meeting days. For a second violation, the violator shall be
denied access to said meetings, sessions, and delegates for not
less than one month nor more than the duration of the con-
vention.
Committee Resolution No. 5—

Introduced by Delegate Stovall, Chairman, on behalf of the Committee on Rules, Credentials and Ethics, and Delegates Arnette, Bel, Bollinger, Corne, Elkins, McDaniel, Mire, Singletary, Velazquez, and Warren:

A RESOLUTION

Amending Rule No. 44 of the Standing Rules of the Constitutional Convention to clarify the requirement with respect to the readings on three different days.

BE IT RESOLVED that Rule No. 44 of the Standing Rules at the Constitutional Convention is hereby amended and re-adopted to read as follows:

Rule No. 44. Order of Processing. The order of convention procedure in processing each proposal shall be as follows:

A. Introduction, which shall constitute the first reading.

B. Committee Referrals: Committee proposals shall be referred to the committee offering the proposal. Delegate proposals shall be referred by the chairman of the convention to the appropriate committee based on the subject matter of the proposal. The chairman shall announce his referral to the delegates and if no objection is raised, the proposal shall be referred to the committee designated by the chairmen; if objection is raised, the referral shall be made by the convention. Referrals shall be made the day following introduction. Committee referral shall commence the second reading.

C. Committee reports.

D. Consideration of and voting on the substantive committee report by delegates in general assembly.

E. If recommitted, reconsideration by substantive committee or committee of the whole.

F. Reference to Committee on Style and Drafting.

G. Engrossment, which shall complete the second reading.

The three required readings shall occur on three different days.
A RESOLUTION

Amending Rule No. 44 of the Standing Rules of the Constitutional Convention to clarify the requirement with respect to the readings on three different days.

BE IT RESOLVED that Rule No. 44 of the Standing Rules at the Constitutional Convention is hereby amended and readopted to read as follows:

A. Introduction, which shall constitute the first reading.

B. Committee Referrals: Committee proposals shall be referred to the committee offering the proposal. Delegate proposals shall be referred by the chairman of the convention to the appropriate committee based on the subject matter of the proposal. The chairman shall announce his referral to the delegates and if no objection is raised, the proposal shall be referred to the committee designated by the chairman; if objection is raised, the referral shall be made by the convention. Referrals shall be made the day following introduction. Committee referral shall commence the second reading.

C. Committee reports.

D. Consideration of and voting on the substantive committee report by delegates in general assembly.

E. If recommitted, reconsideration by substantive committee or committee of the whole.

F. Engrossment, which shall complete the second reading.

G. Third reading and final passage.

H. Enrollment.

I. Referral to Committee on Style and Drafting.

J. Convention approval of final styling.

K. Final enrollment.

The three required readings shall occur on three different days.
COMMITTEE RESOLUTION No. 6—

Amending Rule No. 41 of the Standing Rules of the Constitutional Convention, to change the placement of page numbers on proposals to be introduced in this convention.

BE IT RESOLVED that Rule No. 41 of the Standing Rules of the Constitutional Convention is hereby amended and readopted to read as follows:

Rule No. 41. Form of Proposals. Delegate proposals shall be distinguished from committee proposals and all proposals shall be separately numbered. All proposals shall be introduced or submitted in eight copies. All proposals must be typed, double spaced on 8 1/2-by-14-inch paper in a type face with excellent reproduction qualities. A margin of one inch on the left and right side and at the top and bottom shall be preserved. The lines on each page shall be numbered consecutively from top to bottom at the left margin, and the left typing margin shall be two spaces to the right of the line numbers. Pages commencing with page two shall be numbered at the bottom center of the page. The original of all proposals shall remain in the custody of the convention. The secretary shall, as soon as any proposal is printed, place it on the desks of the delegates. The caption of each proposal shall be substantially in the following form:

Constitutional Convention of Louisiana of 1973

---PROPOSAL---

(Committee or Delegate) (Number)

Introduced by

Page 1
COMMITTEE RESOLUTION No. 7—

Introduced by Delegate Stovall, Chairman, on behalf of the Committee on Rules, Credentials, and Ethics, and Delegates Arnette, Bel, Bollinger, Corne, Elkins, McDaniel, Mire, Singletary, Valazquez, and Warren:

A RESOLUTION

Relative to amending the Standing Rules of the Constitutional Convention to provide for submission of minority proposals.

WHEREAS, the Standing Rules are presently silent on the procedure, or form, by which a minority proposal may be introduced and considered; and

WHEREAS, it seems desirable to do so to achieve uniformity and clarity of style in minority proposals to the proposals reported by the substantive committees.

THEREFORE, BE IT RESOLVED that Rule No. 40.1 is adopted to read as follows:

Rule No. 40.1. Introduction of Minority Committee Proposals. Notwithstanding any rule previously adopted by this convention, one or more members of a committee may introduce a proposal representing the views of the minority. A proposal introduced by a minority of any committee shall designate that it is introduced by delegates reflecting a minority view of the members of the committee and which in the caption of each such proposal shall state "Introduced by Minority Delegate(s) 

Engrossed

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Constitutional Convention of Louisiana of 1973

COMMITTEE RESOLUTION NUMBER 7

Introduced by Delegate Stovall, Chairman, on behalf of the Committee on Rules, Credentials, and Ethics, and Delegates Arnette, Bel, Bollinger, Corne, Elkins, McDaniel, Mire, Singletary, Valazquez, and Warren:

A RESOLUTION

Relative to amending the Standing Rules of the Constitutional Convention to provide for submission of minority proposals.

WHEREAS, the Standing Rules are presently silent on the procedure, or form, by which a minority proposal may be introduced and considered; and

WHEREAS, it seems desirable to do so to achieve uniformity and clarity of style in minority proposals to the proposals reported by the substantive committees.

THEREFORE, BE IT RESOLVED that Rule No. 40.1 is adopted to read as follows:

Rule No. 40.1. Introduction of Minority Committee Proposals. Notwithstanding any rule previously adopted by this convention, one or more members of a committee may introduce a proposal representing the views of the minority. A proposal introduced by a minority of any committee may designate that it is introduced by delegates reflecting a minority view of the members of the committee and which in the caption of each such proposal shall state "Introduced by Minority Delegate(s) 

Any such proposal shall be designated as a minority committee proposal.
Engrossed

Constitutional Convention of Louisiana of 1973
CC-1071

COMMITTEE RESOLUTION No. 8—

Introduced by Delegate Stovall, Chairman, on behalf of the Committee on Rules, Credentials and Ethics, and Delegates Arnette, Bel, Bollinger, Corne, Elkins, McDaniel, Mire, Singletary, Velazquez, and Warren:

A RESOLUTION

Amending Rule No. 40 of the Standing Rules of the Constitutional Convention to clarify the requirement that each committee proposal shall bear the signature of a majority of the members of the committee.

BE IT RESOLVED that Rule No. 40 of the Standing Rules of the Constitutional Convention is hereby amended and readopted to read as follows:

Rule No. 40. Introduction of Committee Proposals. Committee proposals prepared and approved by the several committees of the convention prior to July 5, 1973, shall constitute the first proposals to be introduced in the Convention and shall be introduced by the chairman of each committee or his designee and shall bear the names of a majority of the members of the committee. These proposals as far as completed shall be mailed to all Convention delegates on or before June 22, 1973.

Committee proposals prepared and approved by the several committees of the convention prior to July 5, 1973, shall constitute the first proposals to be introduced in the Convention and shall be introduced by the chairman of each committee or his designee and shall bear the names of those delegates voting for each such proposal, which in each case shall be at least a majority of the members of the committee. These proposals as far as completed shall be mailed to all Convention delegates on or before June 22, 1973.

Committee proposals prepared and approved by the several committees of the convention prior to July 5, 1973, shall constitute the first proposals to be introduced in the Convention and shall be introduced by the chairman of each committee or his designee and shall bear the names of those delegates voting for each such proposal, which in each case shall be at least a majority of the members of the committee. These proposals as far as completed shall be mailed to all Convention delegates on or before June 22, 1973.

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COMMITTEE RESOLUTION No. 9—

Introduced by Delegate Stovall, Chairman, on behalf of the Committee on Rules, Credentials and Ethics, and Delegates Arnette, Bel, Bollinger, Corne, Elkins, Flory, Haynes, McDaniel, Mire, Sandoz, Shannon, Singletary, Stagg, Velazquez and Warren:

A RESOLUTION

To adopt standing rules to regulate the use of duplicating equipment and the distribution of materials to delegates while in session.

WHEREAS, delegates to the Constitutional Convention while in discussion during sessions have been interrupted by the distribution of numerous loose-leaf communications in duplicated form from unidentified sources, some of which have been prepared on convention equipment; and

WHEREAS, for purposes of open-minded debate and orderly discussion while in session, the delegates desire disclosure of all informational sources and maintenance of proper decorum on the floor of the convention; and

WHEREAS, delegates to the Constitutional Convention are vitally interested in controlling the use and cost of duplicating equipment and materials.

THEREFORE, BE IT RESOLVED that Rule No. 90 is adopted to read as follows:

Rule 90. Duplication and Distribution of Materials. Only material pertinent to the business of the convention may be duplicated on equipment owned, rented, or otherwise operated, under the auspices of the Constitutional Convention. All materials which are placed on the desk of convention delegates must bear the name of the person, or persons, or organizations responsible for the preparation and distribution of the material. Duplication and distribution of all ma-
COMMITTEE RESOLUTION No. 9—

Introduced by Delegate Stovall, Chairman, on behalf of the Committee on Rules, Credentials and Ethics, and Delegates Arnette El, Bollinger, Corne Elkins, Flory, Haynes, McDaniel Mire, Sandoz, Shannon, Singletary, Stagg, Velazquez, and Warren:

A RESOLUTION

To adopt standing rules to regulate the use of duplicating equipment and the distribution of materials to delegates while in session.

WHEREAS, delegates to the Constitutional Convention while in discussion during sessions have been interrupted by the distribution of numerous loose-leaf communications in duplicated form from unidentified sources, some of which have been prepared on convention equipment; and

WHEREAS, for purposes of open-minded debate and orderly discussion while in session, the delegates desire disclosure of all informational sources and maintenance of proper decorum on the floor of the convention; and

WHEREAS, delegates to the Constitutional Convention are vitally interested in controlling the use and cost of duplicating equipment and materials.

THEREFORE, BE IT RESOLVED that Rule No. 91 is adopted to read as follows:

Rule 91, Duplication and Distribution of Materials

A. Only material pertinent to the business of the convention may be duplicated on equipment owned, rented, or otherwise operated, under the auspices of the Constitutional Convention. Duplication and distribution of all materials shall be supervised by the chairman of the convention.

The chairman of the convention or a majority of the delegates present and voting may grant exceptions to this Rule.
Committee Resolution No. 10—

Introduced by Reverend Stovall, Chairman, of behalf of the Committee on Rules, Credentials, and Ethics and Delegates:

A RESOLUTION

To amend and readopt Rule No. 30 of the Standing Rules of the Constitutional Convention to provide for the limitation of debate.

BE IT RESOLVED that Rule No. 30 of the Standing Rules of the Constitutional Convention is hereby amended and readopted to read as follows:

Rule No. 30. Limits on Debate. Delegates shall not speak more than once to the same question, nor more than five minutes, without leave of the convention, except that the mover, proposer, or introducer of the matter pending, and/or his designees shall be permitted to speak for ten minutes when the matter is initially debated. When the previous question has been ordered, the mover, proposer, or introducer shall nonetheless have the right to close as provided in Rule No. 76 and the time for closing shall not exceed a total of five minutes.

Engrossed
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C. R. No. 11

1. Articles and sections of the proposed new constitution.
2. Provisions of the 1921 Constitution to be made statutory,
   but subject to legislative change only by a super majority
   vote.
3. Provisions of the 1921 Constitution to be made statutory
   and subject to legislative change by the usual majority vote.
4. Provisions of the proposed new constitution which re-
   quire new legislation for implementation.
5. Material which is obsolete or unnecessary.

BE IT FURTHER RESOLVED that each committee, through its chairman, submit a written report containing
its division of material into the categories herein enumer-
ated to the convention not later than November 2, 1973.

BE IT FURTHER RESOLVED that a copy of this Reso-
lation shall be transmitted without delay to the chairman
of each of the substantive committees of this convention.

NOW, THEREFORE, BE IT RESOLVED that each of the
eight substantive committees, of the Constitutional Con-
vention of Louisiana of 1973, in its deliberations, shall divide
the material within its jurisdiction into the following
categories:
Reprinted as Engrossed

Constitutional Convention of Louisiana of 1973

CC-1198

C. R. No. 11

1 COMMITTEE RESOLUTION No. 11—
2 Introduced by Delegate LeBreton, Chairman, on behalf of
3 the Committee on Legislative Liaison and Transitional Mea-
4 sures, and Delegate Henry, Chairman, on behalf of the
5 Coordinating Committee, and Delegates Aertker, Blair, Casey,
6 Dennis, D'Gerolamo, Drew, Fayard, Hardee, A. Jackson, J.
7 Jackson, Lambert, Lanier, LeBleu, Lennox, Miller, Munson,
8 Perez, Rayburn, Smith, Stagg, Thompson, Vick, Womack
9 and Zervigon:
10 A RESOLUTION
11 To recommend categories for the orderly transition of ma-
12 terial from the Louisiana Constitution of 1921.
13 WHEREAS, the official rules of this convention contem-
14 plate that the Coordinating Committee shall assure that all
15 provisions of the Constitution of 1921, as amended, be con-
16 sidered by at least one substantive committee; and
17 WHEREAS, said rules vest in the Committee on Legisla-
18 tive Liaison and Transitional Measures jurisdiction over
19 matters of transition of subject matter from the constitution
20 to appropriate law; and
21 WHEREAS, the members of these committees have studied
22 various methods of transposition and the coordination of
23 transition procedures with the substantive committees and
24 after deliberation recommend that the convention immedi-
25 ately establish categories into which subject matter can be
26 placed in order to facilitate the work and deliberations of
27 the convention.
28 NOW, THEREFORE, BE IT RESOLVED that each of the
29 eight substantive committees, of the Constitutional Conven-
30 tion of Louisiana of 1973, in its deliberations, shall divide the
31 material within its jurisdiction into the following categories:
32 1. Articles and sections of the proposed new constitution.

