Records of the Louisiana Constitutional Convention of 1973: Convention Transcripts

VOLUME V
Records of the Louisiana Constitutional Convention of 1973: Convention Transcripts

VOLUME FIVE

by

LOUISIANA CONSTITUTIONAL CONVENTION RECORDS COMMISSION

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A. Edward Hardin, Coordinator of Research
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1st Days Proceedings—January 5, 1973

Friday, January 5, 1973

CALL TO ORDER

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

PRAYER

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

PRESENTATION OF COLORS AND NATIONAL ANTHEM

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

Mrs. Marsh—[Anthem]

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

PRAYER

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

Hon. Joe W. Sanders—The delegates will please be seated. The next item on the program is the roll call of delegates by the Honorable Wade G. Martin, Jr., Secretary of State. When your name is called, please respond, rise, and come in front of the rostrum for the administration of the oath to the delegates. Secretary Martin.

ROLL CALL

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

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

ADMINISTRATION OF OATH OF OFFICE

Hon. Joe W. Sanders—The delegates will please raise their right hand and repeat after me: I hereby solemnly swear that I will support the constitution and laws of the United States; that I will well and faithfully discharge the duties of a member of this convention, and that I will observe and obey the limited authority contained in the Act under which this convention has assembled. So help me God. Thee be it. Governor Edwards, members of the clergy, and distinguished delegates of this convention, today, January 5th, nineteen hundred and seventy-three, is a historic day in Louisiana. After more than a half century under the same framework of government, you begin today in a new year to write a new constitution. In a larger sense, you write more than the bare phrases of organic law. You write history, for in the new constitution must be distilled the social and economic life of our great people, a people whose rich diversity of culture have been celebrated in song and story. You have been chosen to serve here because of your competence to do the work before us. In a very true sense you write not for yourselves alone, but as representatives of all the people. I congratulate you on your selection as members of this body. Like the delegates in earlier state conventions, you face problems that seem to defy solution. As the late Dr. Owen, a legal authority once noted, "Our present constitution falls short of the general major requirements. It is not the best that posse in asserting basic policy. It embodies defects in governmental structure. Finally, but no less important, it has spawned an abuse of the amendment procedure which makes the impossible burden of acting upon a multitude of amendments, some of statewide concern, some of local application only." Your work involves more than merely transferring the law from one book to another to shorten a constitution. It also involves a creative process. Your goal will be to create a new frame of government, basic, consistent, and sound; a government that is responsive to the needs of the people. No better guidelines can be found than those inscribed in the preamble to all Amendments. It holds dear to us the ideals of domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our prosperity. As your temporary Chairman, my duty under the law is to preside until you elect a permanent chairman. I will do my very best to facilitate your work. I have reviewed the biography of each of you. No greater endorsement [emphasis] can be made to indicate intellect has ever been achieved in the history of the state of Louisiana. But the ultimate success of our convention requires more than mere intellect; it all requires spirit. A spirit that will free the convention from the turmoil of discordant factions and the intrusion of partisan interests. Your proceedings must be conducted with decorum, dignity
and above all, a genuine concern for the welfare of the people. In such an atmosphere a full and informed debate can truly test the soundness of each provision. These deliberations can and must proceed in a manner which will merit the confidence of all the people. This then is your twofold challenge: deliberations that inspire public confidence, and a worthy constitution. The eyes of all Louisianians will be upon you as you face this challenge. My sincere wish is that your efforts will redound to the welfare, happiness and prosperity of all the people. Thank you.

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

PRAYER

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

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

Mr. Melvin Ballard [Give Me Louisiana]

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

Governor Edwards Thank you. Please be seated. Ladies and gentlemen of the convention, may I first thank the members of the arrangements committee responsible for arranging this auditorium, the facilities and the properties that will be available to you for your use during the convention. This day and this year will long be remembered by all of us. More than that it will be remembered by our children and their children, who will be the ultimate evaluators of your labors, your labors--I repeat, not mine, your labors. They will acclaim or condemn the product of the work which you will be doing in the days that lie ahead. It gives me great joy and comfort to report this massive and magnificent opportunity to determine whether Louisianians yet unborn shall continue to exist under an archaic and obsolete constitution, not suited to the new and less suited to the times, or as the desired alternative, whether our lives and theirs are to be enriched and enabled (emboldened) by a document of character suited to the needs and the hopes and the aspirations of a changing society. On Sunday, December 31, 1972, in its lead editorial, entitled "Louisiana At the Brink of A Great Support," The Times-Picayune has editorially and cogently commented on this convention. In full agreement with that publication's observations, I quote, "Today Louisiana stands at the brink of great moment...the beginning of its first Constitutional Convention in a half century. We are at the cradle of fragile opportunity that only rarely comes to a people...Such a time requires the best in people. And it demands that...common persons be uncommon and above the normal prejudices of life for the course of their convention. It is an exciting thing that faces all the women. Their task is to sift through all of the special interests that will shout for individual attention and to author a document that will speak for the common good and be an extraordinary law that will provide for the challenges of both today and tomorrow." The views of the leaders, again in solemn and serious in the very threshold of this great challenge, may we pause briefly for a few moments to reason why we have come to this point in the history of our state.

In the 160 eventful and turbulent years since the admission of Louisiana to the Union, our forefathers adopted 10 state constitutions. This alone demonstrates that experience of all constitutions have been inherent in our failures of the past. True, our state has managed to rock and roll and get along under its present infected constitution for more than a half a century. But in the past fifty-one years it has been infected and infested by cancerous, strangled, misunderstood amendments, no less than 53 times. It now contains in excess of a quarter-million words, more than ten times the average the other 49 states. And whatever its original merit as a barrier of descent and a principal impediment to progressive reform in Louisiana, in a letter to Thomas Jefferson's biographer, Lord Macaulay, Reilly charged that the federal constitution was a barrier to our state and by all history, I'm sure you'd deny that as of now, Louisiana's embattled constitution is all anchor and no sail, for it impedes us from moving and affords us none of the benefits of the natural events which would make it possible to capture some of the glory now escaping us. Those who have studied our government, and its proliferating constitution, are unanimous in unanimously [unanimously] the opinion that our constitution involves unnecessary detail which seriously hampers local and state government. Instead of being clear, explicit and reasonably concise in its provisions, it is a mass of complexity and confusion. Recurrent changes made it impractical if not impossible to publish a current copy.

In 1954 the Legislature directed the Secretary of State to print an official document. When published it contained over 700 pages, exclusive of an index which required 126 pages to guide its various positions. If you fashion, and the electors of this state adopt, a modern and clear and well-prepared constitution, the changes and recurring change will no longer exist. That in itself is sufficient reason for having you in convention during this year. But it is also fair to state flatly that the issues...where the amendments concern purely local matters in which some of us happen to be personally involved or where matters of very minor and controversial matters which have provoked expression
or opinion by leading public figures or by the media, they need to become knowledgeable on the subject matter of amendments submitted to it for approval or rejection. Indeed, despite the admitted merit of the pettifogging and change, some Northern states are now working to correct or add to the confusion in the virtually unreadable document and amendment after amendment in the last eight years has gone down to defeat.

Another related objection to our present constitution may be directed to those detailed provisions of purely local application and concern. What can be done to ensure the people of the entire state to vote on matters which concern only a restricted locality or an isolated area, yet in which a corporation or assembly and involved details exclusively appropriate to local governments. Despite all of these justified criticisms and many more it is appalling to me that yet an appreciable number of people still oppose the confection of a new organic law. Therein will be the problem that we will be facing in the year ahead. The asserted grounds for our position usually conceal from public view the selfish interests of those individuals and groups who inspire, nurture [nurture] and sponsor such opposition. For there are individuals and groups who believe that self-interest can be furthered, and not touching at the mark, your coming experience of framing this new constitution will involve a contest between fear and faith, between the fear of the loss of selfish advantages, and the reverse political influences which are needed to faith in the principles of democratic government and trust in the people of our state.

Thus the precaution of interest, several days ago, there was some observations printed and spoken suggesting an undercurrent of dissension and discord. But is not our state diverse enough, the convention independent enough that everyone can help support and will not be violated. If on the other hand it is not right or proper, then not only does it not deserve public support, but even less it does not deserve to be in the basic document of our constitution.

As a further example of what should not be in the constitution, let me discuss briefly a "for instance" for you. Article VI (a) contains many pages of great detail relating to the collection of a one cent per gallon tax on gasoline and motor fuel. The subject matter of the entire article would be better out of the constitution and in the statute or by regulation. This absurd and ridiculous state to which our constitution has been brought bears not the interlacing of a provision which I refer to. Listen to this as I quote verbatim from a provision of the constitution of the state of Louisiana: "Tractors, fuel or distillate base stock for fuel, stock to have a pale yellow color, to which shall be added two grams per hundred gallons of base stock of green dye, such as petrol green or other colors manufactured by Patent Chemicals, Inc., or oil-fast green GLB, as made by American Aniline Products, or their equivalents." Do you know what that means? Does anybody know what it means? Doesn't everybody know it doesn't belong in the constitution? This is an example of what I refer of much material in the constitution which does not belong there, creates problems for people who do not understand and therefore rebel against it and want to insulate themselves from its use. By definition, ladies and gentlemen, a constitution is a formal written document assuring and protecting the rights and liberties of the people and defining and limiting the powers of government. Our document has so far departed from this ideal and desirable purpose that it can no longer be considered to conform to this definition. The New Orleans Times-Picayune has described the situation, as has Chief Judge J.B. Parker, Chief Judge of the U.S. Court of Appeal, as described well the purpose of a state constitution. Its purpose," he said, "is two-fold: (1) to protect the rights of the citizen from the encroachment of the state, and (2) to provide a framework of government for the state and its subdivisions. It is not the function of a constitution to deal with temporary conditions, but to lay down general principles of government which must be observed amidst changing conditions. It follows then, that a constitution should not contain elaborate legislative provisions, but should lay them briefly and clearly the principles upon which government shall proceed, leaving to the people's representatives to apply these principles through legislation as conditions arise. Thus the ultimate purpose of the constitution and this convention must be designed to provide better government for the entire state and its people. To our critic's skepticism I say that this convention will operate in no vacuum. Its product will face the ultimate democratic test, its deliberations will be open to the public, and people will know who is doing what, and it will subsequently be submitted to the people for approval. If the work is good, it will be adopted. If it is bad, it will be rejected. There is here, in my opinion, involved a test of our faith in democratic government. Those who question the integrity and ability of this convention, doubt the integrity and ability of the people to govern themselves. Those who assail the good faith of the delegates to this convention attack the very processes, the principles and the ideals under which we live, and in which those groups are supported, your coming experience of framing this new constitution will involve a contest between fear and faith, fear of the loss of selfish advantages, and the reverse political influences which are needed to faith in the principles of democratic government and trust in the people of our state.

Thus in the precious days which remain to us, there was some observations printed and spoken suggesting an undercurrent of dissension and discord. But is not our state diverse enough, the convention independent enough that everyone can help support and will not be violated. If on the other hand it is not right or proper, then not only does it not deserve public support, but even less it does not deserve to be in the basic document of our constitution.

May I say, no citizen, anywhere, regardless of his rank or call to duty, is entitled to free himself from this convention. All citizens are involved in the truest sense of the word. I do not intend to abdicate my responsibility, nor the call that I think was given to me by my constituents to provide a work of long gubernatorial election. I am determined to respond to the mandate for constitutional change. Flashing across your inward eye, what does he mean by that? what is that fellow trying to tell
us." Very simply this: in a thousand places, small groups and individuals representing the elements of some of our metropolitan areas across the marshlands of South Louisiana and to the hills of North Louisiana who were interested in the welfare of the state spoke with leaders of industry, captains of finance, representatives of labor, working men and women, farmers, fishermen, musicians, students, everyone who was listening. There were people who had spoken for a constitution, because I had witnessed twenty-five fruitless years of efforts by others to write a constitution in one of the states of the Union at all without success. I publicly committed myself to the concept of a convention, and I proudly claim chief responsibility for the passage of the act by an independent legislature which brought you into convention today, that idea and the knowledge that it was the proper thing to do and in fulfillment of a commitment made by me to the people of Louisiana and endorsed by them in a hard fought election.

That was only part of the constitutional change that I proposed and talked about. There was another stage. I argued publicly that a new system of government was needed in Louisiana. I preached about how bad things were. You want to know something? The people were shocked. That developed me three days after I became governor was that I was very right; things were bad. And they are going to continue to be bad, and it's going to be increasingly difficult to govern this state under the system that we now have. What am I saying? I feel a commitment to the people of this state then to suggest to you in convention a systems change that I talked about in an election before all the people for eighteen months; not something that I just yesterday decided this would move. No, not some day that a group of people together, got together in a room and decided we're going to try this, but rather a systems change that I talked about publicly for many months, and I think has the support of the people in Louisiana.

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

I appreciate the opportunity of speaking with you this morning. It will be the last time that I do so. We will leave from this moment for the same goal but separate roads. You will have a convention working on hammering out a new constitution. I am going to go about the business of being the Governor of Louisiana and trying to do the best job that I can to present you with thought that I am here to serve you. You did not come here to serve me, and that you and I together came here to serve the people of Louisiana. I am forty-five years old. I have spent the last nineteen years of my life serving in public life in all levels of government. To me the most important, proudest moment of my life, because I think it affords all of us the unquestioned opportunity to make the greatest contribution to the future of our state. I congratulate you on your selection or election as a delegate. I leave you with the belief that I, for one, and I think the majority of the Governor of Louisiana, are totally convinced that you possess the ability, the intelligence, the dedication and the desire to serve them and yourselves by framing for them and their successors the kind of document which will bring to this state the change, the improvement, and the reform we all so desperately seek. I wish you well.

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

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

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

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

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

Mr. Kean
I did not give my name to the Secretary because I was not sure where or what position I will be placed in your hands and subject to your consideration. Is there anyone who has a motion that would like to come forward at this time? Senator De Blieux will you place your name here? Thank you kindly.

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

Point of Information

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

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

Point of Information

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

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

Rev. Alexander
My information is that in the
event one does not choose to place his name on the list now...

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

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

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

INTRODUCTION OF RESOLUTION

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

READING OF THE RESOLUTION

Mr. Abraham  BE IT RESOLVED that this Constitutional Convention adopt its permanent rules of procedure as its first order of business before electing its permanent official committee which shall, in accordance with the priorities set forth in Act 2 of 1972, and that a rules committee is hereby established to be comprised of sixteen delegates to be elected as follows: 1. Immediately following the adoption of this resolution the temporary chairman shall recess the Convention and direct the delegates to immediately meet in separate caucus by Congressional District (each 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 temporarily selected by the temporary chairman so committee shall reconvene the Convention to announce the names of the members of the Committee.

BE IT FURTHER RESOLVED that the Convention will then stand in recess and immediately following the commencement of such recess, the committee shall meet and select from among their number a chairman who will preside over their deliberations, they shall also select a place for their meetings and shall be authorized to employ such secretarial and clerical assistance as may be required for such purposes.

BE IT FURTHER RESOLVED that the committee shall complete a typewritten or printed draft of the proposed rules as promptly as possible, and in any event no later than Wednesday, January 17, 1973.

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

BE IT FURTHER RESOLVED that the Convention will reassemble at 10:00 a.m. Monday, January 15, 1973, to begin consideration of the rules of organization and procedure: that the committee provided for by this resolution shall thereupon be disbanded and no longer function, except that the chairman of the committee designated by his absence, will present individually the proposed rules to the Convention, together with a brief explanation of such rules, and that the rules will be individually voted on by the Convention.

BE IT FURTHER RESOLVED that the Roberts' 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.

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

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

Substitute Motion

Mr. Alario  Mr. Chairman, members of the Convention, at this time, I would like to, if I am in order, Mr. Chairman, to offer a substitute motion that would go by the following procedure. The procedure will be the election of a permanent chairman. 2. Election of a rules committee in the following manner: The delegates who reside in the eight Congressional Districts of Louisiana shall comprise eight separate committees who shall caucus separately and elect from among their number two members to serve on the rules committee. Each Congressional District committee shall report the result of such election from the adoption of this resolution. The rules committee shall be composed of 16 members, there being two from each congressional District. The rules committee shall meet and formulate a draft of the rules of procedure and order of this convention and report thereon at 10:00 a.m. Thursday, January 11. The Convention shall consider the report at that time of the rules committee and adopt rules of procedure and order for this Convention by a majority vote. This Convention shall then take up such other business as may be decided by its members.

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

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

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

Point of Order

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

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

Mr. Jenkins  Mr. Temporary Chairman, I would like to suggest as a point of order that the first substitute motion was out of order because the first item that was put before the Convention was not a
motion at all, but a resolution; and, thus, a substitute motion would not be in order to take the place of a resolution.

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

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

BE IT FURTHER RESOLVED that the 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 seventeen members, two from each of the eight Congressional Districts and one member to be elected by the convention delegates as a whole, who shall serve as Chairman of the Temporary Committee on Rules and Resolutions.

BE IT FURTHER RESOLVED that the election of the Chairman of the Temporary Committee on Rules and Resolutions be held as the next order of business of this convention.

BE IT FURTHER RESOLVED that immediately after the election of the Chairman of the Temporary Committee on Rules and Resolutions, the Convention shall recess for a period of one hour during which time the delegates in each of the eight Congressional Districts shall caucus in separate groups and elect from their group and elect from their group and elect from their group and elect from their group...and elect from their group.

BE IT FURTHER RESOLVED that upon the expiration of the one hour recess the Temporary Convention shall reconvene the convention to announce the names of the members of the Temporary Convention on Rules and Resolutions.

BE IT FURTHER RESOLVED that the Temporary Convention on Rules and Resolutions shall prepare a set of rules and mail a copy of said rules to all of the delegates no later than 12:00 a.m. on January 10, 1973.