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CONSTITUTIONAL CONVENTION OF LOUISIANA OF 1973

COMMITTEE RESOLUTION NUMBER 12

Introductions by Delegate Zervigon, Chairperson of the Committee on Legislative Liaison and Transitional Measures, and Delegates Comar, D'Orsogolo, drew, Payard, Hardee, J. Jackson, Lambert, Lanier, LoBieu, Lennox, Munson, Rayburn, Smith, Thompson, Vick, and Womack:

A RESOLUTION

To extend the date by which certain reports shall be transmitted to the Committee on Legislative Liaison and Transitional Measures.

WHEREAS, Committee Resolution Number 11 of this Convention recognizes the need for providing certain information to the Committee on Legislative Liaison and Transitional Measures in order that plans may be made to effectuate the transition from the Constitution of 1921 to the new Constitution; and

WHEREAS, it has become evident that the date by which status reports from each substantive committee to the Committee on Legislative Liaison and Transitional Measures should be extended.

THEREFORE, BE IT RESOLVED that each of the eight substantive committees of the Constitutional Convention of 1973 shall divide the material within its jurisdiction into the categories set forth in Committee Resolution Number 11 and shall submit the written report therein required to the Convention within ten days after first enrollment of each committee and delegate proposal or by November 15, 1973, whichever is the later date.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be transmitted without delay to the chairman of each of the eight substantive committees of this Convention.

Constitutional Convention of Louisiana of 1973

COMMITTEE RESOLUTION No. 13—

Introductions by Delegate Stovall, Chairman, on behalf of the Committee on Rules, Credentials, and Ethics (Substitute for Committee Resolution No. 3, by Delegate Stovall, et al.)

A RESOLUTION

To amend the Standing Rules of the Constitutional Convention to add a new Rule 37.1, to provide expressly for submission of alternative provisions.

WHEREAS, Act 2 of the 1972 Regular Session provides for alternative provisions; and

WHEREAS, the Standing Rules are presently silent on the procedure by which alternative provisions may be introduced and considered; and

WHEREAS, the results of the vote of the people on recently proposed constitutions in other states clearly indicate that a constitution submitted to the people with alternatives will include to a greater extent involvement of all voters of Louisiana in the convention; and

WHEREAS, the delegates to CC/73 are desirous that this convention adopt a constitution that will be ratified by the voters.

THEREFORE, BE IT RESOLVED that Rule No. 37.1 is adopted to read as follows:

Rule No. 37.1 Submission of Alternative Provisions

A. Alternative provisions authorized by Act No. 2 of the 1972 Regular Session to be submitted to a vote of the people shall be determined by the convention only in the manner provided below. Notwithstanding Rule No. 42, a delegate may introduce a proposal setting forth a proposed alternative. Such a proposal shall state specifically (1) the text of the alternatives; (2) any deletions of presently adopted paragraphs, or sections, or the like; (3) the effect of the alter-
native; if adopted by the people, in terms of additions to and
deletions from the body of the proposed constitution; and
(4) the text of the ballot proposition on the alternative. Any
proposal so introduced must bear the names of at least forty
delegates. No such proposal may be introduced after January
5, 1974.
B. Except as otherwise provided herein, each such proposal
shall follow the order of processing of proposals set forth
in Rule No. 44.
C. All proposals setting forth proposed alternatives shall
lie over for committee referral until January 6, 1974. On
that day, there shall be put to the convention the question
of whether to consider further each such proposal. The
question of further consideration shall open the main question;
i.e., the merits of the alternative proposal. Debate on the
question on each proposal shall be limited to thirty minutes,
with the time equally divided between proponents and oppo-
nents. Each proposal receiving a majority vote of the delegates
present and voting in favor of further consideration shall
be referred to the appropriate substantive committee under
the rules. Any proposal failing to receive such a majority vote
shall be deemed withdrawn from the files of the convention.
D. Not later than January 9, 1974, each substantive com-
mmittee shall report each proposal referred to it to the con-
vention and only in one of the manners specified in Rule No.
61. Any proposal not returned within said time shall be deem-
ed in the possession of the convention, and a motion shall lie
to engross and pass the same to third reading.
E. No alternative provision shall be included on the ballot
unless approved on final passage by a majority of the mem-
bership of the convention, which approval shall be by record
vote.
Mr. Chairman, I move that the Convention adopt the following resolution:

BE IT RESOLVED that this Constitutional Convention adopt its permanent rules of procedure as its first order of business before electing its permanent chairman and executive committee, in accordance with the priorities set forth in Act 2 of 1972, and that a rules committee is necessary.

BE IT FURTHER RESOLVED that this committee be comprised of sixteen delegates to be elected as follows:

1. Immediately following adoption of this resolution the temporary chairman shall recess the Convention and direct the delegates to immediately meet in separate caucus by Congressional District (each elected delegate participating in the caucus according to the residence established for his election as a delegate and each appointed delegate participating according to his present residence for voting purposes) and to elect from their number two delegates from each congressional district, said election to take place in the LSU Assembly Center and to be completed prior to the Convention finally adjourning on January 5, 1973.

BE IT FURTHER RESOLVED that the aforementioned caucus by congressional district be conducted at specific locations within the LSU Assembly Center to be designated by the temporary chairman.

BE IT RESOLVED that as soon as each caucus has completed such election, it shall advise the temporary chairman, and when all members of the committee have been elected, the temporary chairman shall reconvene the Convention to announce the names of the members of the Committee.

BE IT FURTHER RESOLVED that the Convention will then stand in recess and immediately following the commencement of such recess, the committee shall meet and select from among their number a chairman who will preside over their deliberations, they shall also select a place for their meetings and shall be authorized to employ such secretarial and clerical assistance as may be required for such purposes.

BE IT FURTHER RESOLVED that the committee shall complete a typewritten or printed draft of the proposed rules as promptly as possible, and in any event no later than January 10, 1973.
BE IT FURTHER RESOLVED that on or before January 11, 1973, the committee will send a xerox or printed copy of the proposed rules to each delegate by certified mail.

BE IT FURTHER RESOLVED that the Convention will re-assemble at 10:00 am Monday, January 15, 1973, to begin consideration of the rules of organization and procedure; that the committee provided for by this resolution shall thereupon be disbanded and no longer function, except that the chairman of the committee, or a member designated by him in his absence, will present individually the proposed rules to the Convention, together with a brief explanation of such rules, and the rules will be individually voted upon by the Convention.

BE IT FURTHER RESOLVED that Robert's Rules of Order Revised shall be referred to as authority for guidance as temporary rules of this Convention to apply until such time as permanent rules are adopted.

I further move that this resolution be made a permanent part of the record of this Convention and that a roll-call vote be taken and recorded.

[Signatures]

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BE IT RESOLVED BY the Louisiana Constitutional Convention of 1973 convened pursuant to Act 2 of the Regular Session of the Louisiana Legislature of 1972, that the following order of business shall be regularly followed:

1. Election of a permanent chairman

2. Election of a Rules Committee in the following manner:
   a. The delegates who reside in the eight Congressional districts of Louisiana shall comprise eight separate committees who shall caucus separately and elect 2 members to serve on the rules committee.
   b. Each congressional district committee shall report the results of such election within twenty-four hours from the adoption of this resolution.
   c. The rules committee shall be composed of the 2 members elected, 1 from each of the eight congressional districts.
   d. The rules committee shall meet and formulate a draft of the rules of procedure and order of this convention and report thereon at 10:00 A.M. Thursday, January 11, 1973.
   e. The convention shall consider the report of the rules committee and adopt rules of procedure and order for this convention by majority vote.
   f. This convention shall then take up such other business as may be decided by its members.
Mr. Chairman, we move that the Convention adopt the following resolution:

BE IT RESOLVED that a Temporary Committee on Rules and Resolutions be established for the purpose of preparing a proposed set of rules to be submitted to the Convention for its consideration.

BE IT FURTHER RESOLVED that the Temporary Committee on Rules and Resolutions be composed of 17 members, two from each of the eight Congressional Districts and one member to be elected by the Convention delegates as a whole, who shall serve as Chairman of the Temporary Committee on Rules and Resolutions.

BE IT FURTHER RESOLVED that the election of the Chairman of the Temporary Committee on Rules and Resolutions be held as the next order of business of this Convention.

BE IT FURTHER RESOLVED that immediately after the election of the Chairman of the Temporary Committee on Rules and Resolutions, the Convention shall recess for a period of one (1) hour during which time the delegate from each of the Eight (8) Congressional Districts shall caucus and elect from their group two (2) delegates who shall serve on the Temporary Committee on Rules and Resolutions.

BE IT FURTHER RESOLVED that upon the expiration of the one (1) hour recess the Temporary Chairman shall reconvene the Convention to announce the names of the members of the Temporary Committee on Rules and Resolutions.

BE IT FURTHER RESOLVED that the Temporary Committee on Rules and Resolutions will prepare a proposed set of rules and shall mail a copy of said rules to all delegates no later than 12:00 a.m. on January 10, 1973.

BE IT FURTHER RESOLVED that the Convention reconvene on January 15, 1973 at 10:00 a.m. and that the Temporary Committee on Rules and Resolutions submit its proposed rules to the Convention at that time for consideration.

We further move that this resolution be made a permanent part of the record of this Convention and that a roll-call vote be taken and recorded.
Final Enrollment

Constitutional Convention of 1973
Delegate Resolution No. 4
Introduced by Messrs. Velazquez and Schmitt

A MEMORIAL RESOLUTION

WHEREAS, a tragedy has taken place in New Orleans, La., the effects, which have gone beyond that City - affecting the State and the Nation.

WHEREAS, all the people of Louisiana black as well as white deplore this senseless action.

WHEREAS, this convention is meeting to write a constitution which will guarantee the civil rights of all its citizens under the rule of law.

WHEREAS, to maintain civilization and order, the individual policeman remains our first line of defense.

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

BE IT FURTHER RESOLVED, that as its first order of business, before considering the Rules, we will stand for a minute of silence in memory of

Deputy Police Superintendent Louis Sirgo
Patrolman Paul Persigo
Patrolman Phil Colemen
Cadet Albert Harrell

BE IT FURTHER RESOLVED that the Louisiana Constitutional Convention endorses the Tragedy Fund, which is a legitimate fund raising activity composed of a broad spectrum of citizens of all races and faiths and crossing organizational lines, intended to raise funds for the families of the deceased. Which Fund has been endorsed by Mayor Moon Landrieu, Mayor of New Orleans.

The co-authors of this memorial are delegates:

Thomas A. Velazquez, Dist. 97
Joseph I. Giarrusso, Sr., Dist. 98

And,

All delegates who wish to sign will be accepted as equal co-authors.
Final Enrollment

Constitutional Convention of Louisiana of 1973

Delegate Resolution No. 5

By Mr. Abraham

A RESOLUTION

RE IT RESOLVED that the delegates to the Louisiana Constitutional Convention do hereby re-enact, re-affirm and adopt as their own and as the Act of the Convention, every act taken at the meeting of elected delegates held on January 5, 1973, including but not limited to the roll call of delegates, the swearing of delegates and all other acts taken by said delegates as members of the Louisiana Constitutional Convention from that time to the present.

Constitutional Convention of Louisiana of 1973

DELEGATE RESOLUTION NO. 6

Introduced by Mr. Weiss

A RESOLUTION

Relative to the use of existing Louisiana Hospital Television Network Facilities by the Louisiana Constitutional Convention of 1973, acting through its committees.

WHEREAS, it is of vital importance to the success of the work of this convention that its committees have the benefit of the knowledge, wisdom and opinion of all of the citizens of Louisiana and that methods be evolved which permit ease of access to such persons regardless of their place of residence within the state; and

WHEREAS, in addition to the public meetings which the various committees will hold within and without the city of Baton Rouge at which interested citizens and those having specialized knowledge will appear, it is anticipated that additional need for consultation and hearings will develop during the course of committee study and deliberation which will require contact with individuals and groups of individuals in various areas of the state; and

WHEREAS, the existing closed circuit television facilities of the Louisiana Hospital Television Network can be of inestimable value to this convention and its committees, and hence to the people of the state of Louisiana, in providing a means of communication between the members of any committee and persons or groups residing in other areas in or near the state owned and operated

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hospitals which form a part of said hospital television network;

and

WHEREAS, Section 5(F) of Act No. 2 of the 1972 Regular Session of the Legislature authorizes this convention "to use the facilities and services of any board, commission, department or agency of the state and of any political subdivision of the state" and provides that "all such agencies shall cooperate with the convention to the fullest extent in furnishing services, facilities and employees upon request," and it is desirable that action be taken to provide for the use of the facilities of the above referred to television network and, to the extent feasible and necessary, those of the Louisiana Educational Television Authority.

THEREFORE, BE IT RESOLVED that, in the interest of expediency and in order to provide a useful facility for the development of data and information and for the review of specific progress in the preparation of assigned categories of its work, this Constitutional Convention does hereby make its formal request to the Commissioner of the Louisiana Health and Social and Rehabilitation Services Administration and the head of the Division of Hospitals of said Administration and such other division heads as may be applicable, that the existing facilities of the Louisiana Hospital Television Network be made available to this convention and to the committees of this convention during the course of the deliberations in connection with the framing of a new constitution for the state of Louisiana, as provided by Act No. 2 of the Regular Session of 1972, according to such schedule, which shall not conflict with the regular closed circuit programming of said network, as shall be developed and determined by the convention, acting through the respective chairmen of its committees and the appropriate officials or personnel of said Louisiana Hospital Television Network.

BE IT FURTHER RESOLVED that such existing closed circuit television facilities shall be made available only when not in use for the purposes for which they are operated and on an hourly cost basis for line charges and personnel time which shall be...
determined by the Executive Committee of this Constitutional Convention and, further, that such facilities shall be made available only upon request by the respective committee chairmen made prior to the date on which such use is required and then only for necessary discussions relative to the work assigned to the committee making the request and in no case for general discussion meetings which would demand more time than use of lines by all committees requesting such services would permit, consistent with the regular usage of the facilities of the Louisiana Hospital Television Network.

BE IT FURTHER RESOLVED that the Louisiana Educational Television Authority is hereby requested to cooperate with the Louisiana Hospital Television Network officials to the full extent deemed necessary and desirable in order to assure that closed circuit television facilities are made available to this Constitutional Convention and its committees as herein set forth.

BE IT FURTHER RESOLVED that copies of this Resolution shall be transmitted by the Secretary of the Constitutional Convention to the Commissioner of the Louisiana Health and Social and Rehabilitation Services Administration, to the head of the Division of Hospitals of said Administration, to the head of the Louisiana Educational Television Authority and to any other person to whom applicable without delay.
Constitutional Convention of Louisiana of 1973
Delegate Resolution No. 7
Introduced by Mr. Derbes

A RESOLUTION
To adopt the following standing rule of the Constitutional Convention.

Rule No. J. Registration of Advocates

A. Advocates Defined
An advocate is any person who is the representative of an other person, or any partnership, committee, association, corporation or other organization, or of any subdivision or agency of the State of Louisiana, its parishes or municipalities, to advocate passage or defeat of proposals of or to otherwise influence the work of the Convention, its committees, sub-committees or delegates. Before advocating passage or defeat of proposals or before attempting to influence the work of the Convention, its committees, sub-committees or delegates, the advocate shall submit a registration statement setting forth his or her name and address, the name and address of the person or entity by whom the advocate is employed, and the name and address of the person or entity whose interest the advocate will advocate.

B. Registration
Registration of advocates shall be by oath or affirmation before an officer authorized by law to administer oaths, or before the chairman of any committee or sub-committee as provided in Rule No. 58. Whenever there occurs a change in the facts stated in the registration statement, the advocate shall file a revised statement. The Secretary of the Convention shall maintain for inspection by the public and by the delegates of this Convention, a list of all advocates and their affiliations.

C. Prohibition
Any person who has commenced the activities of an advocate without prior registration as herein required shall, upon resolution of the committees or sub-committees of the Convention, be denied the privilege of addressing that respective committee or sub-committee. Any advocate who has falsified his or her registration statement shall be reported to the Executive Committee, and upon resolution of that committee, referred to an appropriate law enforcement officer for prosecution for the crime of false swearing.
Constitutional Convention of 1973
Delegate Resolution No. [symbol]
Introduced by Messrs. Roy and Gauthier, and Dennis

A RESOLUTION

WHEREAS, pursuant to Act 2 of 1972, the Constitutional Convention for 1973 convened on January 5, 1973; and
WHEREAS, the Honorable Walter B. Hamlin, Chief Justice of the Supreme Court of Louisiana was, by said Act, designated as the temporary chairman of said Convention; and
WHEREAS, Chief Justice Hamlin immediately and conscientiously initiated procedures for the orderly commencement of the Constitutional Convention; and
WHEREAS, Chief Justice Hamlin devoted many hours of study and preparation for this historic undertaking; and
WHEREAS, his new duties as Chief Justice of the Louisiana Supreme Court and as Chief Administrative Officer of the Judiciary of the State of Louisiana compelled him to have someone designated in his stead,
NOW, THEREFORE BE IT RESOLVED that the delegates to the Constitutional Convention of 1973, individually and on behalf of their respective districts do hereby express their deep and sincere appreciation to Chief Justice Hamlin for his interest and leadership in the formation of the Convention and for his continued interest heretofore expressed in the confection of a new Constitution for the State of Louisiana.

BE IT FURTHER RESOLVED that this Resolution be engrossed and made part of the minutes of this Convention and a copy suitably framed and presented to Chief Justice Hamlin.
A RESOLUTION
To provide with respect to the purchase of printing, materials, supplies, equipment and services, except employment, and to provide further with respect thereto.
BE IT RESOLVED by the Louisiana Constitutional Convention of 1973 that no printing, materials, supplies, equipment or services, except employment, with a value in excess of five hundred dollars shall be purchased or rented by the Convention unless the Executive Committee or any sub-committee of the Executive Committee or any officer who may be authorized to do so shall have first advertised for sealed bids, opened such bids in public and accepted the lowest responsible bid which has been offered, reserving the right to refuse to accept any bid; and
BE IT FURTHER RESOLVED that no contract for printing, materials, supplies, equipment or services, which may have been heretofore agreed to by the State of Louisiana shall be binding on this Convention.

Constitutional Convention of Louisiana of 1973
Delegate Resolution No. 0
Introduced by Dr. Emmett Asseff
A RESOLUTION
To urge public and private employers in Louisiana to give preference in their employment practices to disabled veterans.
WHEREAS, there are many disabled veterans which has resulted from their defense of their country in various areas of the world, and
WHEREAS, this country owes a profound debt of gratitude especially to its disabled veterans for their performance of their duty at great personal sacrifice, and,
WHEREAS, it is the duty of all of our citizens to repay these veterans and not penalize them for their acts of bravery and patriotism for their country, and
WHEREAS, the Louisiana Constitutional Convention is deeply concerned about the welfare of our disabled veterans who gave so much in behalf of their country and deserve the best that we can offer for their great sacrifice for us and for mankind.
THEREFORE, BE IT RESOLVED by the Louisiana Constitutional Convention convened in Baton Rouge on January 16, 1973, that the Convention expresses its gratitude to our disabled veterans and urges public and private employers to give preference to disabled veterans in their employment practices.
Constitutional Convention of 1973
Delegate Resolution No.
Introduced by Mr. Avant

A RESOLUTION

BE IT RESOLVED that no resolution, memorial/petition be in order unless it is germane to the business of this Convention as such.

Louisiana Constitutional Convention of 1973
Resolution No.
By: Mr. Shannon

A RESOLUTION

To commend and express the appreciation of this convention to all persons, groups and organizations for assistance during the organizational period of the convention.

BE IT RESOLVED by the Louisiana Constitutional Convention of 1973 that the convention and all of its members do hereby express to all those individuals, groups and organizations, public and private, who have generously assisted this convention and its individual members during the course of its organizational period its sincere appreciation for such services.

BE IT FURTHER RESOLVED that all such persons, groups and organizations are highly commended for the diligence and dedication exhibited in their efforts in behalf of this Constitutional Convention.
A RESOLUTION

To direct the Chairman and the Executive Committee of the 1973 Constitutional Convention to furnish each delegate with stationery under the Convention letterhead containing the delegate's name and committee assignment and any office held by a delegate.

WHEREAS, it will be necessary for the delegate to correspond with persons in the interest of forming a new Constitution; and

WHEREAS, no official stationery exists for the delegates; and

WHEREAS, it is of much importance that the delegates have official stationery so that they will be recognized throughout the state when corresponding with various persons and officials.

THEREFORE, BE IT RESOLVED by the delegates to the 1973 Constitutional Convention of Louisiana that the Chairman and Executive Committee of Convention are hereby directed to provide each delegate with stationery under the Convention letterhead containing the delegate's name and committee assignment and any office held by a delegate.
Constitutional Convention of 1973
Delegate Resolution No. 14

Introduced by Messrs. Arnette, Sutherland and all delegates to the Constitutional Convention of 1973

A RESOLUTION

WHEREAS, pursuant to Act 2, of 1972, the Constitutional Convention for 1973 convened on January 5, 1973; and

WHEREAS, the Honorable Joseph W. Sanders, Justice of the Supreme Court of Louisiana was, by the Supreme Court, designated as the temporary chairman of said Convention; and

WHEREAS, Justice Sanders immediately and conscientiously initiated procedures for the orderly commencement of the Constitutional Convention; and

WHEREAS, Justice Sanders devoted many hours of study and preparation for this historic undertaking; and

WHEREAS, Justice Sanders did perform the duties of temporary chairman in an exemplary manner.

NOW, THEREFORE BE IT RESOLVED that the delegates to the Constitutional Convention of 1973, individually and on behalf of their respective districts do hereby express their deep and sincere appreciation to Justice Sanders for his interest and leadership in the formation of the Convention and for his continued interest heretofore expressed in the confection of a new Constitution for the State of Louisiana.

BE IT FURTHER RESOLVED that this Resolution be engrossed and made part of the minutes of this Convention and a copy suitable framed and presented to Justice Sanders.
A RESOLUTION

To provide with respect to the functioning of the committees of the Constitutional Convention of 1973.

BE IT RESOLVED, that the substantive, procedural and other committees now created or otherwise created in accordance with the Standing Rules of the Convention are hereby authorized and directed to commence immediately the performance of their functions and duties, and to expend funds of the Convention in furtherance thereof under the administration of the Executive Committee, all in accordance with the Standing Rules of the Convention.

BE IT FURTHER RESOLVED, that the Executive Committee is hereby authorized and directed to commence immediately the performance of its duties and functions including that of budgeting and approving the expenditure of convention funds by itself and all other committees of the Convention, in accordance with Act 2 of 1972 and the Standing Rules of the Convention.
A RESOLUTION

To commend and express the appreciation of the Convention to the Honorable Wade O. Martin, Jr., Secretary of State, for his valuable contributions to the Louisiana Constitutional Convention of 1973.

WHEREAS, Mr. Martin was instrumental in the endeavors to bring about this Convention; and

WHEREAS, even before the first meeting of the delegates, Mr. Martin and his staff were hard at work taking applications for staff positions for the Convention; and

WHEREAS, the Secretary of State attended the first Convention meeting and called the roll of delegates and announced the votes on various measures for the Convention; and

WHEREAS, Mr. Martin has offered his personal assistance and the assistance of his staff to aid the delegates in preparing a new constitution for the people of this state; and

WHEREAS, the delegates of this Convention sincerely appreciate his untiring efforts to help the people of the state of Louisiana.

THEREFORE, BE IT RESOLVED by the Louisiana Constitutional Convention of 1973 that its members do hereby express its sincere appreciation to the Honorable Wade O. Martin, Jr., Secretary of State, for his diligent efforts in receiving applications and providing for a temporary staff for this Convention, his participation in the opening session of this body and the many other valuable services which he has performed in behalf of this Convention.

BE IT FURTHER RESOLVED that the various members of Secretary of State Martin's staff who worked in behalf of this Convention are hereby commended for their contributions toward a successful organizational session of the Louisiana Constitutional Convention of 1973.

BE IT FURTHER RESOLVED that this Resolution be engrossed, and made part of the minutes of this Convention and a copy suitably framed and presented to the Honorable Wade O. Martin, Jr., Secretary of State.

Page 2
A RESOLUTION

WHEREAS, it is the desire of all delegates to the Constitutional Convention of 1973 that all Citizens of the State of Louisiana participate in the drafting of a new Constitution for the State of Louisiana; and

WHEREAS, the participation and support of all Citizens of the State of Louisiana is necessary and desirable in all stages of the drafting and ratification of a new Constitution for the State of Louisiana,

NOW, THEREFORE BE IT RESOLVED that the delegates of the Constitutional Convention of 1973, individually and jointly, request that each Citizen of the State of Louisiana communicate with any or all delegates to the Constitutional Convention of 1973 advising what he, she or they think a new Constitution for the State of Louisiana should provide.

BE IT FURTHER RESOLVED that each Citizen of the State of Louisiana is extended an invitation by the delegates of the Constitutional Convention of 1973 to testify, either in writing or orally, before any appropriate Committee of the Constitutional Convention of 1973 regarding what he, she or they think a new Constitution for the State of Louisiana should provide.
Constitutional Convention of Louisiana of 1973

DELEGATE RESOLUTION NO. 18

Introduced by Judge James L. Dennis

A RESOLUTION

To create and establish a composite committee to hold public hearings with respect to matters with which the Louisiana Constitutional Convention of 1973 is concerned,

WHEREAS, a state constitution as any constitution represents the most basic legal foundation of a people out of which all order and harmony originates; and

WHEREAS, a constitution, being a document of the people, must as closely as possible reflect the thoughts and ideas of its people if it is to be flexible and viable; and

WHEREAS, in order to ensure that the work of this Convention be a document of and for all the citizens of this state an appropriate number of public hearings should be held at which public views on particular vital issues might be determined; and

WHEREAS, such public hearings would provide a forum through which the sagrest decisions on constitutional matters might be arrived at by the delegates to the Convention; and

WHEREAS, public hearings would also provide the public with a closer view of the progress of the Convention and a more intimate contact with the making of decisions by the delegates.

THEREFORE, BE IT RESOLVED that this Constitutional Convention does hereby authorize its Executive Committee to appoint one member from each of the substantive and procedural committees of this Convention to serve as a composite committee which shall hold public hearings on matters with which the Convention is concerned.

BE IT FURTHER RESOLVED that the Executive Committee shall determine the time, place and dates for meetings of the composite committee herein authorized.
A RESOLUTION

To authorize the Executive Committee of the Louisiana Constitutional Convention to utilize the Division of Administration in purchasing and procuring supplies, equipment and printing for the convention and to provide that the provisions of law relative to the letting of public contracts shall be applicable to the purchase or procurement of supplies, equipment or printing by the convention.

BE IT RESOLVED by the Louisiana Constitutional Convention of 1973 that the Executive Committee of the Constitutional Convention is hereby authorized to utilize the personnel and the bidding, purchasing and procurement procedures and services of the Division of Administration in the purchase or procurement of supplies, equipment and printing for the Constitutional Convention.