BE IT FURTHER RESOLVED that the Convention reconvene on January 15, 1973 at 10:00 a.m. and that the Temporary Convention on Rules and Resolutions submit its proposed rules to the Convention at that time for consideration.

A further move that this resolution and/or motion be made a permanent part of the record of this Convention and that a roll call vote be taken and recorded.

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

Mr. Juneau. I will so file it.

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

Explanation

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

Questions

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

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

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

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

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

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

Mr. Abraham. Before or after the committee?

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

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

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

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

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

Mr. Abraham. Oh, I see. Alright, alright.
your resolution with you? We've had about three
recently introduced. I've been a lot of them
explained, and when I read them, I didn't necessar-
ily agree with the explanation I had heard. I was
wondering if there would be a copy available for
us, where we would at least have a chance to look
at it.

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

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

Recess

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

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

Gentlemen, if you will have your seats, I think
he can explain the content very thoroughly to you.

Point of Order

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

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

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

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

Mr. Juneau Yes, sir, he does.

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

Explanation continued

Mr. Juneau Very simply, Mr. Chairman, the con-
tenants of this resolution in words and substance
are substantially the same as the initial two res-
solutions that were introduced. More specifically,
all, all this resolution does is establish a Tem-
porary Rules Committee, the function of which
would be to draft proposed rules for the consid-
eration of this Convention. The composition of this
committee would be two delegates from each of the
Congressional Districts and as written would be
one more delegate which would give the odd number
of seventeen which according to the way we have
the motion or resolution drafted be elected by the
dlegation as a whole. It further provides that
what would occur that this committee would...you
would limit your caucuses; you would report back
as to whom your selection of the two people were,
Hon. Joe W. Sanders Could they be delivered by messenger?

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

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

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

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

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

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

Motion

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

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

Nomination of Chairman of Temporary Rules Committee

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

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

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

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

Mr. Stagg Mr. Chairman, the Juneau substitute resolution requests that now there take place a caucus of the eight Congressional Districts for the purpose of electing two members from each two Congressional or two women...two people from each Congressional District, and as the chairperson of the Rules Committee, I would like to notify any advance any who is elected from his district should notify those who are voting upon that nominee that this Committee will convene before this day, tonight, after the adjournment of this meeting at a meeting room in the Prince Murat Motel, and that we will stay in session until we have produced, with some sleep, until unless we have an agreed set of rules to bring back to this Convention.

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

Rules Committee Members [7 Journal]

Motion

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

[Seconded by Mr. Gravel.]

Further Discussion

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

Further Discussion

Dr. [Mr.] Asseff First, Mr. Chairman, I think that the Convention should recognize that there are a number of delegates from the Northern part of the state. Though I have had a good share of my life in Baton Rouge, it is going to be extremely difficult for us to come and go at the whim of the Convention. I do not think that it is fair to us. We have to make reservations. I made reservations
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for a few days. I am expected to cover five hundred miles by a trip but the work I am to do in that Convention should continue in session until it has finished the duties imposed upon it by us. I am tired of the procedure we have followed. It has been an other task here. Rush here. Let's do this, let's do that. I wish to say to you that the final analysis, the people of the state of Louisiana will stand in judgment of this Convention. At this particular moment, the people of Louisiana are not very happy. I am well-known throughout the state of Louisiana, and if we fail to proceed in an orderly fashion and to the job imposed upon us, we will work a long time, but we will find the Constitution rejected. My people, I know, are not enthusiastic. The people of this great area are not. I urge that we think upon this that very seriously. We do have...we may go down in history; our names may be added to the greats of the state. If we fail to proceed properly, we may go down in infamy. And I, for one, am serving notice on the Convention now that I for one, if you fail to adopt the proper procedures—elect a chairman, elect a president—get our work done, divide into committees—if you fail to do so, I assure you that I shall travel the breadth of this state in opposition to the Constitution whatever it may be that I don't think that we are doing justice to anybody. At this time, I would like to carry out what Senator De Blieux has said, by a substitute resolution.

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

Substitute Motion

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

Hon. Joe W. Sanders Read into the microphone.

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

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

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

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

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

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

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

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

[Substitute motion tabled.] Further Discussion

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

Further Discussion

Rev. Alexander Mr. Chairman and delegates, I have one particular fear in this Convention. Someone has read the question about special interests, I have one special interest, yes. That is the 3.6 million people of the State of Louisiana. I just came out of a meeting a few minutes ago of the First Congressional District and I saw that should happen. I saw three factions in operation. Candidates who were nominated are all good, able men. We have three able candidates of the State of Louisiana from whom I have received correspondence, and all of them seem to possess all the traits and characteristics necessary to do a good job. However, if we drag this thing on, whether it's a day, two days or ten days, a month, it means that this Convention will be divided and polarized into factions, because the followers of each candidate will then become a little faction and thereby bring in dissension. The Rules Committee has already been selected, so we have no problem there. I, therefore, support the motion to elect a chairman immediately.

Motion

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

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

Further Discussion

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

Point of Information

Mr. Keen Mr. Chairman, before Mr. O'Neill comes up, I in order to bring the question about it, the motion that Mr. Duval...is an amendment to my motion. As a matter of fact, Mr. Duval's motion as made is the ancillary motion that I reserve the right to make. I think it should be voted on separately, and therefore I will not accept it as an amendment to my...
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Hon. Joe W. Sanders  The mover has declined to accept the amendment, therefore the amendment will have to be voted on separately.

Ruling of the Chair

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

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

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

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

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

Point of Information

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

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

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

Further Discussion

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

Further Discussion

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

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

Substitute Motion

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

Point of Order

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

Ruling of the Chair

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

Further Discussion

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

Further Discussion

Rev. Landrum  Mr. Chairman, ladies and gentlemen, as some of you will remember in the Judge's chamber, Judge Hamlin, it was my position at that time if we are going to have an open convention, then there should be no secret ballot. I fail to see how we can live the confidence of the people, if we are going to start doing things in secret. I don't care about the smoke-filled room. I will talk with any
of you in a smoke-filled room. I am not concerned about what you think either about how I vote, because I am going to vote my conviction and I want everybody to see.

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

Further Discussion

Mr. Chehardy: I would just to this honorable body and also to the members of the Convention, as an attorney, consider it one of the great honors of my life that I am going to participate in this Convention. But I do sincerely believe that rather than losing strength by stepping behind a blind, or a closed or a hidden ballot, we are going to bring much more eminence to this group, we are going to bring much more respect to our group, from its very inception, doing everything in the open. And if a man is chosen for any position who does not suit you, or myself, or some other member this is a trifle and all of us rally together behind whoever is elected. But I believe that it would be the greatest sign of weakness to start off this Convention on a mode of secrecy, because then all the men who are going to be our guiding light, our pilot, during the ordeal of the next year. And I, for one, am against anything secretly taking place in this Convention.

I refer, as Reverend Landrum said, I want to vote my conviction in every case. And if we fear to say who we are for, for an inexcusably wrong. There are people in the State of this Convention. And I sincerely urge that we have no secrecy throughout this Convention, that we keep it an open book. Thank you.

Further Discussion

Mr. Wall: Mr. Chairman, honorable delegates of this Convention, you know I am amazed at some people that they get up here and speak and they are so great. They are so great. They are strong enough to go along and see everybody. I just wonder which one of us out there that they think are so weak that we can’t vote our convictions. As one of the men who is going to be our guiding light, our pilot, during the ordeal of this Convention. And I say, “You know who I am for, I’ll tell you, but I want other people to be able to vote their convictions.” Now, I don’t know who he’s talking about or they are talking about; I don’t know which one of you he’s saying out there is so weak, because he says he’s not. So if any of you are so weak that you want to vote in secret ballot, you come up here. I’ll agree to let you vote in secret ballot. But I don’t want nobody else to come up here and says, “I’m strong and you are weak.” Then we’ve heard about pressure. Of course, we can expect that. There’s always those charges. Why doesn’t someone say who’s putting pressure? Who has put pressure? Oh, I’ve done a little lobbying, but I didn’t call that pressure. I don’t have any pressure to put. But if someone is so immature and inexperienced that they can’t stand the pressure, or if they can’t stand what’s come to this point, or they don’t know who they are that can’t vote their convictions, everyone of you that was running you got up and says, “When I get down there, I am going to vote my conviction, I am going to vote my conviction so just anyone who is so inexperienced and immature that they talk about pressure, they haven’t seen anything yet.” It’s not pressure; it’s just the lobbying of the people’s business. It’s just the lobbying of the people’s business. And that’s part of it. In fact the business of people that lobby many times give you information that you would not get from any other source. Of course, sometimes that information they give you can’t get from any other source is not correct either, so you got to weed that out. But, what I am going to say is this. Let’s have an open Convention and let’s have everything out in the open.

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

[Previous Question ordered.]

Closing

Mr. Duval: The amendment is that the vote, in the event that the resolution to vote for chairman is passed, it will be by secret or written ballot. I would like to say that I don’t think it’s a matter of strength or weakness. I think it’s a matter of right. The people of the state have made a proposition that amendment, I think that I have the right to close.

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

Question

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

Ruling of the Chair

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

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

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

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

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

Point of Order

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

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

Point of Information

Mr. Abraham  Do I understand that on this particular vote a yes vote means that you are for a secret ballot and a no means that you are for a secret ballot?

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

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

Substitute Motion

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

Point of Information

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

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

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

Further Discussion

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

Further Discussion

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

Further Discussion

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

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

Further Discussion

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

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

Further Discussion

Mr. Riecke: Mr. Chairman, my name is Louis Riecke. Thank you. [...this will only take one second.] I want to point out to you what Delegate Gauthier said that if we don't have rules when we elect a chairman, now there are four candidates running for this office. How are you going to rule this, a majority or a plurality wins the chairmanship? How are you going to do that if you don't have rules? So, I submitted that until we get the rules, before we vote on the officers.
filibustering a question, I certainly would be willing to go along with the previous question. But, let's don't start out at least on our first day here of cutting off debate too quick and letting nobody have their rightful say as a delegate of this Convention. I just want to throw that out to you for thought because whatever impression the public gets of this Convention, this state may determine whether or not we are successful or a failure.

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

[Previous question ordered.]

Closing

Mr. Kean Mr. Chairman, the motion I made was to the effect that the next order of business of this Convention would be the election of a permanent chairman, who may not be the chairman of the Temporary Rules Committee, which election shall proceed prior to the adjournment of this Convention, that I would like to say to the delegations, that, in my opinion, that the delegations must be brief, because I think that all that needs to be said on this question has been stated, that Senator Rayburn and I voted together today, twice which is a rather unusual situation. Secondly, it pains me greatly to be on the opposite side of the aisle from my good friend, Tommy Leigh. However, I came here today feeling that, if we could adopt a motion whereby we had an independent Rules Committee capable of drafting rules for further consideration of this Convention, that the motion was the most important item of business before this group. I thought that once that had been done and accomplished it was important for us to proceed with as little further delay in the selection of the person who would head up this Convention for the rest of its term, because I believe it needs to have a head. I'm frank to admit that I'm not committed to anyone. I frankly don't know who I'll vote for based on who's nominated. I'm not engaged in trying to run any railroad. I simply feel that we need to have a head of this body, so that we can proceed with our business in an orderly fashion. I move under the circumstances, Mr. Chairman, the adoption of the motion.

[Motion adopted.]

Motion

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

[Motion rejected.]

Point of Information

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

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

Point of Order

Mr. Champagne We just decided we wouldn't recess. I want to know if everybody believes they can spend the next two hours here? Are you, sir, limiting these speeches to a reasonable amount? Are you going to say five minutes, ten minutes, an hour, or how much?

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

Motion

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

Substitute Motion

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

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

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

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

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

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

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

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

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

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

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

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

[Motion adopted as amended.]

Nominations

Mr. Dennery I'll start from the beginning. Justice Sanders and fellow delegates, we are indeed one hundred thirty-two fortunate individuals. We start today with an unblemished record like newborn babes in that tangled forest known as the 1971 Constitution, as amended, with the full confidence of
the people of this state that we can extricate them from the wilderness in which they are so helplessly placed. This is a sensible document to become the basic, organic law of this state. Each one of us is confident that we can intelligently fulfill the charge placed upon us by this Constitution. We have the ability and the courage to do it. We are a diverse body of individuals, truly representative of the people of Louisiana. We will prove to the voters that their confidence was not misplaced. One year from today we will present to the Governor a new Constitution, which we have fashioned in a democratic manner, which all of us can claim a hand in having written. One which the voting public can confidently vote for, because we will have retained their confidence by getting a Convention by fully considering their suggestions made at open hearings. Many of us at this Convention have never before been referred to as redactors. Well, we will be so referred to now. One of these days a court will formally refer to us as the redactors of the 1973 Convention. Then your grandchildren can refer to you as "you old redactor, you." But to be good redactors, we will need a good chairman. I am mindful of the sentiments that have been expressing concerned with the need to select a chairman whose integrity and qualifications are beyond question. We have such a man among our delegates, one who has proved himself an independent and impartial chairman in a diverse group. His experience in this field is without equal in the entire State of Louisiana. As our first truly permanent act, we delegates should do no less than to elect the best qualified among us as our chairman. I have the honor to place in nomination for the position as Chairman of this Convention the very best doggone man in Baton Rouge Parish, the delegate elected from House District Number 13, the Honorable E.L. "Bubba" Henry of Jonesboro.

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

Mr. Lanier Thank you very much, Mr. Chairman. Gentlemen, I had the pleasure of attending the Louisiana State University Law School with Bubba Henry. Bubba was very active in our school affairs. He was on our little intramural football team, but at the Louisiana State University he had the highest qualities of excellence. I think if you will review his conduct as the Speaker of our House of Representatives in Baton Rouge, you will see that these qualities have come forth. I am not a member of the House of Representatives, myself, but when this election came up, I made inquiries of people from Baton Rouge to find out who I knew to be in the House, to see how they felt about the way that Bubba did his job. Almost to the man, I was told that it was fantastic, that he accomplished things in our House of Representatives that some people thought were impossible. We have a very difficult task to accomplish here. We are going to need to all unite in order that your political feeling or philosophy is. We are going to need to work together for what's in the best interest of the State of Louisiana. I feel that Bubba can unite us and lead us along the path to do that which we need to do which is the ultimate passage of a modern Constitution to bring our state into the twenty-first century. For this reason, I urge you to consider this nomination of Bubba Henry. Thank you very much, Mr. Chairman.

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

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

Nomination

Mr. DeRilleux Mr. Chairman and ladies and gentlemen of the Convention, what we do here today and what we do here in Baton Rouge for the next three hundred and sixty-four or five days is going to weigh heavily upon the people of the State of Louisiana, their children, grandchildren, and for posterity, if the people approve our actions. I have no doubt that any one of the candidates that have been mentioned as chairman could do an outstanding job as chairman of the Convention. But there is a little bit more involved than just being chairman of the Convention. We have to think about the 3,000,000 people of which 200, 2,000,000 of them will have the right to pass upon what we do. They are not going to be in this chamber or in the chamber where we see during our deliberations, or any other place where we hold our committee meetings to judge the action of each and every one of us. They are going to have to rely upon what they see on television, or what they hear on the radio or what they can read in the newspaper. If they have an idea that we have put out [our] best foot forward and have done a good job because of what they have seen, what they have heard, and what they have read, we may have a real good chance of going down in history as having done something for the state of Louisiana. If it is true that the Convention, the delegates of the state and the people of the convention, and another three-ring circus, as has been said of our Legislature in times past, our Constitutional amendments could reach the same fate as some of our Constitutional amendments that have been proposed. Now, I ask you, let's not think about personalities in this case. Let's think about the people of the state, their children, their grandchildren, their great-grandchildren. And I don't believe that we can get off on a better step than having someone that is recognized as a leader in this state, a good administrator, a capable legal scholar, a capable judge and one that is capable of submitting the image we ought to have in our work approved. I refer to you the name of the Associate Justice of the Supreme Court of the State of Louisiana, a person who was born in Opelousas on September 23, 1920, educated in the public schools of this state and just to give you an idea of his ability to preside, he has been Chairman of the Louisiana Commission on the Aging, Chairman of the Louisiana Judiciary Commission, Chairman of the conference of Court of Appeal Judges, Chairman of the Appellate Judges Conference, American Bar Association, an organization of eighty hundred appellate judges. He's been Commander of the Ville Platte American Legion, President of Ville Platte's Junior Chamber of Commerce, Chairman of Evangeline Parish Boy Scout District and I could go on to various organizations in which he has headed, not being an active member, but actually the chairman or the president of organizations, which shows the importance of his position that ability. I ask you let's not look at personalities. Let's look at the best image we can put forth for the state of Louisiana. Let's don't stop about this in making it look like we are railroad ing anybody. I think that if we can do that we can show our real independence and the people will recognize for that independence and the evidence in what we do. I place in nomination for chairman of this Convention, Judge Albert Tate, Associate Justice of the Supreme Court of Louisiana, who held that position, without opposition since his
Mr. Fontenot: Mr. Chairman and fellow delegates, it is an honor to rise following Mr. DeBlieu's speech in support and to second the nomination of the Honorable Justice Albert Tate, Jr., and I want to tell you all I was very impressed from Ville Platte and as you just heard, Judge Tate is from Ville Platte. In fact, he still votes there. I feel like a word when he was just mentioned, a railroad, railroading of the Convention. I just calculated on the previous vote of the electing of the chairman today or postponing it. Now, maybe I shouldn't have put it up at the time, but I feel like there is a railroad job being done to this Convention at the present time. My figures show that out of the twenty-seven appointed members, twenty-three of them voted the same way. Out of the elected members of the Legislature twenty-one of twenty-five voted the same way and I feel like this is some indication of the unity. I'm not saying somebody is trying to control us. I see a unity here which may or may not be good for this Convention. What I am trying to say is that you have an opportunity to elect a person as your chairman whose ability I think will not be controlled by any faction. He is a Justice of the Louisiana Supreme Court. He has no political ambition before, henceforth, I don't think this man can be controlled. I don't think that there will be a railroad job at this Convention, if you elect him. I would very much appreciate it if one of you in the gallery today, if you would remember the names in the hat and you remember the people who voted for you whenever you cast your ballot. Think what the people want. They do not want a controlled Convention. They told me, do not let the legislature run it. Do not let the Governor run it. And you think seriously about who you want as your chairman, because the sentiment if we--if there's any indication that it is being controlled, the sentiment of the people will be to cast their vote against the Constitution. Just remember that when you vote the nomination of the Honorable Justice Albert Tate, Jr. Thank you very much.