BE IT FURTHER RESOLVED that the provisions of Part II of Chapter 10 of Title 38 of the Louisiana Revised Statutes of 1950, relative to the letting of public contracts, shall be applicable to the purchase or procurement of supplies, equipment or printing by the Louisiana Constitutional Convention and that the Executive Committee of the convention shall, and is hereby directed to, comply with such provisions of law in making such purchases or procuring such items for the convention.
DELEGATE RESOLUTION No. 20—

Introduced by Dr. Asseff:

A RESOLUTION

To require each substantive committee to report to the Convention any portion or portions of the constitution that have been omitted and to indicate clearly and specifically all changes that are being proposed.

WHEREAS, it is of extreme importance that the delegates be aware of all changes proposed to the existing constitution, and

WHEREAS, the delegates can vote intelligently only if they have all of the facts before them, and

WHEREAS, the constitution is the basic law and may be changed only after a time-consuming process which makes it essential that each change be reviewed carefully and in the light of all of the facts.

THEREFORE, BE IT RESOLVED by the Constitutional Convention of 1973 that each substantive committee is directed to report to the Convention for its consideration any portion or portions of the constitution that have been omitted and to indicate clearly and specifically all changes that are being proposed.

THEREFORE, BE IT RESOLVED that the Constitutional Convention of Louisiana of 1973 sends its best wishes to those members of the Constitutional Convention of Louisiana of 1921 still living:

Richard A. Dowling of New Orleans
Sam H. Jones of Lake Charles
J. O. Fernandez of New Orleans
Judge Rene A. Viosca of New Orleans
John H. Meaux of Creole
John Dale, Jr. of Vidalia

BE IT FURTHER RESOLVED that the Constitutional Convention of Louisiana of 1973 calls upon Delegate Dowling, Delegate Jones, Delegate Fernandez, Delegate Viosca, Delegate Meaux, and Delegate Dale to lend any assistance and advice to the work of this convention that might be appropriate.

BE IT FURTHER RESOLVED that a copy of this resolution is sent to each delegate and each member of the Constitutional Convention of Louisiana of 1973.
CC-1077

D. R. No. 21

1. Motion shall be sent to each delegate of the Constitutional
Convention of 1921 honored herein.

Constitutional Convention of Louisiana of 1973

1  DELEGATE RESOLUTION No. 22—

2  Introduced by Delegate:

3  A RESOLUTION

4  To amend and readopt Paragraph B of Rule No. 62 of

5  the Standing Rules of the Constitutional Convention,

6  relative to the notice required for committee meetings.

7  BE IT RESOLVED that Paragraph B of Rule No. 62

8  of the Standing Rules of the Constitutional Convention

9  is hereby amended and readopted to read as follows:

10  Rule No. 62. Notice of Committee Meetings.

11  B. Committee and subcommittee meetings called while

12  the Convention is in session may be called by the chair-

13  man or by a majority of the committee members upon

14  one calendar day's notice given by announcement from the

15  floor of the Convention and by posting the notice thereof

16  on a designated bulletin board in the vicinity of the floor

17  of the Convention at least one calendar day before such

18  meeting.
Constitutional Convention of Louisiana of 1973

DELEGATE RESOLUTION No. 23—

Introduced by Delegates O'Neill, Thistlethwaite, and Corne:

A RESOLUTION

Amending Rule Nos. 3 and 36 of the Standing Rules of the Constitutional Convention to provide for greater independence of delegate voting.

WHEREAS, the Standing Rules do not expressly provide that where a voting machine is used, the yeas and nays shall not be displayed until the machine is closed; and

WHEREAS, the Standing Rules also do not expressly provide that no person other than the delegate shall vote on the passage on third reading of every proposal, section, or article; and

WHEREAS, the independence, purity, and sanctity of the balloting by the delegates is desirable.

THEREFORE, BE IT RESOLVED that Rule No. 3 is amended and readopted to read as follows:

"Rule No. 3. Roll Call. The secretary shall call the role at the opening of each session of the convention and announce whether or not a quorum is present. He shall announce the names of the delegates absent with leave of the convention and the names of delegates absent without leave, and enter the names of all those present and absent upon the Journal. If a voting machine is provided, the machine shall be used whenever a roll call or a vote by yeas and nays is directed by or in accordance with these rules. However, the yeas and nays on any question shall not be displayed until the machine is closed.

After the votes are displayed, the presiding officer shall immediately recognize persons desiring to change or record their votes before announcing the decision."

BE IT FURTHER RESOLVED that Rule No. 36 is amended and readopted to read as follows:

"Rule No. 36. Voting in Person. No person, other than the delegate himself, will be permitted to answer any roll call or quorum call or to vote on third reading of every proposal, section, or article."

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Constitutional Convention of Louisiana of 1973

1 DELEGATE RESOLUTION No. 24—
2 Introduced by Delegate Abraham:
3 A RESOLUTION
4 Relative to explanation of Substantive Committee Proposals.
5 WHEREAS, the comments on substantive committee proposals may not fully explain the background and reasons therefor of particular sections of the proposal; and
6 WHEREAS, in order that the business of the Constitutional Convention may be expedited; and
7 WHEREAS, in order to avoid unnecessary and duplicating amendments and substitute proposals which may be caused by a delegate not having sufficient background information as to why a particular committee proposal was drafted in the manner in which it is being presented,
8 THEREFORE, BE IT RESOLVED, that after the introduction of a substantive committee report and referral to committees, and prior to the committee report called for in Rule 44C, the chairman of each substantive committee shall address the convention and present a general outline of the contents of the proposal, the background, thinking, and reasoning of the committee as to why particular sections were drafted in the manner presented, and the intent of particular sections of the proposal, as he may in his discretion deem desirable, such presentation not to exceed one hour, and such presentation subject to no interruption or question from the floor of the convention.

Constitutional Convention of Louisiana of 1973

1 DELEGATE RESOLUTION No. 25—
2 Introduced by Delegate O'Neill:
3 A RESOLUTION
4 Relative to the time for convention meetings.
5 WHEREAS, the Standing Rules of the Constitutional Convention do not specify a time at which the convention is to meet each day; and
6 WHEREAS, it is imperative that we establish a regular meeting time for the convention at the outset.
7 THEREFORE, BE IT RESOLVED that the Constitutional Convention of Louisiana of 1973 meet at 12:30 p.m. on Tuesday through Friday of each week.

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Constitutional Convention of Louisiana of 1973

CC-1087

1. **DELEGATE RESOLUTION No. 26—**

2. Introduced by Delegates Juneau, Fayard, T. Casey, and Kelly:

   A RESOLUTION

3. Relative to amending the Standing Rules of the Constitutional Convention to provide for regulation of lobbying before the Constitutional Convention.

4. BE IT RESOLVED that Rule No. 90 is adopted to read as follows:

   1. Rule No. 90. Lobbying

5. A. Definitions. When used in this Rule:

6. 1. The term “person” includes an individual, partnership, committee, association, corporation, and any other organization or group of persons.


8. 3. The term “convention” means the Constitutional Convention of Louisiana of 1973, its committees, sub-committees, and delegates.

9. 4. The term “proposition” means proposals, resolutions, amendments, nominations, and other matters pending or proposed in the convention and includes any other matter which possibly may become the subject of action by the convention.

10. B. Persons to Whom Applicable. The provisions of this Rule shall apply to any person, who by himself, or through any agent or employee or other persons in any manner whatsoever, directly or indirectly, solicits, collects, or receives money or any other thing of value to be used principally to aid, or the principal purpose of which person is to aid, in the accomplishment of any of the following purposes:

   1. The passage or defeat of any proposition by the convention.

2. To influence, directly or indirectly, the passage or defeat of any proposition by the convention.

3. C. Registration of Lobbyists with the Clerk; Compilation of Information.

4. Any person who shall engage himself for pay or for any consideration for the purpose of attempting to influence the passage or defeat of any proposition by the convention shall, before doing anything in furtherance of such object, register with the clerk and shall give to him in writing his name and business address, the name and address of the person by whom he is employed and in whose interest he appears or works, the duration of such employment, and by whom he is paid or is to be paid. This resume shall be published by the clerk in a loose-leaf-type book to be maintained in the office of the clerk for the use of each delegate of the convention. This book shall be kept current during the convention as each person registers as required by the provisions of this Rule.
DELEGATE RESOLUTION No. 27—

Introduced by Delegate Brown:

A RESOLUTION

To extend greetings and commendations to the surviving delegates of the Louisiana Constitutional Convention of 1921 and to request their assistance and advice in the work of this convention.

WHEREAS, the delegates to the Constitutional Convention of Louisiana of 1973 are now assembled to rewrite the basic law of the State of Louisiana; and

WHEREAS, the delegates and the citizens of Louisiana are deeply indebted to the redactors of the Louisiana Constitution of 1921 and are grateful to Almighty God for His blessings since the adoption of that constitution.

THEREFORE, BE IT RESOLVED that the Constitutional Convention of Louisiana of 1973 hereby extends its greetings and its high commendations to the following persons who rendered this state invaluable service as delegates to the Louisiana Constitutional Convention of 1921:

Honorabel John Dale, Jr. of Vidalia
Honorable Richard A. Dowling of New Orleans
Honorable J. O. Fernandez of New Orleans
Honorable Sam H. Jones of Lake Charles
Honorable John H. Meaux of Creole
Honorable Wood H. Thompson of Monroe
Honorable Rene A. Viosca of New Orleans

BE IT FURTHER RESOLVED that Delegates Dale, Dowling, Fernandez, Jones, Meaux, Thompson, and Viosca are hereby respectfully urged and requested to lend their advice and assistance to the work of this convention.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be transmitted to each delegate of the Constitutional Convention of 1921 honored herein.
Constitutional Convention of Louisiana of 1973

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DELEGATE RESOLUTION No. 28—

Introduced by Delegates Aseff, Lennox, Miller, Planchard, Wisham and Anzalone:

A RESOLUTION

Relative to reports of substantive committees.

WHEREAS, it is of extreme importance that the delegates be aware of all changes proposed to the existing constitution, and

WHEREAS, the delegates can vote intelligently only if they have all of the facts before them, and

WHEREAS, the constitution is the basic law and may be changed only after a time-consuming process which makes it essential that each change be reviewed carefully and in the light of all of the facts.

THEREFORE, BE IT RESOLVED by the Constitutional Convention of 1973 that each substantive committee is directed to report to the Convention for its consideration any portion or portions of the constitution that have been omitted and to indicate clearly and specifically all changes that are being proposed.

DELEGATE RESOLUTION No. 29—

Introduced by Delegate Burson:

A RESOLUTION

To amend Rule No. 45 of the Standing Rules of the Constitutional Convention to provide for adoption of proposals by subsection or paragraph rather than by section.

BE IT RESOLVED that Rule 45 of the Standing Rules of the Constitutional Convention is hereby amended and re-adopted to read as follows:

Rule No. 45. Order of Proposals. When a proposal is on third reading and final passage, it shall be read, debated, and acted upon separately by sections; however, if a section is divided into paragraphs, each paragraph may be acted upon separately upon the favorable vote of a majority of those present and voting. Each section, or paragraph if so ordered, shall be considered a separate question for the purpose of “limits on debate” provided in Rule 30.

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Engrossed

Constitutional Convention of Louisiana of 1973

DELEGATE RESOLUTION NUMBER 29

Introduced by Delegate Burson

A RESOLUTION

To amend Rule No. 45 and Rule No. 81 of the Standing Rules of the Constitutional Convention to provide for adoption of proposals by section or paragraph.

BE IT RESOLVED that Rule 45 and Rule No. 81 of the Standing Rules of the Constitutional Convention is hereby amended and readopted to read as follows:

Rule No. 45. Order of Proposals. When a proposal is on third reading and final passage, it shall be read, debated, and acted upon separately by sections; however, if a section is divided into paragraphs, then, with the consent of a majority of those present and voting, each separately designated paragraph shall be acted upon separately. Each section, or paragraph if so ordered, shall be considered a separate question for the purpose of "limits on debate" provided in Rule 30.

Rule No. 81. Recording the Vote. On the passage on third reading of every proposal, article, section, or paragraph if acted on separately, the yeas and nays shall be entered in the Journal, and no proposal, article, section, or paragraph if acted on separately, shall be declared passed unless a majority of all the delegates to the convention shall have voted in favor of the passage of same.
DELEGATE RESOLUTION No. 30—

Introduced by Delegate Burson:

A RESOLUTION

To amend Rule No. 46 of the Standing Rules of the Constitutional Convention to require that amendments to proposals be germane.

BE IT RESOLVED that Rule No. 46 of the Standing Rules of the Constitutional Convention is hereby amended and re-adopted to read as follows:

Rules No. 46. Amendments. Amendments shall be submitted in writing, and a copy of every amendment shall be distributed to each delegate before a vote occurs thereon. Every amendment proposed must be germane to the subject of the section or paragraph of the proposal to be amended, and an amendment is not in order which is not germane to the question to be amended.

DELEGATE RESOLUTION No. 31—

Introduced by Delegate Burson:

A RESOLUTION

To amend and readopt Rule No. 30 of the Standing Rules of the Constitutional Convention, relative to limits on debate.

BE IT RESOLVED that Rule No. 30 of the Standing Rules of the Constitutional Convention is hereby amended and re-adopted to read as follows:

Rule No. 30. Limits on Debate. Delegates shall not speak more than once to the same question, nor more than ten minutes, without leave of the convention, unless the delegate is the mover, proposer, or introducer of the matter pending, in which case, either the delegate and/or his designees shall be permitted to speak in reply, but not until every delegate choosing to speak shall have spoken, except where the previous question or the previous question on the entire subject matter has been ordered. When the previous question has been ordered, the mover, proposer, or introducer shall nonetheless have the right to speak or reply as provided in Rule No. 76. The time for reply shall not exceed a total of ten minutes.
DELEGATE RESOLUTION No. 32—

Introduced by Delegates Gravel, Lanier, Jack, and Newton

A RESOLUTION

To amend and readopt Rule No. 46 of the Standing Rules of the Constitutional Convention to provide that floor amendments be distributed one calendar day before introduction.