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

Nomination

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

Mr. Fayard: In case most of you don't know me, and I say that you have no reason to know me, my name is Calvin Fayard. I represent the people of District 71. I am the coauthor on this bill that was passed with me. I could not have voted that bill for one reason. I thought it was the best thing for the Convention. The best thing for the people of our state. I am seconding the nomination of Louis Lambert because I think that he is the best person for the state and for the Convention. As my second man mentioned a letter to my fellow delegates a couple of days ago, and I was a little bit late. I am sure most of you did not get it. But in this letter I outlined my reasons for voting for Mr. Lambert for this position. Number one, there has been a lot of talk about independence, about railroad jobs, about the feeling of the Convention as having to put forth the idea and the image of an independent in order to get it passed for the public. I am new in politics. I've learned a lot here today. I would imagine that by the time that I go home a year from now, I will be aged quite a bit. However, I think that we still have the opportunity to elect a man who can do the job as an independent, who can reflect the proper image of this Convention to the public. My primary concern is that we elect a chairman who is a chairman of this Convention, not a chairman of anything else. In my own mind, he places this Convention first and foremost and realize that we have other qualified people for this position. It is hard for me to make up my mind, much harder for most of you all, I would say, because the other candidates for the chairmanship I know. I know Representative Henry. Justice Tate taught me in Law School. Jim Dennis is a very good friend of mine. However, I believe that we have to lay this aside; and elect a man who can reflect the image that we want reflected to the public, so a year from now we can go back to our people, and say you elected me to do a job. I've done the job, now please ratify it. Please vote for Senator Lambert as chairman.

Mr. Mire: Justice Sanders, fellow delegates it is indeed a pleasure for me to rise and endorse Senator Lambert. Senator Lambert is from my Parish, he ran in Ascension, and in St. James, and in Livingston Parish. He ran as an independent candidate, was elected there as an independent candidate. Again ran as a delegate to the Convention independently and was elected. A young man has stood out as a young man in our community to do something for the people of our area. He is one that I feel should be the person to do it. I am most happy to second Senator Lambert's nomination and I wish you would consider him very seriously. Thank you.

Nomination

Rev. Stovall: J.L. Stovall, elected delegate from the 79th District, Metairie, Jefferson Parish. It is my happy privilege at this time to present in nomination before you a person who is eminently qualified to serve as chairman of this group. He was an honor student at LSU and has had experience in three places of government: the Legislative, the Judiciary, and the Executive. And even more than this he had successful constitutional revision. This is indicated in the fact that he served in the Legislature, he introduced legislation to bring about the Constitutional Revision Committee. This, and also, he was the author of the bill for constitutional revision in the Legislature in 1970. He then served as a member and coordinator of that Committee in one capacity or another until our Convention. It might be of some interest to you to know that Jim Dennis was not elected as chairman of that Constitutional Revision Committee, instead Mr. Anzalone for some time felt that the Speaker of the House would be more suitable to serve as chairman of the Constitutional Revision Committee. As a member of the Committee, I mean the Speaker of the House was not able to do his regular duties plus this tremendous additional responsibility, and they turned to Jim
Dennis as coordinator of the Constitutional Revision Committee in order that he might bring together and serve ex officio on all the committees. This is to say that Jim Dennis has been through what we are going through and will be about during this entire year. That is, he has handled all of the details of revising the Constitution. He’s the beat the committee to it and he has the basic philosophy that we need to move forward in the way in which we should. I think that we should keep in mind that during the next year there will be a regular session of the Louisiana Legislature. There may be special sessions of the Legislature. And also I will assume that this body will present to the Legislature a substantial amount of material. It is my hope to say that we need people in the Legislature and workers there who will assume their full responsibilities. At the same time we need a person who can give full time to this Constitutional Convention, and I submit to you that District Judge Jim Dennis of Monroe, elected delegate from District No. 16, is the person who can do that. I think he will give to us a people’s Convention. And I think all the people of this state feel that they have a part in the leadership that he will give to us. Thank you.

Mrs. Corne Mr. Chairman, I am Delegate Heloise Corne from Fourth District. I am standing to second the nomination of Judge Dennis. This Convention has heard very many of his qualifications and I wish to speak about my personal qualifications. I have observed this young man at his work in the Legislature. I have known very many of his friends and I believe that he is an excellent choice for Delegate Dennis. I wish to second Judge Dennis at his work. I find him to be a gentleman with great integrity, with sincerity. I know that, if elected to this Convention, he will preside with decorum and prestige. I do not think we need a man of the qualifications of Judge Dennis and, for this, I would ask this Convention to consider the vote for Judge Dennis. I thank you.

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

Nominations closed.

Mr. Abraham I am one of the delegates, one of the four who has not decided who I am going to vote for yet. And I would ask for a moment for some prayerful consideration so that I may deliberate as to who I might vote for chairman.

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

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

Hon. Joe W. Sanders The Secretary of State will call the roll of the delegates, and I believe that I can address the tellers’ committee. I wish to inform the delegates that I shall refuse to vote on two grounds. I do not know any of the candidates; I really do not. I have not met one of the candidates until today. I have nothing for nor against them. I had hoped that we would have the opportunity of getting to know them. I don’t and I refuse to vote unless I vote intelligently. Those of you that know the candidates may do that. I am not criticizing you. I am simply saying I cannot, and if also Mr. Chairman, remember this: my only desire is to please my constituents of District 7. And that I have done, I couldn’t care less what anybody else thinks. And therefore, my second reason is a formal protest for not giving us ample time to learn the candidates and to proceed properly.

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

Personal Privilege

Mr. Dennis Mr. Sanders, I would like to make a second to that motion; but, before I do, I would like to take advantage at this moment to say again what I said to some of you in Baton Rouge, at the breakfast meeting while back, that I consider this the greatest honor, privilege of my lifetime, even though I wasn’t elected chairman. To just be delegates is to serve with you in this chance of a lifetime for all of us to give this state the kind of new modern Constitution that we absolutely need in order for this state to progress. I would like to say just a few personal remarks about our new Chairman, before I second the motion. I’ve known "Bubba" for over ten years. We have been in law school together and we served four years in the Legislature. Now back in the last Legislature, the Constitutional Revision wasn’t as popular an idea as it is today. It was started and, as you know, I introduced some bills; but what wasn’t said in the campaigning was that “Bubba” Henry was one of the coauthors of all my bills, and I would like to be fair and say that Tom Casey, [17]
Mr. Tate—My brother delegates and sister delegates -- delegated persons, I should say--it was a great pleasure to have been elected; I don't say appointed. It seems to have been a little issue awhile back, selected by you. Two weeks ago; and since then, I have been very much and deeply impressed with the sincerity and concern of this fine body of men and women. I am with my other also rare in congratulating the Convention on the choice of an excellent and strong presiding officer: a man of character, integrity and dedicated to the best possible Constitution, to submit to the people of this state, that we can throughout sincerity and concern of all our endeavors. Thank you very much for the pleasure of having had the chance to participate as I did in the recent processes. Thank you so much.

[Mr. Henry elected by acclamation.]

Mr. Henry—Thank you, Mr. Justice, fellow delegates, I don't have a speech prepared. It is an extreme honor and a privilege to be elected Chairman of this Constitutional Convention. I believe the Constitution was adopted, I don't know who didn't vote for me, and I don't know whether they were and I don't care. It care to give enough votes to do what I set out to do with your help. I am your Convention Chairman. I have made no deals, and you probably won't believe that, and I really don't care. There are a lot of nitwits in the public and they deserve to be represented here.

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

Mr. Henry—You heard the motion of Delegate Casey to which Mr. Chehardy seconded. Is there any objection? Are you ready for the...
say, "No."
We don't have a voting machine; I've already lost.
Those who are in favor of the motion will vote "Yes." Those opposed vote "No."

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

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

Motion

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

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

[Motion adopted.]

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

[Adjournment to 10:00 o'clock a.m., Friday, January 12, 1973.]
2nd Days Proceedings—January 12, 1973

Friday, January 12, 1973

Chairman Henry in the Chair

PRAYER

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

NATIONAL ANTHEM

[119 delegates present and a quorum.]

Personal Privilege

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

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

INTRODUCTION OF RESOLUTIONS

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

WHEREAS, a tragedy has taken place in New Orleans, Louisiana, the effects of which have gone beyond that city, affecting the state and the nation.

WHEREAS, all the people of Louisiana, black as well as white, deplore this senseless action.

WHEREAS, this Convention is meeting to write a Constitution which will guarantee the civil rights of all of its citizens.

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

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

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

BE IT FURTHER RESOLVED, that the Louisiana Constitutional Convention endorses the Tragedy Fund, which is a broad spectrum of citizens of all races and faiths and crossing organizational lines, intended to raise funds for the families of the deceased, which has been fixed up by Mayor Moon Landrieu, Mayor of New Orleans.

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

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

Point of Order

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

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

[Resolution adopted without objection.]

Mr. Henry: We are going to have to take care of some business at this time that is perhaps questionable insofar as what we as delegates to the convention did or did not do last week, and I think you are familiar with the propositions on the oaths, which we, the convention delegates, took on last
Friday. In the interest of an abundance of caution, we have checked with the attorney general. Attorney General Guste has advised us through a written opinion, that as a precautionary matter, that we as delegates should, in addition to the oath we took last Friday, take the oath which is contained in the constitution, just in case someone might question it at some later time. So if there is no lengthy, or long discussion of the vote, the Secretary, Wade O. Martin, present with us today to administer the additional oath. I am going to ask that the Clerk call the roll and that we proceed in the manner in which we did on last Friday—that you come to the front and stand and then the oath will be administered. Mr. Clerk, will you call the roll?

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

INTRODUCTION OF RESOLUTIONS

Mr. Paynter A resolution by Mr. Abraham.

BE IT RESOLVED that the delegates to the Louisiana Constitutional Convention do hereby re-enact, reaffirm and adopt as their own, and as the act of the convention, every act taken at the meeting of elected delegates held on January 5, 1973, including the roll call of delegates, the swearing of delegates, and all other acts that were done as members of the Louisiana Constitutional Convention from that time to the present.

[Previous Question ordered. Resolution adopted without objection.]

Reading of the Resolution

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

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

Mr. Henry If one of the pages will bring Mr. Velazquez and Mr. Reiche, Mr. Rachal, Mr. Asseff, Mr. Craig, and Mr. Darden, just keep up so the pages can see you, please. Pages, let’s get those rules out right quick like, please. Mr. Stagg, before you begin your explanation, it will allow me to point out that we do have secretaries...where are the secretaries, Mr. Clerk, I thought they were over here. There’re secretaries over here in the area of the coffee counter that will prepare any amendments which you desire to perhaps make to the rules. The Chair will insist that we proceed with allowing Mr. Stagg to explain his resolution and the rules insofar as he deems necessary. If you desire to amend the initial resolution, you should prepare a written amendment. One of the secretaries will help you in the preparation of the amendment. These amendments will be considered by the body as they are submitted to us. We are not going to take them in any particular order. It’s first come, first served; so, Mr. Stagg, when you get ready. Let me say this, too, insofar as the procedure that we’ll use, I don’t claim to be an authority on Robert’s Rules of Order. We are going to proceed along the lines of Robert’s Rules of Order, insofar as it will not hamstring the activities that I think you and I want to establish in adopting these rules. We will be as fair and impartial as we adjudge a chairman and a vice chairman and a secretary of their committee, I trust that this, then, would more closely reflect the feelings of the delegates as to what shall actually be entrusted with and shall manage the business of the convention, which is to write a new Constitution. We do have a few amendments as to style where we omitted the title of a rule, where we fail to capitalize a “c” in the word “Convention.” We do have one rule that in the process of final typing was omitted, and it will be offered as a committee amendment. And, Mr. Chairman, with those few preliminary remarks on behalf of the Committee on Rules, we move the adoption of Rule No. 1 as written.

[Rule adopted without objection.]

Explanation

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

[Rule adopted without objection.]

Point of Information

Mr. Stagg Mr. Chairman, on behalf of the delegates, might I ask the Chair, if this record of voting
Mr. Henry: Mr. Stagg, I think that I am proceeding in the way that I should proceed, and I'm certainly giving the delegates ample opportunity to raise any objection. You just proceed with handling the resolutions. I'll handle the decorum of the chamber. Proceed.

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

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

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

Further Discussion

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

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

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

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

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

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

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

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

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

Further Discussion

Mr. De Bieux: Mr. Chairman, I just wanted to make the same point that Senator Rayburn made. As you well know, some people are only inclined to remember what they see. And I think that if you are going to print the names of the absentees in the Journal, that not only the names of those present ought to be placed in the Journal, too.

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

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

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

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

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

Amendment

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

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

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

Explanation

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

[Amendment adopted without objection.]

Motion

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

[Rule adopted without objection.]

Motion

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

Question

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

Mr. Stagg: Mr. Dennery, I don't believe that that language does violence to the language included under the duties of the sergeant at arms; it merely places him in this place in the rules to say who shall do it.
2nd Days Proceedings—January 12, 1973

Point of Information

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

Mr. Henry. We will request that the Clerk read the rule if no one has any objection henceforth. Mr. Clerk, will you read the Rule No. 47?

Reading of the Rule

Mr. Paynter. 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 Chairperson 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 be called and those for whose absence no excuse or an insufficient excuse is made, may, by order of a majority of the delegates present, be taken into custody by the sergeant at arms or by his assistants appointed for the purpose, and brought to the floor of the convention.

Questions

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

Mr. Stagg. If the Senator would read in Rule No. 3, the following rule, where a delegate shall absent himself from the convention without first obtaining leave.

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

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

Mr. Rayburn. I know, but maybe I think it should be another way because, Mr. Stagg, that is how I think it's legitimate. The Chairperson might not agree with me, and then they're going to send over there and pick me up, if they can find me. And who's going to decide whether my excuse is a valid excuse or not? Now that's the only point I'm trying to make.

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

Mr. Henry. I had agreed to recognize Mr. Conroy. I will get you now, Mr. Keen. Then, we'll take you, Senator De Blieux.

Mr. Conroy. I had assured that Rule No. 34 vested that authority in the Chairperson, because it says "a delegate may be excused from attendance of daily session only with leave from the Chairmen." Mr. Henry. Thank you, Mr. Conroy.

Further Discussion

Mr. Keen. Mr. Conroy has made the same point that I wished to make. If you look at Rule No. 34, Rule No. 34 relates to absence from a daily session; in which case, the person who desires to be absent has to obtain leave from the Chairperson. Rule No. 5 dealing with a convention where the service envisions some length of absence, longer than a daily session, in which case it would be necessary to obtain leave of the convention for that extended absence. I think it pretty well covers the rule. If you are going to be gone for one day, you get it from the Chairperson. If you are going to be gone for some extended period of time or some illness for some extended period of time, you request leave of the convention and it is obtained. I think that if we are going to get into an argument about the whole thing on the ground that it's a good excuse or not a good excuse, and some delegate thinks he can be excused for a purpose that the Chairperson doesn't agree to, then we are just going to have a chaotic situation. It is a substantial duty to see that daily absence has to be approved by the Chairperson. That's the way it is in any other office or convention or body of this kind. I suggest that the other rules apply take care of the point Mr. Rayburn has raised.

Further Discussion

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

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

Question

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

Mr. Stagg. It was the feeling of the Rules Committee, after having read the rules of twenty-one other states' conventions, after talking about it among ourselves, that if a delegate was consistently absent from the convention, without excuse, and he was elected to come to this convention for the purpose of writing a new constitution, then the delegate ought to be come process by which the convention itself could obtain enough members, in view of large absences or consistent absences that the convention ought to have taken that action in this convention moving. We have a deadline, January 4, 1974. We will be in session beginning July 5. These sessions will be rewarding and productive. If the attendance is what we all expect it to be,
but if that attendance is not, the Convention ought to have the machinery to bring its members back in for the purpose of attending business.

Further Discussion

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

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

Further Discussion

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

Question

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

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

Point of Information

Mr. O'Neill It appears to me at this point that, by a simple insertion in line 13 after the word absence, I would have there, 'the majority of the delegates find no excuse.' I think this would be the sense the Chairman desires this rule to be taken in. I think this would clear up the objections on the part of anyone to pass on whether a delegate has a sufficient excuse or not. If there is no objection to this, I offer this as an amendment. We could clear this up and we could keep moving.

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

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

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

Further Discussion

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

Questions

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

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

Mr. Tapper I understand and I agree with you. Mr. Avant, but we are saying here that we have the right to do it the first time without giving him.
that opportunity to make the first mistake, and this is wherein I disagree with this particular rule.

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

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

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

Further Discussion

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

Questions

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

Mr. Stagg On a daily basis?

Mr. Hayes On a daily basis, average attendance.

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

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

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

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

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

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

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

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

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

Amendment

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

Explanations

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

Further Discussion

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

Further Discussion

Mr. Smith Mr. Chairman, members of the committee. I'd like my friend just stated here, Mr. Kean.
2nd Days Proceedings—January 12, 1973

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

Further Discussion

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

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

Reading of the Rule

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

Questions

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

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

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

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

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

Mr. Stagg I would think that it would provide for, exactly as it says: If a delegate shall absent himself from the service of the convention, the convention will reassemble in July, on July 5, between now and July 5, the convention will not be in session. The statute does not permit it. And only on July 5. That is, only during the time that the convention is actually in session: that is, now, and then again when we resume activity in July, and not in the interim.

Mr. De Blieux Mr. Stagg, I'm wondering if there isn't somewhat... a little bit of conflict here. And I read Rule No. 4. The reading? Service. I now know that these rules provide for the holding of committee meetings outside of convention sessions. I have a question as to whether we include service on these committees, when the convention may not be in session. Now if under Rule No. 5 you've got to have the consent of the convention for a leave of absence, how do you hold that to be in line with Rule No. 34 which says that the Chairman can grant an excuse for non-attendance at any convention session? There seems to be a little bit of inconsistency in that regard. I think that possibly that we ought to have a rule for the committee meetings when they are held out- side the convention sessions, that attendance at convention sessions, because then if you get an excuse from attending a committee meeting, you have to get the approval of the chairman of the convention or the committee itself. I just wondered about that because this doesn't say "convention session." It says "convention service." And that makes a little bit of difference in interpretation, in my idea. Maybe I'm wrong about that.

Mr. Stagg Mr. De Blieux, I'd like to point out to you, if I can find it in a short length of time, that there is a rule under the committee section which allows each committee... Rule No. 57, the Rules of the Convention. No, that's not it. We have a rule under the committee section that
permits a committee to adopt rules of its own, and I think that the committee chairman and the committee that you are a member of could adopt a rule about excuses from presence at committee sessions. If some member of the Rules Committee will sing out the number of that rule in which we allow a committee to have its own rules, you will note that that is covered. Rule No. 57 is one of them, but there is another provision that states that a committee may have rules of its own.

Further Discussion

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

Delegate Kean in the Chair

Further Discussion

Mr. Burns Mr. Chairman, and members of the committee we are just now reaching Rule No. 5. It is my suggestion, in these rules that do not strike at the very core of the convention, that the question is more or less marginal, that we give the Rules Committee the benefit of the doubt, rather than put us in all sorts of conditions that are very, very unlikely to develop. In the event that they should develop, we can always come back and amend that particular rule and take it further afield, when we’re telling the people who elected delegates to this convention that a majority of us could take any action we deem fit and proper at any given time against any delegate because we disagree with what he has given for missing functions of this convention. For that reason, I rise in opposition, unless this rule is amended to take the penalty clause out by majority. I rise in opposition to Rule No. 4. I would like to offer an amendment that would be the last sentence out.

Amendment

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

Further Discussion

Mr. Juneau Mr. Chairman, ladies and gentlemen of the convention, we discussed this at some considerable length in the Rules Committee, and it was the consensus of the Rules Committee that the convention could not pass, in effect, an ex post facto law punishing a crime after it had occurred. We left...we prescribed no penalties because we don’t think it is going to be necessary to do it. It is hoped that the future in the future to prescribe penalties because of continued absences of the delegates, the convention could then prescribe penalties for future absences or transgressions. And I oppose the amendment.

Further Discussion

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

Question

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

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

Point of Order

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

Ruling of the Chair

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

Appeal from Ruling of the Chair

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

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

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

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

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

[Chair sustained: vote taken.]
2nd Days Proceedings—January 12, 1973

Point of Information

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

Mr. Kean: That's correct.

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

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

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

Mr. Stinson: Mr. Chairman, apparently it's too late to get out from under the steamroller. But my motion was to appeal the ruling and it should have been an appeal to me. I had it changed, and you changed it, and I personally didn't realize you were changing it. The vote affirmative would have overruled the Chair, negative would have been the correct business of the Chair. And it's a parliamentary procedure. You did not state the question correctly.

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

[Previous Question ordered: 89-24.]

Chairman Henry in the Chair.

Closing

Mr. Topper: I didn't... I didn't intend to come here to nit-pick and as someone said before me, I don't know whether he is going to vote for my amendment or not— he said, "If we're going to begin with this type of steamroller, we're really in trouble." I want to commend the Rules Committee. I can't think of any more wonderful job and this may be the only rule that will approach this rostrum on. However, I would not have approached this rostrum if I had not thought that this was one of the more serious ones of the entire set of rules. And I reiterate what I said before— if a majority of this convention can mete out any type of penalty for any member of this convention, then I don't think-- I know-- we've started off on the wrong foot. Why couldn't we prescribe the limits of the penalty that can be imposed by the majority of this convention? Sixty-seven members of this convention can impose any type of penalty they so desire. Certainly we don't intend... we hope to except sixty-seven members to be rational and not to try to do anything beyond the reasonable. But why put it in the rule giving sixty-seven members that right? Why should not we prescribe the limits of the penalty that can be meted out by the majority of this convention? And I urge your adoption of my amendment and, hopefully, another amendment will be proposed to limit the type of penalties that can be prescribed. I don't believe the people of this state want a majority sitting here to tell them that they may be excommunicated. Thank you.

[Amendment accepted: 64-50.]

Point of Information

Mr. Lowe: Mr. Chairman and delegates to this convention, it occurred to me that we are adopting rules and, in the process of adopting rules, we haven't even decided how we can change them. I am sure that the Chairman of the Rules Committee has his plan for adopting these rules and I don't intend to try to change his plans, but I would like to suggest to him that many of us may feel a little differently about certain items that aren't substantive, may be changed after mistakes. If the rules cannot be changed later in a certain way. The time we get down to Rule No. 84, which deals with rule changes, we will have adopted the majority of our rules without, in effect, knowing what it will take to change them. So, as a matter of suggestion, I would certainly like to vote on the rest of the rules after we've decided what it will take to change the rules.

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

Amendment

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

Questions

Mr. Velazquez: While you are correct in saying that a roll call and can't be interrupted, and any right in assuming that a roll call can be supplemented by a statement by Mr. Believe, Representative Jenkins? Would this not then give the total picture on the representation present?

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

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

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

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

Mr. Stinson: But, Delegate Jones should have given that excuse a week ago. If you stop dropping back week after week, you're going to run into a lot of paperwork and problems, and I think this would cure it.
Mr. Velazquez: The exact amount of paperwork and problems is not as serious as not giving Delegate Jones Justice. If to give Delegate Jones Justice requires excessive paperwork, give him all the paper he needs.

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

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

Mr. Stinson: Well, that's a matter of opinion and I'm sure you're right in your contention, and I think in mine that it should be this way, too. I'd like to move the adoption. If no further questions... [Previous Question ordered. Amendment adopted: "viva voce."]

Questions

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

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

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

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

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

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

Further Discussion

Mr. Champagne: My only reason, Mr. Chairman, for coming up here is because many of us are committed to a new and shorter constitution. If we're going to take this long to decide on a few rules, that I have questions about that probably some of us didn't read fully, then I don't know how long we're going to be here. In other words, I want to point out to you, that one of the faults of the present constitution is that you can speak for hours and hours and words and pages and pages and not cover every eventuality. And I feel that, if we don't try to cover every eventuality in this thing, then it's going to take us years to get these rules. And I would just implore upon you, if possible, to try to resolve this thing a little faster. Thank you.

Further Discussion

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

Mr. Henry: Mr. Bergeron, is your amendment in writing, Mr. Bergeron?

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

Further Discussion

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

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

Closing

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

Point of Information

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

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

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

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

[Amendment adopted: viva voce.]

Further Discussion

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

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

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

Further Discussion

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

[Previous question ordered.]

Closing

Mr. Burson The only point that I wanted to make was—and the reason I made the amendment was—the general language in Rule No. 5, as it would remain after the amendments that we have accepted, it seems to me, would require a vote of the whole convention anytime somebody wanted to be absent from a daily session, which I think is cumbersome and unworkable and also in direct contradiction with proposed Rule No. 34.

Amendment

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

[Amendment adopted: viva voce.]

Motion

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

Mr. Henry Absolutely, yes, sir.

[Rule reread with proposed amendments.]

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

Point of Order

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

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

Questions

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

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

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

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

Recess

[U. S.illet: On delegates present and absent.]

Reading of the Rule

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

Further Discussion

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

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

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

Reading of the Rule

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

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

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

Reading of the Rule

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

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

Amendment

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

[Previous question ordered.]

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

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

[Rule adopted as amended: viva voce.]

Amendment

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

Reading of the Rule

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

[Amendment adopted without objection.]

Question

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

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

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

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

Reading of the Rule

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

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

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

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

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

Reading of the Rule

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

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

Reading of the Rule

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

Mr. Stagg I move its adoption.

Questions

Mrs. Taylor Does this mean...does this mean that
the governor of the state will not be allowed to address the convention?

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

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

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

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

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

Mr. Rayburn: Mr. Stagg, am I correct in thinking that, probably, if we had some of our constituents—our friends who we have talked to this morning, they can't even come on this floor. They can't be heard if they want to appear. They can't say anything, if I adopt this motion. Can we go in Committee of the Whole and hear someone who likes to appear before a body or committee, or will this keep us from doing this?

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

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

Mr. Stagg: You are absolutely right.

Mr. Rayburn: "...to the convention floor," and I don't want to be placed in a position for some of my people back home saying I voted for a motion that they couldn't even come to the floor or couldn't even address this convention. And that is my worry.

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

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

Mr. Henry: That's Rule No. 85.

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

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

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

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

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

Further Discussion

Mr. Rayburn: Mr. Chairman, and fellow delegates, we are here today, in my opinion, for one of the greatest undertakings that we've had in many years. Why? Because I'm here knowing that we spent the night with me last night and I asked him this morning; I said, "I've been in political office, if I serve this term, thirty-two years. Why did I make this mistake, I'll never know. Have you got any idea?" But I think, in adopting these rules and the procedure of this convention, we should be real cautious. We are the people's delegate, not our own delegate. We can't have all the answers and we never will have. And I know how to get around this rule if I want to, but then snuff cityph and tobacco house doesn't know. And for that Times-Picayune to carry an article in the morning that I voted for a rule that would prevent them from coming on this floor or coming to see me, by my own representative. We spent almost a half a day on rules, worried about what we're going to do
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with those that didn't want to come. Didn't want to come, what're we going to? We're going to assess them, send them after them, poll them up, bring them up. You know how I feel about that? Some of you that ran for this office, if you don't want to come, we'd be better off without you. Why worry about how to get them here? You might not want them after you got them. Have you ever thought of that? You might... I remember one time I had one of the Senators I had in the Senate say, "If you need me, send after me." Well, I needed him. Got a trooper, sent to the hotel, got him out of bed, held the committee up till we got him dressed and said, "Vote me." And that is a true story. So I say this: the people sent us here. In my opinion, this is not the delegate's convention; this is the people's convention. If you're going to try to hamstring and restrict, at the beginning, who can come here and make their views known, who can be heard here, you are going to defeat this thing before we get it started. And you remember and you believe what I've told you. And I think time will bear me out. We are here to serve the people of this state. We are here to do what they think they want to do, not what you and I... And the only way we're going to know how they feel on issues is to listen to them and hear from them. And when we can get in a Committee of the Whole we can hear all the attorney general; we can hear the governor; or we can hear other people; but I'd hate to see us go so far as to where the people back home think that we know everything, that we are coming here and going to solve all the problems without even allowing a chance to be consulted or to be heard. And you can adopt all the rules you want to. They are no better than the enforcement, just like a law. And I hope that we don't get too streamlined. May I say that we will leave the people back home thinking that we are coming up over here and we're going to do something without even allowing them a chance to be consulted or to be heard. And you can adopt all the rules you want to. They are no better than the enforcement, just like a law. And I think time will bear me out.

Amendment

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

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

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

[Amendment read.]

Question

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

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

[Previous question; order of amendment adopted; visa prev.]

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

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

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

Mr. Triche. Of course, Mr. Stinson, when we're in the Committee of the Whole, the majority of the delegates present in the Committee of the Whole control the action of the committee, except as otherwise specified by the rules. And when we get to the rules on the Committee of the Whole, I want to propose or ask someone else to propose an amendment which would allow the Committee of the Whole to invite speakers to speak before the committee and to invite them to present petitions and memorials or whatever the convention would like. All of that is to be controlled by a majority of the delegates present, which sits as a Committee of the Whole. Now it may be that we'll want to allow one speaker. It
Mr. Henry I think, gentlemen, if it might help the rules, the proposed rules, do provide that when you go into the Committee of the Whole, that the purpose for going into the Committee of the Whole must be stated at that time, and if we adopt that rule, I think it might clear up any concern that you have now.

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

Point of Order

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

Mr. Henry Yes, it has.

Question

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

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

[Previous question ordered. Rule reread as amended.]

Closing

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

[Rule adopted: viva voce.]

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

Reading of the Rule

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

Amendment

Mr. Poynter Amendment No. 1 [by Mr. Room]. On page 4, at the beginning of line 6, after the portion of the word "tion" and before the word "shall" insert the following: "including committee meetings."

Explanation

Mr. Roemer The amendment simply includes the words on Rule No. 15 to read as follows: "all meetings of the convention, including committee meetings, shall be open to the public and the news media."

Mr. Roemer, it was just that. I would like for the language to read just that. In line with my idea, as most of you have expressed, that our salvation in this endeavor is acceptance of our actions by the public. I think that that acceptance will stem from two things: our personal integrity and the work of the diligent people who work to the end that I offer this amendment and move its adoption.

Questions

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

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

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

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

Mr. Triche Mr. Roemer, and I may be addressing the question to the wrong person, but I'd like to get your opinion and maybe we can stimulate some discussion on it. There may come a time when the Executive Committee which is charged under the law with the responsibility of assembling a research staff, will want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want want 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Mr. Roemer: Exactly. If you so wish, you need to add further details, but mine will not provide for executive session. I do not intend to have such sessions.

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

Mr. Henry: Yes, sir, they certainly are.

Mr. PoynTER: [Amendment by Mr. Jenkins] On page 4, line 6, after the word "tion", insert the words, "including all meetings of committees and sub-committees".

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

Mr. LeBreton: Mr. Chairman and fellow delegates, I think the subject matter before us is one of the most important matters that has to do with the passage of this Constitutional Convention. And I say that, not from personal experience, having headed a Constitutional Convention workshop in Florida. The State of California, the state of Florida, held at the open meetings, particularly the committee meetings, was one of the reasons that they were able to, in Florida's case, sell their entire package to the citizens of that state. In California, although they moved the meetings in the State, they didn't get the coverage as they did in the Capital, so they lost the second half of their convention. The point being that the public wants to know what we're doing in committee and subcommittee meetings. I guess I don't know the speaker well enough, because I had an amendment written out and I wanted to get my amendment in and therefore I was very firmly of the gentleman who put in the amendment, though it was defeated, and now the amendment that's before us. I can't urge you enough and nothing that I can say is strong enough language to urge you to support this amendment. I realize that there may be some problems with the Executive Committee, some committee of officials, if we have one and so forth. There may be a reason why they might want to meet in executive session. That will be their problem, whoever is on that meeting. But the sum and substance of what we are talking about, is what's going to go into the constitution. And I appreciate what Pappy said, but we're not talking about who we're going to hire and who wants to hire the person who wants this job and why they want this job. That's not really of any tremendous importance in front of us. What's in front of us is this convention that we're writing and propose to the Governor and public and the Legislature, it's going to have to be in one hundred percent open meetings. And I just really lean on you and ask you to consider that, and I'd like to see this amendment wholeheartedly, one hundred percent, without objection. Because it will show the public our intent to have all committee meetings and all subcommittee meetings open to them. And I'm certain there will be many times when there won't be anybody there, but at least we will have said to the public, 'you have the right to come to our meeting, you have the right to come to our committee meeting, you have the right to come to our subcommittee meeting'. And I realize that in sections 56, 57, and 58 under committee meetings there is some possible difference in the rules in front of us now. Therefore I see a reason to clear it up, so there can be no question of what is before us. It was my definition that whatsoever we did not include committee meetings, because we are talking about the convention as a whole, one by one by one subject, and there's the section of subcommittee meetings. So I think it belongs right here and hopefully we'll pass the other section when we get to it.

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

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

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

Mr. Lambert: Mr. LeBreton, you're familiar in the last session of the legislature, passed a statute Title 42, Section 7, which was a public notice act. I think this is what you have been talking about all this
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time. Just for what it's worth, I have an amendment prepared that would insert the public notice act and apply to everything but the convention does. And I am going to introduce it shortly, as soon as I am recognized.

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

Mr. Lambert I'd cover everything.

Mr. LeBreton Thank you.

Further Discussion

Mr. Stagg I'm speaking on Mr. Jenkins' amendment and I rise in opposition to it. You may quarrel with your Rules Committee about the way these rules are spaced out in your book, but we wrote what we thought was an orderly set of rules and we watched for these things and we gave ourselves notes that when you get to committee hearings, remember notice; when you get to subcommittee hearings, remember that they should be open and public and open like committees. And in Rule No. 15 we were talking there about the convention, when we got to Rule No. 58, prompted by the notes we wrote to ourselves, we stated "all committee hearings shall be publicized, shall be open and to the public and be recorded." Then when we got to the rules on subcommittees, where it properly ought to appear, in Rule No. 77, it says "all rules applicable to committees shall be applicable to subcommittees." And therefore under that interpretation of these rules, no subcommittee can meet without the publicity and without being open to the public. And this then is just an orderly document without having nit-picked, put it in here, there and yonder willy-nilly, and Mr. Chairman, I, on a personal point, not for the Committee on Rules, do wish to speak in opposition to Mr. Jenkins' amendment.

Further Discussion

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

Further Discussion

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

[Amendment withdrawn. Previous question ordered. Rule adopted; view more.]

Amendment

Mr. Poynter Amendment proposed by Mr. Lambert, Mr. Wall, Mr. Brown, Mr. Giarrusso, Guarisco, Mr. Anzalone, Mr. Payano. Amendment No. 1, on page 4, beginning with line 7. Insert after Section 15.1. Public Notice. The provisions of R.S. 42:7, Statute Title 42, Section 7, shall be applicable to all meetings held without being open to the public. Convention, all meetings of its committees, subcommittees, all proceedings, hearings, and other related activities.