WHEREAS, the delegates can vote more intelligently if they have had an opportunity to read and review proposed amendments to resolutions and proposals.

THEREFORE, BE IT RESOLVED that Rule No. 46 of the Standing Rules of the Constitutional Convention is hereby amended and readopted to read as follows:

RULE No. 46.Amendments. Proposed amendments shall be submitted in writing to the clerk, and a copy shall be distributed to each delegate at least one full calendar day before being considered by the convention. The lead author of any floor amendment, however, may accept any change germane to the amendment unless a majority of the delegates, present and voting, object thereto.

DELEGATE RESOLUTION No. 33—

By Delegate Leithman:

A RESOLUTION

To provide for the numbering sequence in Rule No. 66 of the Rules of Procedure.

BE IT RESOLVED that Rule No. 66 of the Rules of Procedure of the Constitutional Convention are hereby amended and readopted as follows:

Rule No. 66. Order. The daily business of the Convention shall proceed as follows:

Morning Hour
1. Roll Call.
2. Prayer.
2A. Pledge of Allegiance.
3. Reading and Adoption of Journal.
4. Petitions, Memorials, and Communications.
5. Introduction of Resolutions.
7. Proposals on Introduction and First Reading.
8. Resolutions on Second Reading and Referral.
9. Proposals on Second Reading and Referral.
10. Reports of Committees Lying Over.
11. Reconsideration

Regular Order of the Day
1. Unfinished Business
2. Special Order
3. Resolutions on Third Reading and Final Passage.
4. Proposals on Third Reading and Final Passage.
5. Proposals on Calendar for Approval of Final Styling.
Engrossed

Constitutional Convention of Louisiana of 1973

DELEGATE RESOLUTION NO. 33

By Delegate Leithman

A RESOLUTION

To provide for the numbering sequence in Rule No. 66
of the Rules of Procedure.

BE IT RESOLVED that Rule No. 66 of the Rules of
Procedure of the Constitutional Convention are hereby
amended and readopted as follows:

Rule No. 66. Order. The daily business of the
Convention shall proceed as follows:

Morning Hour

1. Roll Call.
2. Prayer.
3. Pledge of Allegiance.
4. Reading and Adoption of Journal.
5. Petitions, Memorials, and Communications.
6. Introduction of Resolutions.
8. Proposals on introduction and
   First Reading.
9. Resolutions on Second Reading
   and Referral.
10. Proposals on Second Reading
    and Referral.
11. Reports of Committees Lying Over.
12. Reconsideration.

Regular Order of the Day

1. Unfinished Business.
2. Special Order.
3. Resolutions on Third Reading
   and Final Passage.
4. Proposals on Third Reading and
   Final Passage.
5. Proposals on Calendar for Approval
   of Final Styling.
DELEGATE RESOLUTION No. 34

Introduced by Delegate Asseff:

A RESOLUTION

To amend Rule No. 76 relative to the previous question.

SE IT RESOLVED that Rule No. 76 of the Standing Rules of the Constitutional Convention is hereby amended and re-adopted to read as follows:

Rule No. 76. Previous Question. (A) Previous Question.

This undebatable motion is applicable only to the pending amendment, or amendments, if more than one amendment is under discussion; and it shall be admitted when ordered by a favorable vote as provided in Rule 69, and when carried its effect shall be to put an end to the debate and bring the Convention to a vote on the pending amendments only, without prejudice to further debate on, or subsequent amendments to, the main question. If there has been any discussion on the amendments, the proponent, or delegates designated by him, shall have the right to close, even after the previous question is ordered, which closing speech shall be limited to fifteen minutes. In addition, anyone whose name is listed by the chairman to speak shall be permitted to speak even after the previous question is ordered.

(B) Previous Question on the Entire Subject Matter. It shall only be admitted when ordered by a favorable vote as provided in Rule 69, and when carried, its effect shall be to put an end to all debate, and bring the Convention or any committee to a direct vote—

(1) Upon the pending amendment and so on back to the first amendment offered;

(2) Upon amendment reported by a committee, if any.

(3) The motion for the previous question and the previous question on the subject matter shall, during the considera-

CC-1069

D. R. No. 34

1 of any proposal, extend only to the individual section under discussion in accordance with Rule No. 45.

3 On a motion for the previous question on the entire subject matter, and prior to the ordering of the same, a call of the Convention shall be in order; but after the Convention shall have ordered such motion no call shall be in order prior to a decision of the main question. On a motion for the previous question on the entire subject matter, there shall be no debate. All incidental questions of order, arising after a motion is made for the previous question on the entire subject matter, and pending such motion, shall be decided whether on appeal or otherwise, without debate. After a call for the previous question on the entire subject matter has been sustained, the question shall be put and determined in order as above, without debate on either amendments or the main question. Anyone whose name is listed by the chairman to speak shall be permitted to speak even after the previous question is ordered. Also, the proponents of the amendments and measure or a delegate or delegates designated by him shall have the right to close the debate after the previous question on the entire subject matter is ordered, which closing speech shall be limited to a total of fifteen minutes.
Constitutional Convention of Louisiana of 1973

CC-1131

1 **DELEGATE RESOLUTION No. 35—**
2 Introduced by Delegate Tobias:
3
4 A RESOLUTION
5 To amend the Standing Rules of the Constitutional Convention to add a new Rule No. 45.1
6 BE IT RESOLVED that Rule 45.1 of the Standing Rules of the Constitutional Convention is hereby adopted to read as follows:
7 Rule 45.1. Introduction of New Sections. Notwithstanding any rule of this convention to the contrary:
8 (A) Whenever an amendment is proposed to establish a new section to a committee or delegate proposal, the amendment shall contain the proposed title and proposed substance for the new section. Such amendment shall require a majority vote of all delegates to the convention for adoption.
9 (B) Should an amendment as provided in Paragraph (A) of this Rule be adopted, additional amendments may be proposed to change the substance of the proposed section.
10 Approval of such amendments shall require a majority vote of those delegates present and voting.
11 (C) After all amendments have been proposed and adopted or rejected, the entire section shall be adopted only by a vote of a majority of all delegates to the convention.

Page 1

Constitutional Convention of Louisiana of 1973

CC-1135

1 **DELEGATE RESOLUTION No. 36—**
2 Introduced by Delegate Segura:
3
4 A RESOLUTION
5 To amend Rule No. 33 and Rule No. 36 of the Standing Rules of the Constitutional Convention and to allow proxy voting under certain conditions.
6 BE IT RESOLVED that Rule No. 33 of the Standing Rules of the Constitutional Convention is hereby amended and readopted to read as follows:
7 Rule No. 33. Answering Roll Calls. Every delegate must be at his desk when a roll call is being taken, and answers to roll calls from other locations on the convention floor shall not be counted. However, a delegate may request another delegate to vote his machine to answer a roll call or quorum call during his temporary absence from his desk provided that he is on the convention floor, in the gallery, or necessity areas of the convention headquarters.
8 BE IT FURTHER RESOLVED that Rule No. 36 of the Standing Rules of the Constitutional Convention is hereby amended and readopted to read as follows:
9 Rule No. 36. Voting in Person. No person other than the delegate himself will be permitted to vote to answer any roll call or quorum call except under the conditions provided for in Rule 33.
DELEGATE RESOLUTION No. 37—

Introduced by Delegate Burson:

A RESOLUTION

To amend the Standing Rules of the Constitutional Convention to add a new Rule to require committee action on any proposed new Section to a Committee Proposal.

BE IT RESOLVED that Rule No. 46.1 of the Standing Rules of the Constitutional Convention is hereby adopted to read as follows:

Rule No. 46.1. Amendment Adding a New Section. No action shall be taken on a floor amendment which proposes to add an entirely new Section to a committee proposal until the amendment has been referred to the committee offering the proposal and reported by the committee as provided in Rules No. 60 and 61.

DELEGATE RESOLUTION No. 38—

Introduced by Delegate Burson:

A RESOLUTION

To amend the Standing Rules of the Constitutional Convention to prohibit amendments in conflict with Sections previously adopted by the convention.

BE IT RESOLVED that Rule No. 45.1 of the Standing Rules of the Constitutional Convention is hereby adopted to read as follows:

Rule No. 45.1. Prohibited Amendments. No delegate shall submit an amendment to add a new Section to a committee proposal which would conflict with a Section adopted by the convention prior to the time of such submission.
DELEGATE RESOLUTION No. 39—

Introduced by Delegate Zervigon:

A RESOLUTION

To amend Rule No. 78 of the Standing Rules of the Constitutional Convention to provide that delegates not voting, rather than absentees, shall be listed separately.

BE IT RESOLVED that Rule No. 78 of the Standing Rules of the Constitutional Convention is hereby amended and readopted to read as follows:

Rule No. 78. Voting after Decision is Announced. When the Yeas and Nays are taken on any question, no delegate shall be permitted, under any circumstances whatever, to vote after the decision has been announced by the chairman. On all calls of the Yeas and Nays the names of delegates not voting shall be placed on a separate list.

DELEGATE RESOLUTION No. 40—

Introduced by Delegate Casey:

A RESOLUTION

To amend and readopt Paragraph 2 of Rule Number 50 of the Standing Rules of the Constitutional Convention to require that the recommendations of the Committee on Style and Drafting on proposals adopted be submitted to the substantive committee involved prior to report to the convention.

BE IT RESOLVED that Paragraph 2 of Rule Number 50 of the Standing Rules of the Constitutional Convention is hereby amended and readopted to read as follows:

"2. Committee on Style and Drafting, which shall have control over literary style, consistency, arrangement, and numbering. The committee shall have authority to rephrase or to regroup proposed language, but shall have no authority to change the sense or purpose of any proposal referred to it; where a proposal referred to it is inconsistent or in conflict with a proposal already acted on favorably by the convention, the committee shall at the third reading (Rule 44 (H)) notify the convention of that inconsistency or conflict and wait upon its instructions.

Prior to returning to the convention, with its report thereon, any finally adopted proposal referred to it, the Committee on Style and Drafting shall submit its proposed report to the substantive committee having jurisdiction over the subject matter. Within five days after such submission, the substantive committee may make any recommendations and comments to the Committee on Style and Drafting it deems necessary. If recommendations or comments are so made, the Committee on Style and Drafting shall consider them prior to reporting the proposal to the convention."
CONSTITUTIONAL CONVENTION OF LOUISIANA OF 1973

CC-1199

DELEGATE RESOLUTION No. 41—

Introduced by Delegate O'Neill:

A RESOLUTION

To provide for the submission of an alternative proposal relative to the method of selecting the commissioner of agriculture.

WHEREAS, it appears that there is no substantial unani-mity among delegates to the Constitutional Convention with respect to the method of selecting certain state executive officials; and

WHEREAS, the people of Louisiana are vitally interested in the determination of how such officials are to be selected;

and

WHEREAS, the importance of this issue dictates that it be presented to the people in alternative form in order that the electors may make the final decision on the issue.

THEREFORE, BE IT RESOLVED that there shall be presented to the electorate of the state an alternative proposal which shall read as follows:

Section____. The commissioner of agriculture shall be appointed by the governor for a term of four years subject to confirmation by the Senate.

OR

Section____. The commissioner of agriculture shall be elected for a term of four years by the electors of the state, at the time and place of voting for members of the legislature.

BE IT FURTHER RESOLVED that the proposition to be submitted to the people shall read:

FOR an appointive commissioner of agriculture 

OR

FOR an elective commissioner of agriculture

CONSTITUTIONAL CONVENTION OF LOUISIANA OF 1973

CC-1202

DELEGATE RESOLUTION No. 42—

Introduced by Delegate O'Neill:

A RESOLUTION

To provide for the submission of an alternative proposal relative to the method of selecting the commissioner of elections.

WHEREAS, it appears that there is no substantial unani-mity among delegates to the Constitutional Convention with respect to the method of selecting certain state executive officials; and

WHEREAS, the people of Louisiana are vitally interested in the determination of how such officials are to be selected;

and

WHEREAS, the importance of this issue dictates that it be presented to the people in alternative form in order that the electors may make the final decision on the issue.

THEREFORE, BE IT RESOLVED that there shall be presented to the electorate of the state an alternative proposal which shall read as follows:

Section____. The commissioner of elections shall be appointed by the governor for a term of four years subject to confirmation by the Senate.

OR

Section____. The commissioner of elections shall be elected for a term of four years by the electors of the state, at the time and place of voting for members of the legislature.

BE IT FURTHER RESOLVED that the proposition to be submitted to the people shall read:

FOR an appointive commissioner of elections

OR

FOR an elective commissioner of elections
DELEGATE RESOLUTION No. 43—

Introduced by Delegate O'Neill:

A RESOLUTION

To provide for the submission of an alternative proposal relative to the method of selecting the commissioner of insurance.

WHEREAS, it appears that there is no substantial unanimity among delegates to the Constitutional Convention with respect to the method of selecting certain state executive officials; and

WHEREAS, the people of Louisiana are vitally interested in the determination of how such officials are to be selected; and

WHEREAS, the importance of this issue dictates that it be presented to the people in alternative form in order that the electors may make the final decision on the issue.

THEREFORE, BE IT RESOLVED that there shall be presented to the electorate of the state an alternative proposal which shall read as follows:

Section________. The commissioner of insurance shall be appointed by the governor for a term of four years subject to confirmation by the Senate.

OR

Section________. The commissioner of insurance shall be elected for a term of four years by the electors of the state, at the time and place of voting for members of the legislature.

BE IT FURTHER RESOLVED that the proposition to be submitted to the people shall read:

FOR an appointive commissioner of insurance □

OR

FOR an elective commissioner of insurance □

Page 1
ALTERNATIVE PROPOSAL No. 2

Section— The commissioner of insurance shall be appointed by the governor for a term of four years subject to confirmation by the Senate.

OR

Section— The commissioner of insurance shall be elected for a term of four years by the electors of the state, at the time and place of voting for members of the legislature.

PROPOSITION No. 2

FOR an appointive commissioner of insurance □

OR

FOR an elective commissioner of insurance □

ALTERNATIVE PROPOSAL No. 3

Section— The commissioner of elections shall be appointed by the governor for a term of four years subject to confirmation by the Senate.

OR

Section— The commissioner of elections shall be elected for a term of four years by the electors of the state, at the time and place of voting for members of the legislature.

PROPOSITION No. 3

FOR an appointive commissioner of elections □

OR

FOR an elective commissioner of elections □

Constitutional Convention of Louisiana of 1973

DELEGATE RESOLUTION No. 45—

Introduced by Delegate Warren:

A RESOLUTION

To provide for the submission of an alternative proposal relative to the method of selecting the superintendent of education.

WHEREAS, it appears that there is no substantial unanimity among delegates to the Constitutional Convention with respect to the method of selecting certain state executive officials; and

WHEREAS, the people of Louisiana are vitally interested in the determination of how such officials are to be selected; and

WHEREAS, the importance of this issue dictates that it be presented to the people in alternative form in order that the electors may make the final decision on the issue.

THEREFORE, BE IT RESOLVED that there shall be presented to the electorate of the state an alternative proposal which shall read as follows:

Section— The superintendent of education shall be appointed by the governor for a term of four years subject to confirmation by the Senate.

OR

Section— The superintendent of education shall be elected for a term of four years by the electors of the state, at the time and place of voting for members of the legislature.

BE IT FURTHER RESOLVED that the proposition to be submitted to the people shall read:

FOR an appointive superintendent of education □

OR

FOR an elective superintendent of education □
DELEGATE RESOLUTION No. 46—

INTRODUCED BY DELEGATE ASSEFF:

A RESOLUTION

To provide for the submission of an alternate provision relative to the appointment, merger, or consolidation of certain officials in the executive branch of government.

WHEREAS, the question of whether the state superintendent of education, the commissioner of insurance, the commissioner of agriculture, or the state commissioner of elections should be elected or appointed, or whether any of said offices should be merged or consolidated into any other office or department in the executive branch is of great concern to people of the state; and

WHEREAS, the delegates to the convention have voted to include a Section in the Article on the Executive Department which would allow the legislature to provide for appointment in lieu of election of these state officials or merge or consolidate any such officials into another department after the first election of state officials following the adoption of the new constitution; and

WHEREAS, this Section contains no provision requiring that any action taken by the legislature be submitted to the people for approval; and

WHEREAS, the people should be given the opportunity to approve any action taken by the legislature; and

WHEREAS, the issue of whether to give the people the right to approve any legislative action can be submitted as an alternative to the Section previously adopted.

THEREFORE, BE IT RESOLVED that there shall be presented to the electorate of the state an alternate provision which shall read as follows:

Article IV, Section 23. (A) After the first election of state officials following adoption of this constitution, the legislature may, by 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 may provide for the merger or consolidation of any such offices and their departments 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 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.

(B) Any statute enacted under authority of Paragraph (A) shall become effective only after submission to and approval by a majority of the electors voting thereon at a general election for representatives either in congress or in the state legislature.
DELEGATE RESOLUTION No. 47--

Introduced by Delegate Assaf:

A RESOLUTION

To provide for the submission of an alternate provision relative to the appointment, merger, or consolidation of certain officials in the executive branch of government.

WHEREAS, the question whether the state superintendent of education, the commissioner of agriculture, or the state commissioner of insurance, or the state commissioner of elections shall be elected or appointed, or whether any of said offices hereafter should be merged or consolidated into any other offices or department in the executive branch is of great concern to people of the state; and

WHEREAS, the delegates to the convention have voted to include a section in the Article on the Executive Department at which would allow the legislature to provide for appointment in lieu of election of these state officials or for merger or consolidation of any such offices into another department after the first election of state officials following the adoption of the new constitution; and

WHEREAS, this Section contains no provision requiring that any action taken by the legislature be submitted to the people for approval, and the people should be given the opportunity to approve any action taken by the legislature; and

WHEREAS, requiring a favorable vote of two-thirds of the members of each house of the legislature at both the regular session immediately preceding the general election and the first regular session after the general election will give the people an opportunity to voice their opinion through the election of their representatives; and

WHEREAS, this procedure can be provided for and submitted as an alternate to the section previously adopted by the convention.

THEREFORE, BE IT RESOLVED that there shall be presented to the electorate of the state an alternate provision which shall read as follows:

Article IV, Section 23. Appointment of Officials; Merger, and Consolidation of Offices and Departments

Section 23. (A) After the first election of state officials following adoption of this constitution, the legislature may 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 may provide for the merger or consolidation of any such offices and their departments 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. The legislature may re-establish any of these offices as an elective office and, in such event, shall prescribe qualifications.

(B) Any action taken pursuant to Paragraph (A) of this Section shall be taken only at a regular session immediately preceding a general election of members of the legislature and shall require approval of two-thirds of the elected members of each house. If so approved, the measure shall again be acted upon at the first regular session held after the general election, and if it then is adopted by a vote of two-thirds of the elected members of each house it shall become effective.
DELEGATE RESOLUTION No. 48—

1 Introduced by Delegate Alexander:

A RESOLUTION

To amend the Standing Rules of the Constitutional Convention to add a new Rule No. 30.1.

BE IT RESOLVED that Rule 30.1 of the Standing Rules of the Constitutional Convention is hereby adopted to read as follows:

Rule 30.1. Limits on Debate; Amendments

Amendments shall be debated for not more than thirty minutes. The time shall be equally divided between proponents and opponents of the amendment. After each speaker the chairman of the convention shall charge the time to the appropriate side.
A RESOLUTION

To convey to Delegate Anthony J. Vesich the good wishes of the Convention for a speedy and complete recovery.

WHEREAS, the Delegates to the Constitutional Convention have learned with regret that Delegate Anthony J. Vesich, who recently underwent serious surgery in New Orleans will be hospitalized during the Christmas holidays; and

WHEREAS, the Delegates desire to express to their colleague their sincere good wishes and a complete and speedy recovery in order that he may return to the Convention within the near future.

THEREFORE, BE IT RESOLVED, that the Delegates to the Constitutional Convention of Louisiana of 1973 do hereby express to Delegate Vesich their heartfelt wishes and prayers for a most successful and speedy recovery.

BE IT FURTHER RESOLVED, that the Convention takes this opportunity to wish Delegate Vesich a blessed Christmas and a most successful New Year.

BE IT FURTHER RESOLVED, that a copy of this resolution will be transmitted without delay to Delegate Anthony J. Vesich at the Hotel Dieu in New Orleans, Louisiana.
DELEGATE RESOLUTION No. 50—

Introduced by Delegate O'Neill

A RESOLUTION

To amend the Standing Rules of the Constitutional Convention to add a new Rule 47.1, to provide for the printing of an attestation clause for the proposed draft of the constitution and for the distribution of copies of the proposed draft and to urge and request the governor to take the necessary steps to see that a copy of the Louisiana Constitution of 1974 is exhibited permanently in the state capitol.

BE IT RESOLVED that Rule 47.1 of the Standing Rules of the Constitutional Convention is hereby adopted to read as follows:

Rule No. 47.1 Attestation Clause and Distribution of Copies

An attestation clause for the proposed draft of the constitution with spaces provided for each delegate to the convention to sign shall be printed and returned to the convention for signatures prior to January 19, 1974. One hundred thirty-five copies shall be printed. After the signatures of the delegates are affixed to the one hundred thirty-five documents, the documents shall be returned to the printer to be attached to one hundred thirty-five printed copies of the entire proposed draft of the constitution, and a copy thereof shall be transmitted to each person who is a delegate to the convention on January 19, 1974.

BE IT FURTHER RESOLVED, that the Governor of Louisiana is hereby urged and requested to take the necessary steps to see that a certified copy of the Louisiana Constitution of 1974, as finally ratified by the people of Louisiana, is permanently exhibited in a prominent place on the first floor of the State Capitol.
Constitutional Convention of Louisiana of 1973

DELEGATE RESOLUTION NUMBER 51

Introduced by Delegate Avant

A RESOLUTION
To amend Rule 37.1 of the Standing Rules of the Constitutional Convention to add a Paragraph F to provide for the vote requirement by the people to adopt an alternative to the proposed constitution.

BE IT RESOLVED that Paragraph F of Rule No. 37.1 of the Standing Rules of the Constitutional Convention is adopted to read as follows:


* * *

F. No alternative proposition submitted to the people for ratification shall become a part of the constitution unless it receives a favorable vote equal to at least a majority of the number of persons voting for and against the basic document.
Constitutional Convention of Louisiana of 1973

DELEGATE RESOLUTION NUMBER 52

Introduced by Delegate Pugh

A RESOLUTION

To provide:

(A) For the form and manner for the submission to the electors of the state of a proposed new constitution, together with alternative proposals relating to education, and the delegation of authority relating thereto to the appropriate officers of the convention;

(B) For the use of the facilities and services of boards, commissions, departments and agencies of the state and of the political subdivisions of the state;

(C) With respect to the disbursement of funds appropriated to the convention;

(D) A method of reconvening the convention without per diem for any purpose consistent with law; and

(E) For the supremacy of this Resolution over other actions of the convention.

WHEREAS:

(A) By law this convention has been granted full authority to determine the form and manner in which the proposed constitution, together with any Alternative Proposals, shall be submitted to the electors;

(B) By law this convention has been granted full authority to use the facilities and services of any board, commission, department or agency of the state and of any political subdivision of the state, and all such instrumentalities are charged by law to cooperate with this convention to the fullest extent in furnishing services, facilities and employees to this convention upon request;

(C) This convention may be required, after January 19, 1974, to expend some of the remaining funds appropriated to it, consistent with the duties and obligations imposed upon it by law; and

(D) It may be deemed necessary to reconvene this
convention after January 19, 1974, without per diem to take
further action in regard to the responsibilities imposed upon
it by law other than those directly relating to the drafting
of a constitution and its Alternate Proposals.

(E) All rules and other actions inconsistent with the
provisions of this Resolution must be suspended in so far as
they may conflict herewith.

THEREFORE, BE IT RESOLVED (1) that all electors duly
qualified to vote in this state at the time of the election
shall be entitled to vote without regard to party affiliation
in their respective precincts on the proposition for or against
adoption of the constitution and on the question of adoption
of one of two alternative provisions relating to education, on
official ballots, printed and distributed at public expense, to
read as follows:

"The Constitution of 1974 shall be adopted if a majority
of those casting votes on the proposition is in favor thereof."

"/\ FOR the Constitution of 1974, as drafted by the
Constitutional Convention and exclusive of either
of the alternative provisions relating to education."

"/\ AGAINST the Constitution of 1974, as drafted by
the Constitutional Convention and exclusive of
either of the alternative provisions relating to education"n

"A majority of those casting votes on the following alter-
native provisions shall be determinative of which alter-
native proposition shall be a part of the Constitution
of 1974 if adopted. You may vote for only one of the
alternatives."

"/\ A. The alternative provision drafted by the Con-
stitutional Convention which provides for five
constitutional boards for the governance of
education."

OR

"/\ B. The alternative provision drafted by the
Constitutional Convention which provides for
two constitutional boards for the governance
of education;"

(2) Thirty days prior to the election the board of
supervisors of elections in each parish shall appoint three
commissioners and one clerk to preside over the election of
each polling precinct, each of whom shall be a qualified voter
of the ward in which the polling precinct is located. If the
election is held as a special election, no watchers shall be
used. If the election is held at a general election the com-
missioners, clerks and watchers appointed therefor shall be
used, notwithstanding any of the provisions hereof;

(3) Voting machines [booths] shall be used for the
conduct of the election and insofar as practical the provisions
of R.S. 18:1161 through 18:1198 shall be applicable;

(4) Absentee voting is authorized in the election and
insofar as practical the provisions of R.S. 18:1071 through
18:1081 shall be applicable.

(5) The convention chairman and secretary, or either
of them, are hereby jointly and severally granted the full
power and authority to do all things which they or either of
them may deem necessary effectively to carry out the provi-
sions of this Resolution, including but not limited to the
right to make full and final interpretations of the intent and
meaning of this Resolution, subject only to judicial review,
and to act for and in behalf of the convention in regard to,
but solely limited to, the manner of the election, including
when necessary the changing of any of the provisions hereof,
and they shall have the convention's unlimited authority to call
upon any instrumentality of the state or its political subdi-
visions to cooperate in the furnishing of services, facilities
and employees for the purpose of carrying out the convention
responsibilities of the convention in providing for the manner
of the election;

(6) The cost of printing of tally sheets, cards of in-
struction to the commissioners, clerks, voters and any other

-3-
persons shall be paid by the state and shall be prepaid and dis-
tributed by the state officials normally having responsibility
therefor. All expenses imposed by law upon the parish governing
authorities and accordingly paid in connection with the election
shall be reimbursed to the parish governing authorities by the
state upon warrant of the parish treasurer drawn on the state
auditor, supported by such proof as the state auditor requires.
(7) The polls for the election shall be opened at 6:00 a.m.
and closed at 8:00 p.m. All persons within the barriers or
buildings where the election is being held may vote until 12:00
o'clock midnight on the election day. Before, during and after
these hours, the commissioners, clerks and others mentioned
herein or provided for shall have all of the powers and duties
granted and shall be subject to the obligations and penalties
imposed by R.S. 18, §§557, 558, 559, 560, 561, 562, 563, 567,
568, 569, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584
585, 586, 587, 588, 589, 590, 591, and 593 (together with other
pertinent provisions of Title 18) insofar as the same be appli-
cable and not inconsistent with the provisions of this Resolution.
As to R.S. 18:567 the requirements as to the votes for candidates shall
be deemed to refer to the constitution and alternative provi-
sions submitted so as to give said Section meaning as to this
election. The results of the election shall be promulgated by
the Secretary of State on December 2, 1974.
BE IT FURTHER RESOLVED that each and every instrumentality
of the state and its political subdivisions (including by
specification the office and staff of both the Secretary of State
and the Custodian of Voting Machines) are hereby called upon,
in accordance with law, to cooperate with this convention
and its designated officers to the fullest extent in furnishing
services, facilities, and employees to this convention, upon
request, to effectuate the calling and holding of the election
herein contemplated.
BE IT FURTHER RESOLVED, that there is hereby allocated, if
available and necessary and subject to the provisions of law
and the obtaining of such further authority as the law may require, up to the sum of $45,000.00, to the secretary of state for the State of Louisiana to be used by him in carrying out the necessary and usual functions of his office in connection with this election, including those relative to the furnishing of appropriate and comprehensive instructions to the proper party or parties as to
(A) Voters and commissioners;
(b) Posting of notices;
(C) Computation by commissioners of precinct returns;
(D) Transmission of returns;
(E) Tabulation and promulgation of returns into both parish and statewide returns;
(F) Time for compilation of tabulation of returns;
(G) Promulgation of returns and time and manner in which publication is to be made;
(H) Recordation of results by clerks of court on machines before they are cleared; and
(I) Any other matters pertaining to the election.