Explanation

Mr. Lambert Mr. Chairman, fellow delegates, this creates a new section entitled "Public Notice" and what it does, it incorporates into the convention's activities whether it be the convention meeting as a whole, whether it be a meeting of a committee or subcommittee, public hearing, any other proceeding or related activity of the convention, a Legislative Act that was adopted the last session of the Legislature. And what this says, in order to save time, I'm going to read it to you real quick: "Revised Statutes 42:7 Fixed Time and Place of Regular Meetings, Notice of Special Meetings. The Convention may by resolution or by the Constitution may have inserted in the word Constitutional Convention in place of all such councils, police jury, governing body, board or any other body calling such meeting, but by such other means as are consistent with circumstances. In the case of a special meeting or of a change in the time or location of a regular meeting, the presiding officer of the meeting of the public body shall give the news media which have requested notice and have given written their addresses, notice of the times and places of such meeting at least two hours prior to said meeting, except in cases or dire emergency. The notice to be given of the time and place of any regular meeting or a change in the time or location of a regular meeting may be given by telephone or telegram, provided that any news media which has requested notice shall be con-

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

Questions

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

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

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

Mr. Lambert In what way?

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

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

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

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

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

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

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

Mr. Lambert I have no objection to doing that.

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

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

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

[Amendment withdrawn.]

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

Reading of the Rule

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

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

Amendment

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

Explanation

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

Question

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

Mr. Roemer Yes, my personal preference is not to
change a word of the duties of the Executive Committee, which were outlined in the contracts, rather to keep the Committee on Committees. I'm adding members, not changing rules, in regard to their duties.

Further Discussion

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

Point of Order

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

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

Further Discussion

Mr. Stagg. Mr. Chairman, we are at the point I thought we'd be at before lunch, and it is beginning to be a circus of the rules which we have offered to this convention. The Rules Committee sought to diversify the power of this convention. It was felt by the members of the committee that reflected the will of the majority of the delegates. When we were debating whether an Executive Committee would be a large unwieldy body or a smaller, more compact group which could act as the administrative body of the convention, we--we set aside all of the rest of our work at the time--we went into what shall be the officers and where the problem would arise. We went into the whole field of how this convention would operate in order to get to the point of concluding what we were going to do. And having arrived at a balanced structure, we felt that a small Executive Committee, one which could meet around a table and have lunch together, one which could meet on the call of the Chairman readily, one that would not be beset with absences or with quorum problems, would aid in the furthering of the business of this convention. Its duties, the Executive Committee duties, that we will get to shortly--you know them in the rule on the Executive Committee duties you'll note that they are entirely administrative, as set out in the first paragraph under A of Rule No. 14. Maximum representation on the Executive Committee is possible under the rule as it was presented, for no majority more than for a major group. The substantive committees are where the action is going to be in this convention. That's where most of all the work is going to occur and that's where we feel that the emphasis should be, that once the committee assignments were completed, that the ordinary administration of this convention could well be carried on by, if you will, a Board of Directors of a reasonable size and reasonably constituted as a reflection of the membership of the delegation of the convention. The Executive Committee is going to write the constitution, but the Executive Committee is going to see to it who is employed; they will see to it as to what materials are purchased and the budget and the other finance and administrative details; where the physical arrangements are going to be made for this convention to meet on a regular basis; they are going to arrange for the purchase and rental of equipment and services; they are going to be working on the question of printing and related administrative matters. That alludes to what we thought at the time that this was going to be the work of the Executive Committee that could attend properly to the administrative details of the convention. One of the delegates pointed out that at one time, when an Executive Committee of twenty or more was under consideration, that at fifty dollars a day, it would cause a thousand dollars worth of expense every time they met, and perhaps that the same work could be done more efficiently by a smaller body, i.e., seven people: the Chairman, four Vice-Chairmen, the Secretary and the Treasurer. It was for that reason that the duties of the Executive Committee were made those of an Administrative Board, whose duty it was to administer to the fiscal and physical and other needs of this institutional convention and would have as its greatest advantage, the ease of its membership gathering together and the rapidity at which called a convention session, attend to its business, and go on to other matters. For that reason, Mr. Chairman, the Temporary Rules Committee came out with a small Executive Committee, a more manageable and wise committee, for the appointment of convention committees in the Committee on Committees, and then a traffic cop committee called the Coordinating Committee that would resolve the kind of issues that occur between or among the substantive committees. This, in effect, decentralizes the power of this convention and places it in the hands of the delegates to this convention, where the Temporary Rules Committee thought it properly ought to be.

Further Discussion

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

Questions

Mr. Velazquez. Mr. Fulco, I am beginning to see what I consider a dangerous trend. I wish to see balance in this convention between the Executive Committee, the Committee on Committees, and the Coordinating Committee, that it isn't going to happen. I want to state I firmly believe in equitable representation and an extension of the size of the Executive Committee, but at this time I wish to ask you: "Are
In this state is represented on the Executive Committee. I think that will have a bearing on how much power I want to give them. If I think some two or three Vice-Presidents are going to have all those powers, I think that will have a bearing on how much power I want to give them.

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

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

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

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

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

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

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

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

Mr. Burson Mr. Stagg, in your original introduction and motion that we adopt Rule No. 16, as I understood it, you moved that we would approve in effect an amendment to the Executive Committee which would be constituted of those officers named in Rule No. 16. So, that if we voted on Rule No. 16, as you originally moved it, we would get down before, whether we would want a Committee on Committees to be other than those officers that are suggested, or whether we would not want a Committee on Committees. For instance, if the amendment as proposed had been accepted with members from each Constitutional... from each Congressional District on it, then perhaps we would not need like Committee on Committees. Would that be correct?

Mr. Stagg That is correct, sir.

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

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

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

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

Point of Information

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

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

Point of Information

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

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

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

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

Point of Order

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

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

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

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

Substitute Motion

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

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

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

Mr. Henry You have to get your motion seconded.

Mr. Wall Alright, do I have a second?

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

Questions

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

Mr. Wall Mr. Juneau, it brings up the opportunity for the people to vote on specific issues, if
There is a question in their mind of how the Executive Committee is interpreted. As a result, just so happens that Rule No. 16 and Rule No. 19 are intersecting.

Mr. Junique: Point of Information. Which rule do we vote on first, even if we discuss them together?

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

Further Discussion

Mr. Jenkins: Mr. Chairman, delegates to the convention, the important thing under consideration here is what the duties of this group are going to be. Any time you create a political body the most important thing to consider is what it's function is going to be. If we were going to set up local city you might call it a warden. And the proposed-Executive Committee duties, if we were going to set up a court system, we'd designate certain powers. In the case of the Judicial Committee, then we would determine how many people and of what nature to carry out these functions. The importance of the Executive Committee to the convention is so particular. It's certain that we know what those functions are, it's irrelevant to talk about the size. If we give them very few duties, you may end up having a small number of people on it. If we give them large and extensive duties, it may be that we'd need a large number of people. But we need to find out, first of all, what the capabilities and responsibilities are going to be, and then, and only then, can we talk about how many people should be involved.

Further Discussion

Mr. Burson: The point that I attempted to make very awkwardly, with a question awhile ago--was in essence that point that Senator Rayburn has made, that I feel that most members of the convention would vote differently on the powers that were going to be designated to the Executive Committee depending on who's on it. That is to say, if it's only going to be composed of a Chairman, a First Vice-Chairman, three Vice-Chairmen, a Secretary, and an Assistant Secretary, and proposed to us by the Temporary Rules Committee, then I personally would feel that the power of the Executive Committee should be limited...by no more than those powers that are in proposed Rule No. 16. However, if the membership of the Executive Committee were expanded beyond those officers, as suggested, then perhaps they might be able to serve the same function as the Committee on Committees and make committee assignments. I would not want just the seven officers to be making committee assignments. I would not vote for that, but if the Executive Committee consisted of those seven plus two people from each Congressional District, then I might want to turn over to them the power to make the committee assignments. Because as I understand it, the Committee on Committees would be made up of two members from each Congressional District, anyway. We might have included, in effect, the proposed Committee on Committees in the Executive Committee. So, I would tend to believe that probably you need to take both of these things up at the same time.

Further Discussion

Mr. Arnette: Well, I definitely believe that we ought to consider the powers of the Executive Committee first, and the reason for this is basically, if you know what the powers of the Executive Committee are, you will know what representation you need on this particular committee. If they are expansive powers, you need an expansive Committee; if they are limited powers, you need a limited Committee. This is very obvious to me. It seems you need to decide the size of the Committee before you decide what Committee does. If the Committee has unlimited powers to do many, many different things, then I would have representation—one member from each Congressional District wouldn't be enough; I would vote for two. But, if these powers are limited to these particular powers, you don't need this big expansive Executive Committee. And I think we need to vote on that and decide what the powers are going to be before we decide how much representation we need.

Further Discussion

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

Further Discussion

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

Further Discussion

Mr. Warren: Mr. Chairman and members of this convention and fellow Americans, I think it would be horrible to say that we have a family of all the delegates here and then say we're going to cut some of them off from the dinner table. If any here that had more in his family than the designated number by the Rules Committee, would you say they couldn't have dinner because it's not a workable thing? If I wasn't going to consider two representatives from each Congressional District and I'd like to say to you, I'm not in the running for anything. I don't want to be on the Executive Committee, and I want to work with the people in my area and let them know what's going on in the convention, so I don't want to be with you all the time. But I'm going to ask you in the interest of fairness, if you vote against the people that you will give us all a fair shake and give two from each Congressional District. I think you.
and future functioning of this convention. Mr. Stagg is already referred to in his explanation of the Rules Committee recommendation, and that re-
commendation was designed to decentralize the power of this convention. We felt that if we had an all-
powerful Executive Committee, the Committee on Committees would have to run the convention but to select the com-
mittees of the convention, then the rest of us might as well go home and wait for the call of the Executive Committee to do whatever function they might desire to hand out to us from time to time. It was the feeling of the Rules Committee that the heart of this convention had to be the substantive committees would work on the new sections and articles and parts of the Constitu-
tion, and that it was essential in the selection of those committees that we have a democratic process by which the members would be named. It was...it was our feeling that if we provided a democratic process by which the committees were selected...we've done a good deal of talk here about representation from Congressional Districts. The Committee on Committees provides that repre-
sentation; it consists of two delegates from each Congressional District together with the Chairman. And if we are in accord that the heart of the function-
ing of this convention has to be in the substantive committees and that's where we want to have democratic representation, then the approach adopted by the Rules Committee, in my opinion, is correct. It provides a means by which democratic representation can be injected into the selection of the committees and the committee membership. We felt that if we separated that authority from the Executive Committee, we then did away with this powerful Executive Committee that's going to run the convention for the benefit of all of us who've been elected to participate in it. And we gave the Executive Committee limited power and, once we gave it limited power, there was no longer any need for a large, unreasonably unwieldy Executive Committee to function. And I think Reverend Wall has put his hand on to this. If we are going to now vote to broaden the duties of the Executive Committee to include the appoint-
ment of committee members, then I, too, would stand here and say we've got to have better representation on the Executive Committee. On the other hand, if we're going to leave the functioning of the Executive Committee as it is, in my opinion there's no good reason that can be advanced to any delegate here for increasing the size of that committee. I say, for that reason, we need to reach the crux of the question. If we do not wish to change what the Executive Committee with limited authority as the Rules Committee has pro-
posed, have the Committee on Committees democratic-
ally elect and empower it to select the substantive committees, and those committees select their own chairman. And I think that if we follow that procedure we're going to have a convention that we don't have any vote to leave the Executive Committee with limited authority as the Rules Committee has pro-
posed, have the Committee on Committees democratic-
ally elect and empower it to select the substantive committees, and those committees select their own chairman. And I think that if we follow that procedure we're gonna have a democratic conven-
tion. If we don't we're going to have a convention dictated to by an Executive Committee all too powerful for our own purposes. For that reason, I say to this committee, this convention, I oppose Representative Wall's substitute motion and ask that you support the motion made by Mr. Stagg in order that we can get to Rule No. 18 and get this matter behind us.

Questions

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

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

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

Mr. Denney  
Mr. Kean, answer to Mr. Velazquez' question, you stated that an enlargement of the Executive Committee by eight or sixteen, as the case may be would tend to remove the powers of the Committee on Committees, what do you feel about that?

Mr. Kean  
I oppose that suggestion, I do not feel it would be in favor of changing the...I'm in favor of the Rules Committee's method that the Rules Committee has adopted, but I do believe that even with the 50-50 split that the power is given to the Executive Committee, you overlook the fact that the Executive Committee has the power to hire all the staff in this convention. And importantly, if anyone gives thought to the way of thinking, in the development of this convention is to have a good staff, and I question whether or not we should have an executive committee, if only for the purpose of determining who a good staff should consist of.

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

Further Discussion

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

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

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

Further Discussion

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

Further Discussion

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

Point of Information

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

Mr. Henry. Mr. Rachal did not make a motion.
therefore the vote will occur first on the substitute motion.

[Substitute Motion rejected: viva voce.]

Point of Information

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

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

Motion

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

[Previous Question ordered.]

Point of Order

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

Mr. Henry No sir, Mr. Lambert.

Mr. Lambert Under Robert's Rules of Order?

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

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

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

Are you ready for the question?

[Motion adopted: viva voce.]

Reading of the Rule

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

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

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

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

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

Explanations

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

And it is in light of that design, carefully thought out and considered by the Rules Committee, that we do suggest to the convention that the duties of the Executive committee be as those are set forth in Rule No. 18, subsections A, B, C, and D. And we move the adoption of the resolution.

Amendment

Mr. Poynter Amendment No. 1 [by Mr. Roy] on page 4. The end of line 8, after the colon: "be composed of the officers of the convention and sixteen delegates, with two delegates to be elected from each Congressional District, in which they resided at the time of qualification or appointment. Such voting shall be in separate congressional caucuses. The Executive Committee shall elect from its membership a chairman and such other officers as it deems necessary. The Executive Committee, in addition to such duties as are prescribed by law or hereinafter set forth in these rules, shall:" is added. The previous Question ordered. Mr. Poynter. Mr. Chairman, I submit that the amendment is not germane to the rule. The rule deals with the duties of the Executive Committee and the amendment deals with the composition of the committee. Therefore I object to the amendment.

Ruling of the Chair

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

Explanations

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

Questions

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

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

Mr. Jenkins The reason I asked it, it seems as though our entire discussion for the last forty-five minutes or an hour has been to go ahead and consider the functions first, which your amendment now would have us turn back again and reverse. So, couldn't we very well still do what we just voted to do by rejecting your amendment and then considering Rule No. 16, and considering the essence of your amendment?
Mr. Roy: I was in the minority in voting against that function-form argument. I think it’s out of place, and I think my amendment is timely at this time.

Delegate Kean in the Chair

Further Discussion

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

Question

Mr. Velazquez: Mr. Duval, don’t you feel that part of your problem is a semantic one? Since this committee has the title Executive Committee, everybody assumes that it is a real Executive Committee rather than an administrative committee?

Mr. Duval: I think that is quite a valid point.

By the mere word “Executive” it implies certain powers that may not be necessary for this convention.

Further Discussion

Mr. Arnette: I have to agree with Representative Jenkins that his point he brought up was very valid. We just to Rule No. 18 is duties of the Executive Committee. The reason we decided to take it up first was so we could decide the duties first. If we wanted to decide the makeup of the Executive Committee, we would have gone with Rule No. 16 first, so I think we can go on and take Rule No. 18 as Rule No. 18 is. It is the duties. If we want to expand the Executive Committee, let’s do it in proper perspective. Let’s do it in the time when it is due. Let’s do it when we consider Rule No. 16. It is very simple the way we contemplated doing it by the way we just voted. Let’s take up Rule No. 12 first and not Rule No. 16. So let’s decide where we do want to decide. Let’s defeat this amendment until its proper time. Once we define the duties, we can decide how big we have to expand this Executive Committee. We might want to expand it to three members from every

Honorable District or four or five or nine or whatever you want. But let’s do it in the proper time.

Point of Information

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

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

[Amendment read:]

Chairman Henry in the Chair

Further Discussion

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

Questions

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

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

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

[45]
Mr. Roemer. Yes. Rule No. 18 is labeled "Duties" as I read it.

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

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

Further Discussion

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

Further Discussion

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

Questions

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

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

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

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

Point of Information

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

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

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

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

Questions

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

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

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

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

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

Mr. Reeves Yes, I do.

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

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

Mr. De Bieux Mr. Reeves, as I understand these proposed rules, Mr. Stinson, which you have handed over would have been the officers of the convention and where I think it would be proper to place the make-up of the Executive Committee. Now, as I understand the amendment, that's keeping every office, keep, doesn't that constitute merely the makeup of the Executive Committee, rather than the duties and functions of the Executive Committee as set out in Rule No. 17, which we are considering now? Wouldn't you be a whole lot better proposing your amendment to Rule No. 16 rather than to Rule No. 17?

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

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

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

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

Mr. Reeves Yes, sir.

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

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

Mr. Stinson Thank you.

Mr. Reeves "Shall be members of".

Further Discussion

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

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

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

Question

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

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

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

[Amendment withdrawn.]

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

Explanation

Mr. Avant Mr. Chairman, fellow delegates, as was pointed out by Mr. Stagg, a principle part of the duties of the Executive Committee—do with personnel, and in the implementation, and for this thing's self-explanatory and requires no extended discussion, I think that it is only proper and in fact is absolutely necessary that this committee, when it is assigned the duty, to make a rule on those types of matters, be permitted to hold those discussions in executive session. And I have provided in my amendment, however, that no action of the committee as such can be taken in such executive session. So, those are the reasons for this amendment. I think that they are very obvious, and I ask the adoption of this amendment.