BE IT FURTHER RESOLVED that the chairman or a majority of the officers of this convention be and he or they are hereby authorized to call this convention into session without per diem for any purpose for which he or they shall in their discretion deem necessary and appropriate to further provide as to the form and manner of submitting to the electors of this state the constitution, together with alternative provisions relative to education and for any additional purpose or purposes not inconsistent with law.

BE IT FURTHER RESOLVED that the provisions of this Resolution shall take preference and priority over and shall be paramount to any rule, provision, Resolution or other action heretofore adopted or taken by the convention relating to the matters covered hereby.
Constitutional Convention of Louisiana of 1973

DELEGATE RESOLUTION NO. 53

INTRODUCED BY DELEGATE DENNERY

A RESOLUTION

Relative to the printing and distribution of copies of the
constitution throughout the state.

BE IT RESOLVED by the Constitutional Convention of
Louisiana of 1973 that the publication of the constitution
in the official journal of the state, prior to the election,
and the printing and distribution of copies of the constitution
throughout the state, prior to the election shall be accomplished
and paid for by the convention, and the Executive Committee is
directed to do all things necessary and proper to accomplish
the same.
Final Enrollment

Constitutional Convention of Louisiana of 1973

DELEGATE RESOLUTION NUMBER 34


A RESOLUTION

To commend and express the sincere gratitude and appreciation of the Constitutional Convention of Louisiana of 1973 to

Norma M. Duncan, Director of Research, and her staff for the invaluable services rendered the convention.

WHEREAS, Norma M. Duncan has provided the Constitutional Convention of Louisiana of 1973 with her outstanding background, experience, and achievement and has tirelessly and skillfully served this convention in the capacity of Director of Research; and

WHEREAS, the convention has progressed and accomplished its objectives to a large extent through the efforts of Mrs. Duncan and her staff; and

WHEREAS, the many hours spent by Mrs. Duncan and her staff in assisting the delegates and the Constitutional Convention of Louisiana of 1973 have been invaluable to the Constitutional Convention and the State of Louisiana; and

WHEREAS, Mrs. Duncan and her staff, Coordinators Lee Hargrave, Audrey LeBlanc, and Gene Tarver; Executive Secretary Kathy Goss; Administrative Assistant Dan Blake; Clerical Supervisor Irmie Gaudet; Senior Research Assistants Ramon Arango, J. Reginald Coco, Jr., Leroy Colter, R. Judge Eames, C. B. Forgotston, Stephen Glassell, Jerry Hood, Walter Landry, Charles Machen, Lois Micheli, James Norris, Scott Reis, Joe Smith and Harry Wood; Junior Research Assistants Marius Carrier, Carol Coltharp,
Jean Conner, Betty Field, Frank Koles, Robert Fellegrin and Fred Tinsley; Law Clerks Jasper Pharr and Gail Sandie; Secretaries Moise Allen, Rexie Axtieta, Marietta Bell, Betty Blanchard, Paula Brumfield, Meredith Bunker, Johnnie Burks, Judy Cooper, Rita Ferachi, Mary Ann Fields, Paula Lato, Beverly Leake, Dolores McGibbon, Connie McManus, Margaret Matherne, Debbie Pratt and Judy Williams; Typists Judy Bishop, Gail Broussard, Cindy Cambre, Diane Couch and Lucy Tynes; Proofreaders Connie Brooks, Jerel Downing, Gretchen Gerstner, Martha Gibson, Olivia Johnston, Jane Noble and George Waldroup; Librarian Patsy Moore; Receptionist Adrienne Patty; Docket Clerks Ellen Ferguson and Frank Pizzolato; Law Students Michael Baer, Richard Brazao, Richard Cryer, Joseph Rausch, Reginald Ringuet, Bernice Roberts, Michael Wascom and Jay Zaine; Machine Operators Shirley Corley, Marvin Dorsey, Howard Gist and Terry Tooney; and Messengers Willie Lunkin and Brenda Smith, have worked late hours and weekends tirelessly and impartially to meet, to the fullest extent possible, the individual and combined needs of the delegates to the Constitutional Convention of Louisiana of 1973; and

WHEREAS, Mrs. Duncan and her staff have given of their constitutional expertise to the Constitutional Convention of Louisiana of 1973 and have provided the delegates, the committees, and the convention with research, legal counsel, proposal and resolution drafting, amendment preparation, digesting, and numerous other means of assistance; and

WHEREAS, without the ability and dedication of Mrs. Duncan and her staff the work of the Constitutional Convention of Louisiana of 1973 would have been an extremely difficult task to accomplish.

THEREFORE, BE IT RESOLVED, that the Constitutional Convention of Louisiana of 1973 and its delegates, individually, do hereby express grateful appreciation and the highest commendation to Norma M. Duncan, Director of Research, and her staff, Coordinators Lee Hargrave, Audrey LeBlanc, and Gene Tarver;
Final Enrollment

D. R. No. 54

Executive Secretary Kathy Goss; Administrative Assistant Dan Blake; Clerical Supervisor Irnie Gaudet; Senior Research Assistants Ramon Arango, J. Reginald Coco, Jr., Leroy Colter, R. Judge Eames, C. B. Forgotston, Stephen Glassell, Jerry Hood, Walter Landry, Charles Machen, Lois Michelli, James Norris, Scott Reis, Joe Smith and Harry Wood; Junior Research Assistants Marius Carrier, Carol Coltharp, Jean Conner, Betty Field, Frank Koles, Robert Pellegrin, Fred Tinsley; Law Clerks Jasper Pharr and Gail Sandle; Secretaries Moise Allen, Hexie Artieta, Marietta Bell, Betty Blanchard, Paula Brumfield, Meredith Bunker, Johnnie Burks, Judy Cooper, Rita Ferachi, Mary Ann Fields, Paula Lato, Beverly Leake, Dolores McGibbon, Connie McManus, Margaret Matherne, Debbie Pratt and Judy Williams; Typists Judy Bishop, Gail Broussard, Cindy Cambre, Diane Couch and Lucy Tynes; Proofreaders Connie Brooks, Jerel Downing, Gretchen Gerstner, Martha Gibson, Olivia Johnston, Jane Noble and George Waldroug; Librarian Patsy Moore; Receptionist Adrienne Patty; Docket Clerks Ellen Ferguson and Frank Pizzolato; Law Students Michael Baer, Richard Brazan, Richard Cryer, Joseph Rausch, Reginald Ringuet, Beroice Roberts, Michael Wascom and Jay Zaine; Machine Operators Shirley Corley, Marvin Dorsey, Howard Gist and Terry Toney; and Messengers Willie Lunkin and Brenda Smith, for their faithful dedication and the high quality of the work and service which they have performed toward the successful completion of a new constitution for the State of Louisiana and its people.

BE IT FURTHER RESOLVED, that this Resolution be spread upon the official journal of the convention and that a copy hereof be distributed to each of the persons named herein.

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Final Enrollment

Constitutional Convention of Louisiana of 1973

DELEGATE RESOLUTION NUMBER 55


A RESOLUTION

To commend and express the appreciation of the Constitutional Convention of Louisiana of 1973 to David Poynter, Chief Clerk, and his staff for the services rendered the convention. WHEREAS, David Poynter has provided the Constitutional Convention of Louisiana of 1973 with his excellent background and experience and has ably and faithfully served this convention in the capacity of Chief Clerk and Parliamentarian; and WHEREAS, the convention has functioned smoothly and efficiently in its sessions largely due to the skillful performance of the office of the clerk of the convention under the direction of Mr. Poynter; and WHEREAS, the accuracy of the official record of the convention, the daily journal, has been due to the close attention and supervision provided by Mr. Poynter and his staff; and WHEREAS, the smooth operation of the office of Chief Clerk and the prompt attention to the myriad details in connection therewith is a tribute to the ability and dedication of Mr. Poynter and his staff, Edward Hardin, Assistant Chief Clerk, C. Wayne Hays, Journal Clerk, Samuel J. Bonnette, Jr., Calendar Clerk, Richard Brussard, Assistant Calendar Clerk, Eugene Limar, Assistant Endorsement Clerk, Julia LaSauve, Secretary to the Clerk, Alfred Speer, Head Page, Jules Regard, Assistant Head Page, and
THEREFORE, BE IT RESOLVED, that the Constitutional Convention of Louisiana of 1973 and its delegates, individually, commend and express their deepest appreciation to David Poynter, Chief Clerk, and his staff, Edward Hardin, Assistant Chief Clerk, C. Wayne Hays, Journal Clerk, Samuel J. Bonnette, Jr., Calendar Clerk, Richard Broussard, Assistant Calendar Clerk, Eugene Limar, Assistant Endorsement Clerk, Julia LaRavve, Secretary to the Clerk, Alfred Speer, Head Page, Jules Regard, Assistant Head Page, and pages, for their invaluable services and the capable and untiring efforts that have contributed in large measure to the smooth and efficient operation of the convention and the successful completion of a new constitution for the State of Louisiana and its people.

BE IT FURTHER RESOLVED, that this Resolution be spread upon the official journal of the convention and that a copy hereof be distributed to the persons named herein.
Final Enrollment

Constitutional Convention of Louisiana of 1973

DELEGATE RESOLUTION NUMBER 56


A RESOLUTION

To commend and express the appreciation of the Constitutional Convention of Louisiana of 1973 to Jane Noble, Chief Clerk, Enrolling Room and her staff for the valuable services rendered the convention.

WHEREAS, the authenticity of all official proposals and resolutions introduced and the validity of all amendments thereto by the convention has been maintained largely due to the dedicated and skillful performance of Jane Noble, Chief Clerk, Enrolling Room and her staff; and

WHEREAS, Jane Noble and her staff, Agnes Hooper, Assistant Clerk, Margie Gaudin, Jean Glaze, Maxine Maglone, Claire Morvant, Jesse Noble, Elizabeth Politz, Mary Roush, Martha Schlicht, and Connie Swanner have labored diligently throughout the sessions of the convention and given tirelessly of themselves to provide the necessary assistance and accuracy which has greatly benefited the smooth operation of the office of the clerk of the convention.

THEREFORE, BE IT RESOLVED, that the Constitutional Convention of Louisiana of 1973 commend and express its sincere appreciation to Jane Noble and her staff, Agnes Hooper, Assistant Clerk, Margie Gaudin, Jean Glaze, Maxine Maglone, Claire Morvant, Jesse Noble, Elizabeth Politz, Mary Roush, Martha Schlicht, and Connie Swanner for the capable and untiring efforts that have greatly contributed to the smooth operation of the convention and the successful completion of writing a new constitution for the State of Louisiana and its people.

BE IT FURTHER RESOLVED, that this Resolution be spread upon the official journal of the convention and that a copy hereof be distributed to the persons named herein.
Final Enrollment

Constitutional Convention of Louisiana of 1973

DELEGATE RESOLUTION NUMBER 57


A RESOLUTION

To commend and express the appreciation of the Constitutional Convention of Louisiana of 1973 to Jane French, Chief Clerk, Official Transcript Office and her staff for the valuable services rendered the convention.

WHEREAS, the accuracy of the official transcripts of the convention has been largely due to the dedicated and skillful performance of Jane French, Chief Clerk, Official Transcript Office and her staff; and

WHEREAS, Jane French and her staff, Peggy Burgess, Barbara Clingo, Mary Crochet, Nancy Cross, Dorothy Flory, Carleen Huffstickler, Mike Lafleur, Marva Tuminello, Mary Wright, and Joyce Young have given tirelessly of themselves to provide the necessary assistance which has greatly benefited the smooth operation of the office of the clerk of the convention.

THEREFORE, BE IT RESOLVED, that the Constitutional Convention of Louisiana of 1973 commend and express its sincere appreciation to Jane French and her staff, Peggy Burgess, Barbara Clingo, Mary Crochet, Nancy Cross, Dorothy Flory, Carleen Huffstickler, Mike Lafleur, Marva Tuminello, Mary Wright, and Joyce Young for the capable and untiring efforts that have greatly contributed to the smooth operation of the convention and the successful completion of writing a new constitution for the State of Louisiana and its people.

BE IT FURTHER RESOLVED, that this Resolution be spread upon the official journal of the convention and that a copy hereof be distributed to the persons named herein.
Constitutional Convention of Louisiana of 1973

DELEGATE RESOLUTION NUMBER


A RESOLUTION

To commend and express the appreciation of the Constitutional Convention of Louisiana of 1973 to the Legislature of the State of Louisiana.

WHEREAS, the enactment of Act 2 of 1972 by the members of the Legislature of the State of Louisiana made the Constitutional Convention of Louisiana of 1973 a reality; and

WHEREAS, the legislature has been very generous in its support of the convention by appropriating sufficient funds for its operations; and

WHEREAS, the legislature has made its own facilities
available for the use of the convention when necessary; and
WHEREAS, the delegates to the Constitutional Convention
of Louisiana of 1973 very much appreciate the support and
assistance of the legislature; and
WHEREAS, the Constitutional Convention is privileged to
have several outstanding members of the legislature, past and
present, who have made lasting contributions to the history
of our state and this convention; and
WHEREAS, delegates of the Constitutional Convention
recognize the close parallels between constitutional law
which they have been considering and statutory law which
members of the legislature consider; and
WHEREAS, delegates of the Constitutional Convention of
Louisiana of 1973 and members of the Legislature of the State
of Louisiana have a deep and abiding interest in the future
of our state.
THEREFORE, BE IT RESOLVED, that the Constitutional
Convention of Louisiana of 1973 commend and express its
appreciation to the Legislature of the State of Louisiana and
its members individually, in this manner, for their invaluable
contributions to the deliberations of this convention.
Final Enrollment

Constitutional Convention of Louisiana of 1973

DELEGATE RESOLUTION NUMBER 59


A RESOLUTION

To commend and express the appreciation of the Constitutional

Convention of Louisiana of 1973 to Richard L. Barrios, Jr.,

Chief Sergeant-At-Arms, and his staff for the services
rendered the convention.

WHEREAS, since its inception, the Constitutional Convention
of Louisiana of 1973 has had the efficient and courteous services
of Richard L. Barrios, Jr., as its Chief Sergeant-At-Arms; and

WHEREAS, the convention has been able to conduct its de-
liberations in an orderly and decorous manner because of the
efficient work of Mr. Barrios and his staff, Sergeants-At-Arms

Wilmer Baudoin, L. G. Brassett, E. O. Cailetteau, Dan Campbell,
Ellis Daigle, Joe Dazio, Freddie Donald, Macon Gean, David
Hamilton, Raymond Holloway, Eddie Joe, Heywood Jeffers, Joseph
Keith, Bill Middleton, Steve Mogabgab, Joseph Richard, Mike
Skinner, Charles Taylor; Security Personnel Wilson Chaney, Van
Foster, Gleno Koepp, Lemmie Walker, and messengers.

THEREFORE, BE IT RESOLVED, that the Constitutional Convention
of Louisiana of 1973 and its delegates, individually, commend
and express their sincere appreciation to Mr. Barrios and his
staff, Sergeants-At-Arms; Wilmer Baudoin, L. G. Brassett, E. O.
Cailetteau, Dan Campbell, Ellis Daigle, Joe Dazio, Freddie
Donald, Macon Gean, David Hamilton, Raymond Holloway, Eddie
Joe, Heywood Jeffers, Joseph Keith, Bill Middleton, Steve
Mogabgab, Joseph Richard, Mike Skinner, Charles Taylor, Security
Personnel; Wilson Chaney, Van Foster, Glen Koepp, Lemmie Walker,
and messengers.

BE IT FURTHER RESOLVED, that this Resolution be spread
upon the official Journal of the convention and that a copy
hereof be distributed to the persons named herein.
Final Enrollment

Constitutional Convention of Louisiana of 1973

DELEGATE RESOLUTION NUMBER 60


A RESOLUTION

To commend and express the appreciation of the Constitutional Convention of Louisiana of 1973 to the staff personnel serving under the offices of the chairman of the convention and treasurer of the convention for the services rendered the convention.

WHEREAS, the office of the chairman of the convention has been ably and efficiently served by Gale B. Clausen, Personal Secretary to the Chairman, Roy Fugler, Assistant to the Chairman; and

WHEREAS, the office of the treasurer of the convention has been skillfully and capably assisted by Bernice Weaver, Chief Accountant, Brenda St. Romain, Assistant Accountant, and Carol Turk, Clerk; and

WHEREAS, these staff personnel have greatly contributed to the smooth and efficient operation of the Constitutional Convention of Louisiana of 1973.

THEREFORE, BE IT RESOLVED, that the Constitutional Convention of Louisiana of 1973 and its delegates, individually, commend and express their deep appreciation to Gale B. Clausen, Personal Secretary to the Chairman, Roy Fugler, Assistant to the Chairman, Bernice Weaver, Chief Accountant, Brenda St. Romain, Assistant Accountant, and Carol Turk, Clerk, for their capable and efficient efforts that have contributed to the smooth operation of the convention and the successful completion of a new constitution for the State of Louisiana and its people.

BE IT FURTHER RESOLVED, that this Resolution be spread upon the official journal of the convention and that a copy hereof be distributed to the persons named herein.
A RESOLUTION

To express appreciation to the officials, operators and messengers of the South Central Bell Telephone Company for the telephone services provided to the delegates of the Constitutional Convention of Louisiana of 1973.

WHEREAS, the South Central Bell Telephone Company has provided excellent telephone services to the delegates of the Constitutional Convention of Louisiana of 1973; and

WHEREAS, it is a real public service to make available to delegates telephone facilities so that the service greatly facilitates communication between each delegate and the people of the state; and

WHEREAS, the convenience of providing telephone and messenger service to the Constitutional Convention of Louisiana of 1973 has helped tremendously in lessening the burden of performing our delegated duties, particularly since the service has been furnished with such competence and courtesy.

THEREFORE, BE IT RESOLVED, that the officials of the South Central Bell Telephone Company and the operators and messengers furnished by the company are hereby extended the official appreciation of the Constitutional Convention of Louisiana of 1973 and sincere personal commendation of each delegate thereof for their distinguished performance of a much needed service.

BE IT FURTHER RESOLVED, that a copy of this Resolution be transmitted to South Central Bell Telephone Company.
Final Enrollment

Constitutional Convention of Louisiana of 1973

DELEGATE RESOLUTION NUMBER 62


A RESOLUTION

To commend the members of the news media for their service to the public during the Constitutional Convention of Louisiana of 1973.

WHEREAS, the members of the news media of Louisiana, including the newspapers, radio, and television, have reported the actions and deliberations of the convention in its sessions and in its committee hearings for the past twelve and a half months with a sense of responsibility to the public and to their profession; and

WHEREAS, the members of the news media are to be commended for a job well done in relating the proceedings of this convention accurately and with a sense of history; and

WHEREAS, the people of this state have been informed of the progress and accomplishments of the convention.

THEREFORE, BE IT RESOLVED, by the Constitutional Convention of Louisiana of 1973, that the delegates of the convention take this means of commending the members of the news media for their excellent coverage of the events of this convention.
A RESOLUTION

To commend and express sincere gratitude and appreciation to the Louisiana AFL-CIO for the use of equipment and workers.

WHEREAS, the Louisiana AFL-CIO has provided the most modern remote public address, audio, and recording equipment available for the use and convenience of the Constitutional Convention, and

WHEREAS, the Louisiana AFL-CIO has provided workers to operate said equipment, and

WHEREAS, these workers have spent many long hours operating and maintaining this equipment, and

WHEREAS, said equipment and workers have been indispensable to the effective and efficient operation of the Convention, and

WHEREAS, said equipment and workers would have been available to the Convention only at considerable expense to the Convention and their provision by the Louisiana AFL-CIO has resulted in great savings to the Convention, and

WHEREAS, this action on the part of the Louisiana AFL-CIO has been a great service to the Constitutional Convention and the people of the State of Louisiana.

THEREFORE, BE IT RESOLVED, that the Constitutional Convention of Louisiana of 1973 commends and expresses its sincere gratitude and appreciation to the Louisiana AFL-CIO.

BE IT FURTHER RESOLVED, that a copy of this Resolution be transmitted to the Louisiana AFL-CIO.
Constitutional Convention of Louisiana of 1973

DELEGATE RESOLUTION NUMBER 44

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

A RESOLUTION

To commend and express the appreciation of the Constitutional
Convention of Louisiana of 1973 to Louisiana State
University and Agricultural and Mechanical College and
the Louisiana State University Law School, its dean,
faculty, and staff for the use of its facilities.

WHEREAS, Louisiana State University and Agricultural and
Mechanical College and the Louisiana State University Law
School, have graciously extended their hospitality to the
Constitutional Convention of Louisiana of 1973 by providing
working space in the Law Center and the use of the library and
other facilities to the research staff of the convention; and

WHEREAS, the working space in the Law Center and the use
of the Law School Library's extensive legal collection and
other facilities have been provided by Louisiana State
University and Agricultural and Mechanical College and the
Louisiana State University Law School without cost to the
convention; and

WHEREAS, the dean, faculty, and staff members of the Law
School have graciously cooperated with the research staff and

THEREFORE, BE IT RESOLVED, that the Constitutional
Convention of Louisiana of 1973 commend and express its
appreciation to Louisiana State University and Agricultural
and Mechanical College and the Louisiana State University Law
School, its dean, faculty, and staff.

BE IT FURTHER RESOLVED, that a copy of this Resolution
be transmitted to Louisiana State University and Agricultural
and Mechanical College and the Louisiana State University Law
School.
Constitutional Convention of Louisiana of 1973

DELEGATE RESOLUTION NUMBER 45


A RESOLUTION

To commend and express the appreciation of the Constitutional Convention of Louisiana of 1973 to the individuals who have assisted the convention.

WHEREAS, the task of writing a new constitution and the responsibilities of the delegates to the Constitutional Convention of Louisiana of 1973 have been complex and complicated; and

WHEREAS, the work of the convention would have been difficult to accomplish without the aid and assistance of the many people who aided and assisted the Constitutional
Convention of Louisiana of 1973 before and during its existence; and

WHEREAS, for many months prior to the convening of the Constitutional Convention of Louisiana of 1973 and continuing through the year of the convention's existence the Louisiana Legislative Council and its staff has given invaluable assistance to the convention and its staff; and

WHEREAS, this assistance has been in the form of untold numbers of hours of advice, counsel, research, and other forms of assistance given graciously and whenever called upon; and

WHEREAS, in its beginnings, the research staff of the convention had to rely almost exclusively on the resources of the Legislative Council for its research capability; and

WHEREAS, the Division of Administration has worked very closely with the convention and in particular the office of the treasurer of the convention; and

WHEREAS, the Division of Administration at the outset of the convention assigned Jim Falkner, a member of its staff to assist the treasurer of the convention; and

WHEREAS, the decorum and safety within the convention hall and the areas in close proximity to the convention could not have been assured but for the unceasing efforts of the State Police officers assigned to the Constitutional Convention of Louisiana of 1973; and

WHEREAS, the staffs of the Speaker of the House of Representatives and the Clerk of the House have rendered valuable help and assistance to the convention and the delegates when called upon to do so; and

WHEREAS, the Secretary of State, the Attorney General, and the Custodian of Voting Machines and their staffs have responded promptly and fairly when called upon to aid the convention in resolving some of the problems confronting it; and

WHEREAS, the courtesies which have so generously...
been supplied to the delegates to the Constitutional Convention of Louisiana of 1973 throughout its deliberations by the newspapers delivered daily by the Shreveport Journal without charge to the convention; and by the complimentary copies of "Citizen's Guide to the 1973 Constitutional Convention" and other material distributed by the Public Affairs Research Council of Louisiana greatly contributed to serving the needs of the delegates to the convention.

THEREFORE, BE IT RESOLVED, that the Constitutional Convention of Louisiana of 1973 commend and express its appreciation to the abovementioned individuals, agencies, organizations, and to all others who have contributed for the services they have rendered and the contributions they have made to the successful completion of a new constitution for the State of Louisiana.

BE IT FURTHER RESOLVED, that this Resolution be spread upon the official journal of the convention and that a copy hereof be distributed to the persons, agencies, and organizations named herein.
Constitutional Convention of Louisiana of 1973

DELEGATE RESOLUTION NUMBER


A RESOLUTION

To commend and express the appreciation of the Constitutional Convention of Louisiana of 1973 to the Honorable Edwin W. Edwards, Governor of the State of Louisiana.

WHEREAS, the Honorable Edwin W. Edwards, Governor of the State of Louisiana, has long maintained that a need existed for a new constitution; and

WHEREAS, Governor Edwards advocated the calling of a constitutional convention during his campaign for governor; and

WHEREAS, soon after his inauguration, Governor Edwards
began in earnest to work toward that end; and

WHEREAS, Governor Edwards sponsored legislation calling
a constitutional convention; and

WHEREAS, that legislation became Act 2 of 1972 creating
the Constitutional Convention of Louisiana of 1973; and

WHEREAS, Governor Edwards has maintained his interest
and support throughout the deliberations of the convention;
and

WHEREAS, the support of the Governor of this state is
essential for the successful ratification of the new con-
stitution; and

WHEREAS, the delegates to the Constitutional Convention
of Louisiana of 1973 realize that the aid, support, interest,
and cooperation of the Governor is desirable and necessary.

THEREFORE BE IT RESOLVED, that the Constitutional
Convention of Louisiana of 1973 and its delegates, indivi-
dually, commend and express their sincere appreciation to
the Honorable Edwin W. Edwards, Governor of the State of
Louisiana, for his continuing interest and support of the
successful completion of a new constitution for the State
of Louisiana and its people.

BE IT FURTHER RESOLVED, that this Resolution be spread
upon the official journal of the convention and that a copy
hereof be transmitted to Governor Edwards.
Constitutional Convention of Louisiana of 1973

DELEGATE RESOLUTION NUMBER 67

Introduced by Delegates Rayburn, Thompson, Brown, Reeves, Lambert and Nunez

A RESOLUTION

Relative to the distribution of public information concerning the proposed Louisiana Constitution of 1974.

BE IT RESOLVED by the Constitutional Convention of Louisiana of 1973 that in the event the Committee on Public Information determines that information shall be disseminated to the people of the state through the medium of newspapers, said committee is hereby authorized and directed to take such steps as are necessary to assure that, where space is purchased, the information is printed at least in the official journal of each parish, and in all events shall make every effort to disseminate information relative to the proposed new constitution in the weekly newspapers throughout the state as well as in daily newspapers.

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