[Amendment reread.]

Further Discussion

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

Question

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

Mr. Velazquez I think it would, yes.

Further Discussion

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

Point of Information

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

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

Mr. Velazquez Thank you, Mr. Chairman.

Questions

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

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

Mr. Silverberg Well, then, I have one other question. Will you hire or fire in open session?
Mr. Stagg You will hire...the motion to hire individuals and to hire individuals would be the kind of thing that the motion goes on to say, "but no committee action shall be taken while in executive session." That the discussions would be, but the actions of the committee would be in open session.

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

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

Point of Information

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

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

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

Mr. Henry Yes, sir.

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

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

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

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

Mr. Henry Mr. Stagg, you can't yield but I think that it would not in all probability keep members of the...delegates to the convention from attending any meeting, irrespective of what type it was insofar as the convention is concerned.

Mr. Stagg Am I going [going] to withdraw your amendment? There is some rumor to that effect and there's not any point in us dilly-dallying back and forth if that is going to be the case, Mr. Avant.

[Amendment withdrawn.]

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

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

Mr. Poynter I do, Mr. Chairman.

Amendment

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

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

Closing

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

[Rule adopted; viva voce.]

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

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

Reading of the Rule

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

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

Amendment

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

Explanation

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

Point of Order

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

Mr. Henry No sir, if you have another amendment...you know, if you have an amendment you have to offer them in the form of an amendment, but no substitute amendment to the amendment.

Further Discussion

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

Point of Order

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

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

Mr. LeBreton Thank you.

Mr. Henry Yes, sir.

Point of Information

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

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

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

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

Further Discussion

Mr. Rayburn Mr. Chairman and members of the committee, or the convention, neither can I visualize what could happen if you adopt this amendment. Suppose we get three vice-presidents from the same Congressional District, and then get a Chairman from the same--I'm just using that or Secretary or Treasurer. After all, I came here to represent my people. I'm in the Sixth Congressional District, and I love everybody in it, of course, I love those I represent in the far section a little better. I'd hate to see us do
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something here that would pit the metropolitan area against the rural area of this state, where the Rx could not, or would not, have representation on the Executive Committee; I, personally, feel that should be a consideration in making any kind of change in this state. And I'm afraid that if you go along with an amendment that was read here earlier, where you will have two members of the Executive Committee from each congressional district, if it is true that we have representation from all sections of the state, and if you understand the amendments that are now before us, in the event that your congressional district does not get a vice-president, Secretary or Treasurer, then you would have one for the Executive Committee from your congressional district, but it does not say that if you get three, you get to give up one or two of them to kinda equalize it. It doesn't say a thing about that; not a thing. Just says if we can't get in, they'll just let us come by, just pass through, us country folks. Just to keep you from being completely whitewashed, we're going to give you one; if you can get three or four, that's your good luck. I hope that don't happen. I hope, and they've said a lot about a big committee, but if you're going to operate on a big committee, Brother Stovall, let's forty-five of us go home, cause it's a pretty big one. Ain't it? I say, we have so many people getting together here with this huge committee we've got. But I haven't seen nobody ready to leave yet. They say that we'll have at least two members of the Executive Committee from each congressional district. Pretty big, ain't it, but we don't need but four or five on the Executive Committee. I say to you, I hope we come up with a plan that will give every section of this state representation that feel like they're entitled to that. And I hope that you will adopt amendments that will assure that.

[Previous question ordered.]

Closing

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

[Amendment reread. Amendment rejected: viva voce.]

Amendments

Mr. Poynter: Amendment No. 1 [by Mr. Roemer].

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

Explanation

Mr. Roemer: Yes. The amendment pertains to the Executive Committee; it deals not at all with the Committee on Committees. I want to make that point first. I don't want to have representation on the Executive Committee; I, personally, feel that should be a consideration in making any kind of change in this state. I increase it by one member selected from each congressional district by that delegation...one. The major thing I want to make is that I'm in sympathy with all efforts to expand the Executive Committee, because I disagree with those of us who would say that the Executive Committee has no power. I think it needs direct representation from each of the congressional districts. I only differ with those amendments prior to this and those that might come after this that have us expand it by a greater number than one per district. One per district gives us the geographical spread yet does not make the committee so large as to make it cumbersome. That is my only point. I think it provides representation yet does it concisely.

Question

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

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

Further Discussion

Mr. Abraham: I would like to speak in favor of the amendment. It's getting close to adjournment time and I just think that this is an excellent compromise. We've had some people who say, "No, we do not want to expand the Executive Committee." We've had a group, we want to expand it by two people from each Congressional District." So I think this would be a real unifying effort on our part if we would compromise on this issue here.

Further Discussion

Mr. Hayes: There's been a whole lot said about just one, one from a district, but I think you have to keep in mind that you have to kinda satisfy the people at the convention and to some extent, at least from each congressional district, then we have provided representation for the public. I ask you to vote for my amendment.

[Amendment reread. Amendment rejected: viva voce.]

Further Discussion

Mr. Alario: Mr. Chairman, fellow delegates, several times today, particularly in this discussion, members have come up and said that twenty-three delegates to compose an Executive Committee would be too large. I ask you what is wrong with having all sections of the people of Louisiana represented on the Executive Committee. To perform those functions that are necessary to run this convention, and to bring the document forward. I ask you, what's wrong in having minorities represented? Well, this would be virtually eliminated if we go with one from each congressional district. If you go with one from each congressional district, you begin to split the state in two, right away to throw the Metropolitan New Orleans area into a turmoil. They will be pitted against each other, because of the way the first...because
of the way the Second and Third Congressional districts are apportioned. With two from each district, we can accomplish the means and work out this compromise the way it can just before or right before the other one talked of. We need to have all segments of the people of this state represented. And the only way we are going to do that is to try to come to some means and some agreement that will do this. I ask that you would defeat this amendment and help support the next one which comes right above, right next, that will help to give the representation that is needed on this committee.

Questions

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

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

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

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

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

Mr. Alario They would be separate and distinct, but you're talking about possibly out of sixteen people, four or six of these would go to the Executive Committee and on this Committee on Committees?

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

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

Mr. Velazquez I'd like to say that I do agree with you on that point. I look upon the key to this as being not numbers, but balance. It is necessary that we have a Committee on Committees based on two per congressional district and I'd be willing, if you were to accept that concept, to go along with also having two from each congressional district. That is the point I'm trying to make. Is that we are not so short of skilled delegates that we have to elect the same people to the Committee on Committees as well as to the Executive Committee. This is the only point I'm trying to make. Balance is the word, not numbers.

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

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

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

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Mr. [J.] Jackson Mr. Chairman, ladies and gentlemen of the convention, I rise in opposition to the present amendment. On Senator Rayburn's mention of the presentation of the amendment. Very soon, very quickly, we would probably be elected to this committee and perform the same duties.

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could continue to have the two representatives from each congressional district remaining on the Executive Committee. Now there are those who say that the Executive Committee doesn't have too much to do. But I sincerely feel that C. under the duties under the Executive Committee is quite a sleeper, and I would like to feel that there would be a greater representation. Therefore, I feel that that current amendment before the house of one delegate from each is an insufficient number, an inadequate kind of representation, and I would appreciate hearing from the membership what is so sacred about the Committee on Committees that we must continue to debate the present issue.

Question

Mr. Velazquez: Do you think that if the Committee on Committees serves no purpose whatsoever, is of no value, and has no effect, how come everybody wants to gut it? Now neither Matthew, Mark, Luke nor John was appointed to the Rules Committee. Human beings were elected to the Rules Committee. And they were put together to set up a balanced document which would be fair to all the citizens of the state of Louisiana, to all the delegates of this convention and which would be fair to our esteemed Chairman. One of the criteria that we always took was: let's not ever put our Chairman in an embarrassing position. I will rest my question: does the speaker feel that if something is useless, why is everybody jumping on it?

Mr. Rachal: I'd be happy. I did not in any way mean to suggest that the Committee on Committees was useless. In fact, I want to...this is not a part of the Chairman, but in answering the question, I'll have to give my personal opinion. I feel that the Committee on Committees is very important. However, I am not doing away with their duties and it should become a part of the Executive Committee. I think the strength in that argument is that we will not have gone through the motions of electing two representatives from each congressional district. They decide on who will be on committees and they no longer function. I think it will be more important if we spend our time to elect those two representatives. Let them assume those duties on the Executive Committee as a subcommittee if necessary. That can be debated. But then they remain on the Executive Committee to continue to represent their congressional district.

Further Discussion

Mr. Burns: The point I would like to make is that we have here all sorts of interest groups. Geographical representation is especially part of our tradition. Now when we talk about one representative for each congressional district, I only ask those of you who come from the congressional districts of Metropolitan area of New Orleans, which is a relatively compact area, to remember that those of us from the Eighth Congressional District come from a district with fourteen parishes in it and stretches all the way from Alexandria down to Napoleonville. And for us to choose one member from that congressional district is by definition going to leave an awful lot of people unrepresented. I served on a parish school board. There are many members here who have served on school boards, police juries and other local government. They will fall even over ward representation, much less parish representation. I would say we have much better chance to have adequate representation for all of the legislative districts of this convention rather than token representation. I happen to be an elected member. I have been an elected member of the school board and also a parish school board. And I think our committee has the opportunity to say that we have adequate representation for all of those districts. I am not saying that we have a small committee, as suggested by the Temporary Committee on Rules. I have changed my mind primarily because I heard such strong, obviously the most important ears to the contrary today and I think it's the overwhelming feeling of this convention that we want a wider representation.

Further Discussion

Mr. Flory: Mr. Chairman, delegates to the convention, I rise in opposition to the amendment, not in its construction but in the fact that it does not, in my judgment, provide what I consider to be adequate representation for those who are large on the Executive Committee. You look at the duties spelled out now, that have been adopted so far by this convention, as to the Executive Committee. You will find that they are similar and inadequate right now to justify at least two from each congressional district. Assuming that we have problems of politics in the various congressional districts--you have urban vs. rural, you have the element of race, you have the element of sex, all taken into consideration--it is my judgment that we would be far better off if we were to expand it to at least two per congressional district rather than as proposed under the present amendment. Therefore I rise in opposition to the proposed amendment.

Further Discussion

Mr. Reeves: First of all, let me apologize for being up here again, but I do feel strongly in this matter. I also would like to apologize for the late hour. It is my belief that we have two items, two or three. One of those items is in reference to the number of people, proponents and others who have testified that the Executive Committee is not going to need to be a large body, due to what its going to be working with. What I feel is that we need at least two persons on the Executive Committee for the reason that we do have a lot of work to be done in the Executive Committee. The budget is one thing that needs to be taken care of and the budget, as far as I'm concerned, and as far as the Twenty-Second Representative District is concerned, is their business. This is not my money they're spending. This is not your money that we are going to be spending. This money is the great state of Louisiana's money and that means that my Mama and all those folks who voted for me and those people that didn't vote for me, that's whose money it is. I don't got to be worrying about. And the Executive Committee needs to take into consideration the people in Winn Parish, the people in Caldwell Parish, the people in LaSalle Parish and all the folks in the Fifth Congressional District, and I don't feel that one person from the Fifth Congressional District is enough representation for the Executive Committee. The second thing I would like to take care of is this: we have heard a number of people get involved with the Committee on Committees and there was a bit of discussion in reference to Representative Alario's remarks. I simply see this as a subterfuge. I'm not worried about the Committee on Committee at the present time. Again, I would...In reference to the Committee on Committees, there has been a lot of discussion. I think my discussion at the present time is out of order to be discussed, that's whose business I think it was before. It is immaterial; it's not even part of the discussion. My book, says on page 16 we discuss Committee on Committees; at the present time, I'm not going to talk about it, which is the consistency, of what the Executive Committee is made of. And I feel very strongly that Mr. Roemer's amendment needs to be voted down for the simple reason of this: I don't see any votes on the Executive Committee per congressional district. I feel that one is not enough, and I cannot reiterate it enough. I feel that one person is just simply inadequate and that the Fifth Congressional District is very large, probably the largest in the entire state of Louisiana. The blacks can't be represented; me as a young
person can't be represented. I'm not a politician, or I will put it this way, I may have grown up in politics and been a politician, but I'm not a big politician. The only office I've ever held in my life is a member of the Democratic Executive Committee in Winnfield, or Winn Parish, and this particular position I hold now. And I cannot accept that this convention is controlled, or there is an attempt to control it. And I simply feel, again, that we, if you are for the people of the state of Louisiana and if you told the folks in your district that you were going to represent them, then you'd better vote number one down, as far as one person per congressional district, 'cause you're not representing the people that you agreed that you were going to be representing; you're representing only one person. If you agree that we need more representation per congressional district, and if you told your people, if you told your people in your heart that you were going to represent them, and those are the people that really count, then you're going to vote for two per congressional district. Thank you.

[Previous Question ordered.]

Closing

Mr. Roemer I'll only close briefly by saying that the rhetorical overkill of this convention is amazing. We had a succession of some eleven speakers who all agreed one with the other. The number eleventh one sounded like the first one. I might address a few remarks to their statements. First of all, as regards the infighting in Orleans, it was suggested that if we only take one from each congressional district, we would pit one part of New Orleans against another. My suggestion might be if we elect two members from each congressional district, we might pit two parts of New Orleans against each other. I think they are doomed to be pitted. My meaning and intent was simply this: we all agree the committee needs to be expanded. My purpose in expanding it by one is to get statewide representation, not by two, so thereby the committee will be of size enough that the administration of a convention can be handled. The administration of a convention can be handled. And that is the job of the Executive Committee, the administration of a convention. One person gives us statewide representation, yet makes it small enough to do just that.

[Amendments rejected: viva voce. Adjournment to 10:00 o'clock a.m., Saturday, January 13, 1973.]
PRAYER

Mr. De Blieux: Our Father, we ask Your blessing upon us today in our deliberations for all our state officials and all officials everywhere holding positions of leadership. Let all of our actions this day be in Thy service and not the least embarrassing to You. We ask this in our Saviour's name. Amen.

PLEDGE OF ALLEGIANCE

ROLL CALL

[122 delegates present and a quorum.]

UNFINISHED BUSINESS

RESOLUTIONS ON THIRD READING AND FINAL PASSAGE

Mr. Henry: The Chair now recognizes Mr. Stagg to proceed with the adoption of the rules. I believe that we worked on Rule No. 16, if I'm not correct. I want to correct me, Mr. Clerk. There has been a motion by Mr. Stagg for the adoption of Rule No. 16, and we were in the process at adjournment yesterday afternoon on considering amendments.

Amendments

Mr. Poynter: Committee Resolution amending Committee Resolution No. 1, amending the original resolution as follows: Amendment No. 1 [by Mr. Roy], on page 4, line 14, immediately after the period, strike out the remainder of the line in its entirety. Amendment No. 2. On page 4, strike out lines 14 through 17 in their entirety and insert in lieu thereof the following: "There shall be an Executive Committee which shall be composed of the officers of the Convention and sixteen delegates, with two delegates to be elected from each Congressional District in which they reside at the time of qualification or appointment. Such voting shall be in separate congressional caucuses. The Executive Committee shall elect from itself a Chairman and such other officers as it deems necessary. The Executive Committee shall have such duties as are prescribed by law or hereinafter set forth in these rules."

Explanation

Mr. Roy: Ladies and gentlemen of the Convention, I think yesterday evening right before we adjourned that we were about to get to this amendment which I believe most of the Convention supports. Let me say this morning, quite frankly, that yesterday, I contemplated that we would do away with the Committee on Committees and make it a part of the Executive Committee. When speaking with several of the other delegates and realizing that most people are very much interested in assuring as much participation of all people and all segments as possible, and realizing that the best way to get a true Convention and make up of this committee, I thought and I will tell you right now, that I'm opposed to doing away with the Committee on Committees. I'm for leaving that intact and I think this particular amendment should be passed as is at this particular moment.

Questions

Mr. Kean: Mr. Roy, I have prepared and have submitted to the Clerk this morning an amendment to this Rule No. 16, which would provide that no member of the Executive Committee other than the Chairman, may serve on the Committee on Committees. Do I understand your statement here today to be that you would support that amendment?

Mr. Roy: I certainly would.

Mr. Juneau: I want to thank you for staying up late two o'clock and accepting that, Mr. Roy. The question that I have, Mr. Roy, I noticed in your amendment you said from the Executive Committee that they can elect their own Chairman. I think we've stripped Chairman Henry as far as we can strip him. It seems to me that in the duties of the Chairman we've contemplated that's the Chief Executive Officer of this Convention, and I'm willing to give him that much. Don't you think that would be good?

Mr. Roy: Yes, I think it would. I move to amend that particular portion that Mr. Juneau is talking about, so as to allow the Chairman of the Convention to serve as Chairman of the Executive Committee.

Questions

Mr. Perez: My question is whether you would be agreeable to an amendment which would provide the following would add to your amendment, provided that the Executive Committee shall not serve as the Committee on Committees?

Mr. Roy: I would agree to that. I think that Mr. Kean's particular question went to that, didn't it? So unless it's just going to take up time, I agree in principle with that.

Mr. Drew: Mr. Roy, as I understand your amendment, you would delete the last part of line 13 and all of line 14 through 17, is that correct?

Mr. Roy: Yes, sir.

Mr. Drew: Are you not in effect deleting the requirement that the officers be delegates and the provisions for the election of officers, when you delete those four and a half lines?

Mr. Roy: I don't believe, because the provision says that the delegates, the people on the committee will be delegates to be elected from each Congressional District.

Mr. Drew: But, you are leaving out the means of electing the officers is what I'm saying, as provided in the present Rule No. 16. They'll be elected in each separate... in separate elections by a majority vote of all the delegates of the Convention. Would you leave that clause?

Mr. Roy: Yes, I would be in favor of leaving this clause.

Mr. Stovall: Mr. Roy, do I understand that Mr. Perez's statement, because the part of your amendment...

Mr. Roy: I said I was in favor of that in principle, but I thought that Mr. Kean's amendment that he would later submit covered that position.

Mr. Stovall: Could we not include both in the amendment? I'm not trying to amend your amendment. I'm simply asking you to accept it and make it a part of your amendment.

Mr. Roy: I would accept it.

Mr. Stovall: He would accept it, but would you add that? Give those words to the secretary, and it all becomes a part... we have one vote.

Further Discussion

Mr. De Blieux: ...that sixteen people as a result of which Executive Committee meets is going to increase the cost of this Convention by eight hundred dollars. That's not a large sum. It depends upon how often they meet. I don't know whether or not the twenty-three people that would be on the Executive Committee can do a lot more
than it could do. But there is one thing that I am particularly concerned with and that is by our action, we are going to gain greater confidence of the people of this state by putting on eight more, that is, sixteen more people on the Executive Committee. In my opinion, won't do any more good that the seven that we have that we will select. If they are going to be an administrative committee, administrative or works economically, because I think as it has been seen in the past, the people are more afraid of what we are going to do to their pocketbooks than what we are going to do to their personal liberties. Now, I just want to stress the particular point. The more I look at these rules, although I had impressions to start with, the more I'm convinced that this Rules Committee did a little better job than I thought they did. I know they worked hard at it because I was there part of the time, and I heard part of the discussion. There are a few things that I think that maybe we ought to kind of check on—maybe do a little bit different. Some of the things that they might have missed, but overall they did a pretty good job, and I think it was an independent job. I hope that we can make this Convention...that is, at least lead the public to the conclusion that this Convention is a foregone Convention, that we are going to be working in their interest rather than our interest or somebody else's. I think, and I just ask you, let's go cluttering up our Executive Committee with a lot of additional people, which I don't think we need.

Questions

Mr. Velazquez Mr. De Blieux, do you believe that democracy is greater served by decreasing the number of representatives of the people?

Mr. De Blieux It depends on what those people do after they are selected, Mr. Velazquez. That's the point. A lot of people that still be undemocratic in their actions and some few people can be more democratic. It all depends upon the individual.

Mr. Velazquez Do you not think that the people of the state would be more conducive to approving the final draft of this Constitution, if they thought that they had significant representation on every level of the Convention, rather than decreasing the size or keeping the size of the Executive Board, smaller, which might not end up being representative of all discordant interest in the state?

Mr. De Blieux Mr. Velazquez, I can go along with increasing the Executive Committee to insure that every Congressional District can have at least one representative. But, I think that when you get it beyond that point, you are stretching it a little bit too far. I don't know that two additional people would be any better than thirty additional people from each Congressional District. If you...why not put the whole Convention on the Executive Committee, if you want to be sure that everybody is represented.

Mr. Velazquez Well, I'll be very happy to go along with three, but I think that two is a nice, workable number.

Mr. De Blieux Well, I just think that the more people you got, sometimes the harder it is to reach a reasonable, qualified decision.

Mr. LeBlanc Senator De Blieux, I don't know if this is correct, but I had understood that the opening day session out at LSU cost $20,000. Part of that was for rent of the building out there. My question is that is true, how could you criticize the fact that $20,000 for an additional for each meeting would be unjustifiable?

Mr. De Blieux Mr. LeBlanc, I had nothing to do with making the arrangements with LSU. I don't know how much it cost. But, I can tell you, one of these things that was worrying out, because I know in talking to the people that they are very much concerned with how we spend our money. Maybe it's a little off in the mind set here in thinking that a particular job and done out there and spend that much money if we could have found some other place to do it. I don't know. But, there is one thing that I do know—that the people are going to be doing actions very carefully—and I just want to be sure that what we do here today and what we do in the future that it will be acceptable by the people, because this is going to be our time and effort on most all of our part. I would certainly hate to waste the time and effort that we put into this for the sake of some little small sum like this. If we can assure that this will not jeopardize our confidence, that is the people's confidence in us and our actions, I would be willing to spend ten times that much, if it would do good. But we ought to watch what we do and be sure that we don't do anything which the people can criticize us for doing, just because it give us the advantage and the disposition of some of the delegates.

Mr. Leitman Senator De Blieux, one of your comments in the objections was the money. And it comes to mind the Constitutional elections that we've had down to the Executive Committee there are a lot of additional people, which I don't think we need. And, I just ask you, let's go cluttering up our Executive Committee with a lot of additional people, which I don't think we need.

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Mr. De Blieux Mr. Velazquez, I can go along with increasing the Executive Committee to insure that every Congressional District can have at least one representative. But, I think that when you get it beyond that point, you are stretching it a little bit too far. I don't know that two additional people would be any better than thirty additional people from each Congressional District. If you...why not put the whole Convention on the Executive Committee, if you want to be sure that everybody is represented.

Mr. Velazquez Well, I'll be very happy to go along with three, but I think that two is a nice, workable number.

Mr. De Blieux Well, I just think that the more people you got, sometimes the harder it is to reach a reasonable, qualified decision.

Mr. LeBlanc Senator De Blieux, I don't know if this is correct, but I had understood that the opening day session out at LSU cost $20,000. Part of that was for rent of the building out there. My question is that is true, how could you criticize the fact that $20,000 for an additional for each meeting would be unjustifiable?

Mr. De Blieux Mr. LeBlanc, I had nothing to do with making the arrangements with LSU. I don't know how much it cost. But, I can tell you, one of these things that was worrying out, because I know in talking to the people that they are very much concerned with how we spend our money. Maybe it's a little off in the mind set here in thinking that a particular job and done out there and spend that much money if we could have found some other place to do it. I don't know. But, there is one thing that I do know—that the people are going to be doing actions very carefully—and I just want to be sure that what we do here today and what we do in the future that it will be acceptable by the people, because this is going to be our time and effort on most all of our part. I would certainly hate to waste the time and effort that we put into this for the sake of some little small sum like this. If we can assure that this will not jeopardize our confidence, that is the people's confidence in us and our actions, I would be willing to spend ten times that much, if it would do good. But we ought to watch what we do and be sure that we don't do anything which the people can criticize us for doing, just because it give us the advantage and the disposition of some of the delegates.
important as an Executive Committee. And of course, the point that I'm trying to make is that we are trying to get a good Constitution together, but also we are trying to get every big group and every segment of the state behind the ratification. And I think one of the ways we are doing it is very, very, very, down home, really, if we did not have any representation or such an important committee. Do you agree on the ratification and pleasing the people back home, sir?

Mr. De Blieux: That's why I am concerned with more than anything is pleasing the people back home about this. But I can say this that there will be a lot of parishes that won't have representation on the Executive Committee, even if this amendment is passed.

Mr. Smith: Do you perceive of the Executive Committee having two primary functions that of being a nuts and bolts type of daily administration function as well as that of being a watchdog committee to watch the spending of funds and so forth?

Mr. De Blieux: Yes, I do. They will have a very important function. Yes, I agree.

Mr. Smith: Can't some of the duties as far as the daily administration of this work be delegated to the staff or to someone else?

Mr. De Blieux: I think the Executive Committee can perform that function better and they will have the overall say of how we operate. Now, that's why I believe that a small Executive Committee could do a much better job than a large one could.

Mr. Smith: Isn't it true that as a watchdog committee function, couldn't they meet periodically, say once every two weeks or once a month?

Mr. De Blieux: To be perfectly frank and honest with you, I don't contemplate the Executive Committee being, you might say, a periodic meeting Executive Committee. They are going to be in session very numerous times. They are going to have to, to perform their functions.

Mr. Smith: You don't think that this small extra cost is worth the money, so that the people of the state might have fair and adequate representation on the Executive Committee, which you say is going to be a very important committee?

Mr. De Blieux: I just think that you are broadening the Executive Committee to such a point that you may lose confidence in it because of the numerous times that they will have to meet and because of the large number of people that will be recalled in the session.

Mr. Flory: What, in your judgment, do the people of this state consider to be most sacred, adequate representation or the mere expenditure of an additional $800.00, when the Executive Committee, who is charged with the responsibility of administering the affairs of this Convention during recess and the supervision of the staff, etc. What do you think that the people would consider most sacred to them, adequate representation or $800.00 dollars?

Mr. De Blieux: Mr. Flory, in my dealing with the public in trying to sample and find out a public opinion, as I stated a few minutes ago, I think they want fair representation, but they want it at economical prices. They are a lot more concerned as to how we spend their money than anything else I know of.

Mr. Guidry: Senator De Blieux, I realize you want to save money and I'm all for it. I was just sitting back here and figuring out since you've been at the mike and for what it costs us to work for seven hours a day, you have just cut up forty-five dollars as far. Do you realize that?

Mr. Henry: Like proceed orderly, ladies and gentlemen. Mr. Guidry.

Mr. De Blieux: Representative Guidry, I would say that you and I both are going to cost the state a lot more than that forty-five dollars before we are through with this Convention.

Mr. J. Jackson: Senator, you know I can understand your concern about finances, but let me suggest to you that the act that provides for the Constitution for the calling of this Convention and the composition of this Convention, you know, we could have very well said that 105 representative districts could have been represented every parish within the state. And yet and still we added, not considering cost, we added an additional twenty-seven delegates to cover the major interests in concern throughout the state. So I think that...you know cost should be considered, but I think that there has been a precedent set forth by the appointment of twenty-seven delegates who also receive fifty-seven dollars. Well, we could have as a matter of logic and as a matter of representation just went along with a hundred and five representative districts.

Mr. De Blieux: Representative Jackson, I agree with the appointment of the twenty-seven delegates. I think that was okay. And I might say this, it's not the amount of this additional expense that I am complaining about. It's what I would consider the unnecessary expenditure of this fund. We do not need these additional representatives on the Executive Committee. If they are talking about the committees that are going to do substantive work, Mr. Chairman. What I started to say in answer to Representative Jackson's question, it is not the particular amount here that I am concerned here with. It's what I would consider the unnecessary additional expenditure. And those little things sometimes which can cause the loss of public confidence, rather than maybe some big expenditure sometimes those are the ones that get the most publicity. And I just want to emphasize to you again, that we have got to maintain public confidence. Now if this was to have represented upon individual committees, substantive committees, who are going to do the work of this Convention, yes, certainly, I think every member of our society, ought to speak on those committees. But for the Executive Committee that's unnecessary to add sixteen people to it. I just don't think we ought to do it.

Mr. Reeves: Senator De Blieux, I've enjoyed your remarks very much, but would you consider asking for the previous question, please, sir?

Mr. Henry: Mr. Reeves, you are out of order even making such a suggestion. Please, sir, there are a lot of other people who want to get their licks in on this, too. There are eleven people on this list at this point in time. Now you can make the motion, Mr. De Blieux, but in the interest of fair play...

Mr. De Blieux: No, Mr. Chairman, if there are no other questions, I'll yield the floor.

Mr. Henry: I thought you'd understand it that way. Thank you.

Mrs. Warren: Senator De Blieux, at one time I thought it was finance that you were concerned about. Then you said it's not. Then you said that the governor appointed twenty-seven delegates and you thought that was nice. I have no objection of it. I feel that they are a part of this Convention as much as anyone else is. But, in the same time, don't you think that each delegate, a hundred and five districts could have represented, they bring anything else that was designated by the Governor that would have cut
back on some of the expense. Is it really expensive? I would really like to know what is the reason that you are against the representation of two delegates from each representative Congressional District.

Mr. De Blieux The, what I'm concerned about is lack of public confidence, because I don't think we need those additional representatives on the Executive Committee.

Mrs. Warren Public confidence, Senator De Blieux, is one thing. Are you thinking about the people from the district that are representing, or are you thinking about the people from all over the state? I represent one representative district which includes what I intend to represent them all and I'm not even interested in an executive position, because it's going to keep me from having the contact that I want to have with all of the people from my district. So, I am looking for public confidence, too, and they are expecting me to come back and tell them something.

Mr. De Blieux Mrs. Warren, I'm concerned about the people throughout the whole State of Louisiana. I am going to be representing the people in the state, that is going to be subject to them to ratify this Constitution. And so I want to be sure that when it goes to the polls, we will have the confidence of the people to whether they want to vote favorably for it.

Mrs. Warren One more question, in the final analysis when this document is finished will it be the Executive Board that is going to sell it or are you all going to expect for the people from the executive district to get out there and pound the beat and say this is good.

Mr. De Blieux Mrs. Warren, that job is going to depend not only on the Executive Board but all of us to do that job, as well as other people outside this Convention that have confidence in us.

Delegate Kean in the Chair

Further Discussion

Mr. Smith Mr. Chairman, fellow delegates, I'm going to speak very briefly. I'm not, I don't get up on this floor much, about once a day, and I'm probably in minority, I'm in it a bit in the last sixteen years when I was in the Legislature; I'm used to it. But I always believe in getting up and speaking what I believe in and speaking my convictions, whether I agree with me or not. I was on the Rules Committees. I'm not sensitive if you all don't go along with everything, but on this particular issue, we gave a lot of thought to the composition and the duties of the members of this committee who should be on it and I'm in favor of keeping it like it is; I see no reason whatsoever of increasing it, political reasons, too, from each Congressional District. The duties don't call for a large committee. I think it would be unwieldy, not necessary. Do you realize that we will have one-fifth of the members of this Convention on this committee? Those about the expense, it'll be fifty dollars a day. That's not too much in doing the work of the committee, but they'll meet quite often. Somebody said they'll divide themselves into sub-committees, but we have no reason to know that. When you go to hiring the personnel, you're going to have a chaotic condition, having twenty-three bosses. And anyhow, I think after probably this committee is made sixteen or twenty-three, which it probably will be, they'll ask for the power. We worked hard on this particular section, and I feel like it ought to stay like it is, and not be increased anymore. Just so every district would have somebody on it; the duties don't call for it. We have a Committee on Committees; that's where the work is going to take place. I say, let's quit this political thing, trying to increase it just for political reasons. A lot of you will have a lot of objection to this, I have none. I'm not seeking any other office. I'm here today to... and for the rest of the year, to try to write a good Constitution, one that the people will accept. If we're going to fool around here and talk about the composition we want, our district in order to have that district, which is this sixty-seven for the duties involved, I say, let's go ahead now and keep it like it is and not add sixteen more members for what reason I don't know.

Further Discussion

Mr. LeBreton Mr. Chairman, members of the Constitutional Convention, I rise very much in favor of Mr. Roy's amendment. I think that this amendment will give the people of our great state full representation on the committee that will be the steering committee; the committee that will work throughout the Convention. By this amendment, we do many things; among them will be to take care of the minorities. I hope that the minority interest, whether it be black or any other minority interest will be fully taken care of on the Constitution. That the people of that representation on the committee will be taken care of. That the appointed people as well as the elected people will be taken care of on the Executive Committee; a distinctly different and specially made up of the East and West will be taken care of. I thoroughly agree that the Committee on Committees should stay in the Rules, however, when their work is completed, the committee's work is finished. This will be true with the Rules Committee, but it certainly will show the public, the citizens of this great state, that this state, that this Constitution is not fair, because they are electing the people from the Rules Committee, the Committee on Committees on the Executive Committee. Each Congressional District reflects the people of this district. I think that that should remove any doubt that this was a controlled or stacked Convention. Certainly we couldn't be fairer than going to the people in the district and asking them to give us, the delegates, the Convention, who do we want from the Second Congressional District, such in my case? I therefore say to you in conclusion that I think this is the fairest way and the only way that everybody is represented. Remove the image of being controlled and with that we can go forward, I congratulate Mr. Roy on a good set of amendments.

Further Discussion

Mrs. Taylor Mr. Chairman and delegates, I had a number of things in mind to say, but on my way up, Mr. Guidry reminded me not to cost the state forty-five dollars, so I will limit my remarks. But I would like to say, that I wholeheartedly support this amendment, expanding the Executive Committee, whereby we would elect two persons from each Congressional District. Why, because I truly believe that this is the only way that we are going to get equal representation. As Mr. Jackson stated earlier that according to the act that is provided for in the Constitution, or Congress, four and five persons were elected, and to take care of those persons who were not elected to represent all factions, appointments were provided. And I think in this case after electing the seven officers, that we ought to think in terms of other persons who will not be represented by those seven officers. You know, I use the word because we held the distinction of being labeled as minorities, but I hear this today that you know, we have others joining the group. I've heard so many identify themselves as minorities, and I thought that all minority groups be represented. I'm talking about youth. And if we elect seven persons; can you assure this young executive three persons that they will be represented in that number of seven? Can you assure the black community that they have been represented in that number seven? Can you
assure women across the state that they, too, have been represented in that number seven? Likewise, the appointment of the delegates from North Louisiana and South Louisiana, but I say if you allow us the opportunity to elect two from each congressional district, that the persons who are concerned about the passage of this constitutional amendment will consider all factions and make sure that we have equal representation. And I urge the House that we are concerned about the passage of this Constitution, that each of you who is concerned about the passage of this Constitution will think in terms not only of the money it's going to cost but to the state equal more so than our representation. I urge the passage of this amendment.

Further Discussion

Mr. Stagg Mr. Chairman, I rise in opposition to the amendment by Mr. Roy. I realize full well the importance of those delegates supporting the Roy amendment have placed upon me on the executive committee. I also feel very strongly that far, far greater stress ought to be placed on the chairman and the members of the substantive committees, whose duty it will be to prepare language for our consideration in the later stages of this convention. Beginning next week, this is where the action will be in the constitutional convention in the work of the substantive committees; and for the next six months this will be a most critical period. An amendment will be offered that the members of the executive committee may not also serve as chairman of a substantive committee. This, I don't believe, has been considered by the proponents of the Roy amendment. I don't know where else to go, except back to the debates in the rules committee, where we sought very carefully a balance of the power of the delegates of this convention to disperse it as widely among the delegates as possible. I hope the action on this Roy amendment, whether it is up or down or does not express the hope while I am on my feet that this will break the logjam that we have met this morning and yesterday's session. We have the rest of these eighty-eight rules to consider, and I would hope that we would not have to reexamine this convention in order that all of us that want to watch the Redskins beat Miami will be able to do so.

Further Discussion

Mr. Anzalone Mr. Chairman and fellow delegates, you've heard a great deal this morning concerning the two members from the congressional districts being on an executive committee. No, regardless of whether there is or is not or whether you want to admit it or not, there are divisions in this state. Now for years and years you've heard of north vs. the south. We in the Florida Parishes never got into that, and then now you come down to your Congressional districts. Well, I am sure that most of you-all realize that we have divisions within our congressional districts, too. Now there are those from the country and those from the city. We feel like that we from the country are entitled to just as much representation on any committee that is set up as whether it be to buy tissue paper or what. There are those and here is a map of the congressional districts of the state that you could look at at your convenience. There are congressional districts in this state that run almost the breadth and length of this state. Is one person from one end of a congressional district going to be able to adequately represent or to satisfy, I should say, the people from the other end of the congressional district? I think we can do a much, much better job by having at least two. If we still have one person from each congressional district now, what are we going to do when we get into the committee to write this thing? Then we are going to say, "Are we going to include somebody from a congressional district?" I would submit to you that the proper thing to do is to begin now to give each and every person as much as possible, representation in this state on any committee that will consider the passage of this constitution once it is written. Now, I'm not from Jefferson Parish, but I understand that Jefferson Parish is situated in three separate congressional districts and I don't know much, how you all feel about the passage of this thing, but I certainly want Jefferson Parish to vote for it and I don't want Jefferson Parish to be excluded from anything. And I want Tangipahoa Parish to be excluded from anything, and I'm from Tangipahoa Parish.

Further Discussion

Mr. Hayes Mr. Chairman, I've heard a lot about the, well, say such statements as cost I hope will not be used to scare the convention. I'm probably sitting back there between two men now who might, no doubt, finance the convention. I haven't asked them yet, but I believe they would if we run short of money. But we have such committees as small as the little...the education committee here, the superboard with fifteen people on it. We have fifteen people on the superboard in the state department of education. We have approximately sixteen people on the LSU board, and thecai boards here have for five years. And we're talking about writing a state constitution for the state of Louisiana, we are afraid that if we get more than seven, there's no pass. Now that was a compromise, we ran into this problem; I believe, well, I wasn't there, but they ran into this problem in writing the constitution for the United States of America. The House that we don't need, and I don't suppose we need the Senate, because we have the house of representatives representing all the districts. I couldn't see any really any good need for the Senate, cause they don't really represent anybody. Then it must be a compromise somewhere, otherwise they wouldn't exist. Now if it is a division, there seems to be a division. The division here is that some people want two people, some people want seven; so, it looks like there's going to have to be a compromise. People are going to continue to come up to the mike. So the compromise, and I want to tell you, you probably can find out the way I lean. I would like to go on and help all that we can get the constitution passed at the polls. I'm not up here trying to run for any office or anything like that. I don't pass it at the polls? That's where I believe I'll be protected. Now, it appears that everybody seems to want to pass this back at the polls, once they leave here. Not just getting elected to office and getting your name in the paper. Alright, if we can get it passed back at the polls by getting two for each district, then I'm for that. Now, everybody from each district, say, we favor two delegates from each poll, then I favor the amendment where you have two from each poll, each district. Then when we met in our sixth district, it seems it was the unanimous consent from the group there there's enough people in the Baton rouge district virtually to eliminate the rural districts altogether. This has to happen and this is they are going to let the rural districts be represented. And I don't think the person from the rural district was even operated by anybody. This went on and they appointed somebody in their district. And then there was a runoff between the persons from the Baton Rouge area. So I think everybody wants to be...district representatives from...everybody should be represented from every district that they are want to be represented from. And so there should be a compromise at this point, so we can move on thank you.

Further Discussion

Mr. Thompson I don't know whether it is significant or not, but this is the first time I've come to the microphone for anything. I tell you, when I
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look at the Fifth District of which I am a representative from that district, and find out we have about fifteen, sixteen, or seventeen parishes in that part of the state. I know there's in excess of fifteen. I wonder how in the world we are going to sell to my people back home, by having one representative or maybe not one representative and if you go back to the old seven; Well, I'm sorry, the Chairman's from my district, so that couldn't be. But it could be for some other district. That's not the Fifth District.

So it looks like to me and I wholeheartedly support the endorsement of having two from each district on this Executive Committee. I probably have a feeling further down the line that that might be a good idea on these committees that we are going to have that we could at least have two from each district, so the people would feel more like when they go to the polls and vote for this Constitutional Convention a year from now that they are not being left out, that their wishes are being considered, and that they are being a part of it. I don't think the $800.00 a day is near as much as it could be to spend a million and a half or two million dollars in a Convention and then not have the people sold on it. We'd be two million dollars in the hole. Senator DeBlieu, I think you'd better think about that rather than something that think that that's being enough debate and there's one or two behind me. I know Mr. Riecke would like to move for the previous question, so with the permission of those bodies and me, all I'll say if you go back to the old seven.

I would like to move for the previous question, Mr. Speaker.

[Not on for Previous Question rejected: viva voce.]

Closing

Mr. Dow: Vote for the amendment. Let me just say one thing about this money matter and this committee being so unwieldy. I foresee that it's going to be broken down into subcommittees and anybody that was elected to this Convention can come here and make money on fifty dollars a day, is going to have a heck of a time doing it. Everybody that I've talked to since the beginning, all for the first meetings I attended, all the different people I've talked to, they've been sincere about this matter, the only way we can assure effective representation and involve-ment of everybody in here and give them an honest chance, is to have two on this committee, elected by the delegates from the representative districts of this state, the Congressional representative Districts, and two later by the Committee on Committees. Don't see any point in saying anything else about this matter.

[People ordered. Amendment adopted: 12-7.]

Amendment

Mr. Poynter: Proposed by Mr. Dow to the original resolution. On page 4, in Convention Floor Amendment No. 1, proposed by Mr. Dow, and adopted by the Convention January 13, 1973, in the sentence which reads "The officers of the Convention shall be elected in separate elections by a majority vote of all the delegates of the Convention," strike out the words "in separate elections" and after such sentence add the following:

"The Chairman, First Vice-Chairman, Secretary, and Treasurer shall be elected in separate elections. The three Vice-Chairmen shall be elected together in a single election. No delegate shall be nominated for more than one such Vice-Chairman. Election shall be by majority vote of those present and voting with each delegate entitled to vote for three nominees. In the event, one or more Vice-Chairmen are not elected on the first ballot, the Chairman shall call such additional runoff elections to be conducted as are necessary until three delegates have received, respectively, a majority of the votes cast. In any such runoff election, the two candidates not elected, receiving the highest number of votes for each remaining unfilled seat, shall be placed in the runoff election. All such elections shall be by open paper ballot or by delegate roll call, in the discretion of the Chairman."

Explanation

Mr. Roy: The purpose of this amendment is to insure that we don't have a particular person starting out and running at one level and, every time he or she is defeated, that person then jumping up and running at the next level, continuously on down. I think that the Chairman—which is really out of the picture, because of Mr. Henry's election already—but with a First Vice-Chairman, or what I think of as a statutory Vice-Chairman, that is the one that the act provides for, that that particular person and the Secretary and Treasurer be elected separately. Then since we have, in a sense, three coequal Vice-Chairmen, if you will, I think everybody who's interested should qualify and we should get that over with in a single election contest: that is, a single continuous one, rather than a person running for First Vice-Chairman, then we vote it down and we get a runoff between two and then we finally elect one. That person may be defeated or some of the candidates who ran in that initial runoff would then run for the second Vice-Chairman. We go through the same rigamarole again, and we do it on three separate occasions. I think this amendment insures that we do things more orderly and that we make up our minds more efficiently and go forward with the Convention.

[Amendment withdrawn.]
pointed out that we had no provision for your order in which these elections were to occur. So the way it’s worded here is that we make sure we were going to elect these Vice Chairmen, after we elected the first Vice Chairman, Secretary and Treasurer. The rest of the sentence as amended was to be worded so that these elections would not run in a one big pot on each separate occasion. That is, you would not have one, you would not have one of them running for a Vice Chairman and us having to vote on it and then later another one running for the next time for Second Vice Chairman and maybe some of the losers therein getting in that race. So I felt that it would be similar to judges being elected from Judicial Districts or divisions, thereby allowing the candidate to choose which division he sought and then have the Convention as a whole to vote on them in separate divisions. And that was the purpose of allowing the candidates to choose its position and also to make sure that we not run everybody in one big pot every time.

Questions

Mr. Newton: Just to clarify the sense of your amendment. Would your amendment, would your amendment preclude a defeated candidate for First Vice Chairman from running for one of the other three Vice Chairmanships?

Mr. Roy: No, I don’t think it says that. It says that, it says that we first of all elect the first Vice Chairman, then we talked about the three Vice Chairmen and it says that none shall run who, unless he be nominated for Vice Chairmanship, not first Vice Chairmanship. My interpretation of it is that it would not preclude a person who ran for first Vice Chairmanship and was defeated from being nominated to one of these “lesser” Vice Chairmanships.

Mr. Derbes: We discussed your proposed amendment at the recess and I believe that the amendment as read by the Clerk does not include the sentence which you and I discussed in the recess, namely the sentence at the end of the amendment as it appears in the xerox copies to which the elections for First Vice Chairman, Secretary and Treasurer shall occur before the elections for the general Vice Chairman.

Mr. Roy: Mr. Derbes, I changed it after we talked, just to add the words “thereafter” before the three Vice Presidents. In other words, in the second paragraph if you insert “thereafter” it automatically means that we will elect the top slate of officers first.

Mr. Derbes: I missed the word. Thank you.

Mr. Burns: Mr. Roy, now that we have provided for two sixteen member committees, would you consider or entertain the suggestion to do away with the three Vice Chairmen altogether?

Mr. Roy: No.

Further Discussion

Mr. Abraham: Mr. Chairman, delegates, I rise in opposition to this amendment, because I think we are taking away a right to vote here in trying to elect two Vice Chairmen at one time. Each person has to declare. There are many good people here who I am sure, would like to serve as the Vice Chairman. And by having to run in districts as such, you wind up with two particular people being else. But maybe there are two good people in the same district who should serve as Vice Chairman. By electing Vice Chairmen separately, say that there is a real good candidate in the first election for the first position of one of the Vice Chairmanship. What’s wrong with allowing that man to run again, if he wants? My vote for the second or the third Vice Chairman position might be influenced by whoever is elected in the first Vice Chairmanship. So I am in opposition to this amendment.

Mr. Velazquez: I take it you are not in favor of winner take all. I think that you are trying to say that we should accept loser take all.

Mr. Abraham: I don’t think I’m trying to say that.

Further Discussion

Mr. Juneau: Mr. Chairman and fellow delegates, I’ll make this very brief, but I think this is pertinent because we are talking about two different things. We are talking about the methodology of which you elect them and the numbers. I thought this would be a pertinent observation. In the state of Arkansas there is a Chairman and four Vice Chairmen. In Hawaii, there was a Chairman and five Vice Chairmen or presidents, however you want to call them. In Illinois, there was a Chairman and three Vice Chairmen. In Montana, there was a Chairman and two Vice Chairmen. In Michigan, there was a Chairman and Vice Chairmen. In Mexico, there was Chairman and five Vice Chairmen. In Pennsylvania, there was a Chairman and two Vice Chairmen. The concept is not that bad, I wanted to make that observation.

Further Discussion

Mr. Triche: Mr. Chairman and ladies and gentlemen of the Convention, I regret to have to rise in opposition to this amendment proposed by Mr. Roy from Alexandria. I note that Mr. Roy just advanced and proposed an amendment which was adopted almost unanimously by this Convention and had in it a clause which provided all officers should be elected in separate amendment, excuse me, separate elections. I do not note when I spoke to Mr. Roy that that clause requiring separate elections for all officers was penciled by hand, and I presume his hand. I presume it was deliberately done and I presume it was offered to this Convention with the idea that the amendment proposed the setup of an Executive Committee and the election of officers in separate single elections. And then I see right after that Mr. Roy says what I did was a mistake. I’ve not changed my mind and I ask myself why. And I suggest you ask yourselves why. Why now, after the Rules Committee suggested rules to us calling for separate elections? Why now, after this Convention five minutes ago almost unanimously elected an amount which also called for the election of officers by separate amendment? Why now do we have a change of attitude? I’m hearing that the election of three Vice Presidents is not important. I’m hearing in the back of the hall that some of us here who just want the honor and dignity of service, so that we can pass it around among three fine ladies and gentlemen of this Convention. I’ve got too much regard about how they do it, because it’s not that important. That’s not true. And that’s the biggest fallacy, the argument advanced in favor of this amendment. The three Vice Presidents had one singular important duty to serve on the Executive Committee. Now, let’s get down to facts. After being here talking about the function of the Executive Committee which we are discussing. The Executive Committee in spite of the rules of this Convention have the important statutory function described in the act which called this Convention. And we adjourn next week to assemble a Research Staff who will write the proposed Constitution and present it to this Convention after we adjourn next week to assemble. The most important thing that we do now is to make up the Executive Committee who has that all important function of assembling that Research Staff. And I suggest to you that it is very important who we elect as Vice Chairman of this Convention, because they’re going to serve on the Executive Committee. And it’s very important how...
we go about electing Vice Chairmen. Nobody in this Convention Hall is a novice in the processes of election. And there's none of you here who aren't patriotic enough to raise your mind to that thought. And you know what it's all about. You know what it's all about, when you provide for the election by section when you propose for the election of three officers at one time. You don't have to have tickets. If you haven't ridden on one, you've probably voted for one several times. You know what it's all about, and that's what this is all about. And I suggest to you that if we are going to have an open, independent Convention, one that's not dictated to, one that keeps its open books so that we can go in the direction of the will of the majority. We ought to elect our officers in that fashion. And I ask you to vote this amendment down.

Further Discussion

Mr. Burson  I rise to speak in favor of the amendment as it has been proposed. It is not unprecedented in the political life of our state. In fact, during the last session in the legislature, there was legislation passed by the House of Representatives and by the Senate that's now the law of the state that all Police Juries and School Boards have to elect members where there are multi-member districts by divisions just as is proposed in this amendment. And I think that the rationale behind that act is a good one and applies here. And I don't think that that's something that you don't have one man who begins to run in the first election and continues to run further down the line, until finally he becomes the third choice. At the beginning you decide which position do I want. There's been a lot of talk in this Convention about minority representation and I dare say, although I don't pretend to speak for the gentlemen and ladies that are here, that those members of obvious minorities in this Convention are well aware of the fact that their best chance to elect a Vice Chairman will be in doing it by divisions. And I am certain, although the gentlemen did not say so, that this is another unspoken premise behind proposing electing the three Vice Chairmen in separate divisions. I think certainly that the number of Vice Chairmen proposed, three is good. I noted in Mr. Juneau's remarks, that he said the state of Illinois and the state of Michigan had three Vice Chairmen. I think this is testable in this state. These are two of the states that successfully passed a new constitution. Certainly one of the objectives in selecting the officers of this Convention should be to give all the distribution of representation to all the groups represented in this Convention and the official officers of the Convention. Because you know as well as I do that no matter what the group is, when you go back home to try to sell this document, let's take the issue of race, since actually this is one of the things we are talking about. Twenty-two percent, the last time I say the statistics, of the electorate of this state are black. Now, if we are going to ask the members of this Convention who belong to that group back home to sell this to their people, I think as a practical matter we are going to have a lot better chance to do so, if they have from their group an officer of this Convention. It is going to be one of the crowd and it's one thing to be on the Executive Committee. The vote of this Convention on the Executive Committee shows the importance that is given to the Executive Committee by this Convention. And an officer of this Convention is ex officio, a member of the Executive Committee. And let's please keep that in mind. Thank you.

Question

Mr. Abraham  Mr. Burson, I share your concern for representation, but don't you feel that the intent of the Rules Committee in setting up three
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Mrs. Taylor Mr. Roy, there seems to be a few questions going around as to the divisions. I believe I know the answer, but I think maybe you ought to clarify that it is understood that the divisions will be set up, not necessarily geographical lines per se.

Mr. Roy Well, I think the amendment provides simply that I would take it, since it is in alphabetical order, that the Chairman will designate the divisions, that is, A, B, and C for Vice Chairmanships. And then, the candidates who are interested in running in them will be so designated. One might say I am a candidate for Division A. And at that time whoever thinks they would like to take that candidate on will ask his friend if he chooses to nominate him for that particular Vice Chairmanship. Then Division B would be brought up; the same thing, Division C. And then, that's what I'm saying, at that particular time you, the Convention can get a bird's eye view of exactly or the best chance, the best composition of the Vice Chairmanship that you want. It will affect the way you vote in the three different divisions.

Mr. De Blieux Mr. Roy, wouldn't it be more logical rather than having Vice Presidents A, B, and C that we have second, third and fourth Vice Presidents?

Mr. Roy Well, I don't think so, because I think automatically people ascribe some type of numerical significance or superiority of three different positions. I think that A, B, and C is the best way, at best we're only arguing about something that's really not that important.

[Amendment rejected: 52-58.]

Personal Privilege

Mr. Weiss Perhaps this is the time to bring forth the motion for lunch, but I'd like to make a comment which I think most appropriate at this time, because of Representative Triche's comments. And I take exception to the situation that a politician is equated with political compromise. Political compromise is the decision to vote with the apparent majority without a thorough comprehension of the reasonable results of group action. A political delegate, which I hope this Convention consists of is one whom the news media has equated with the political virgins and is one who does not accept compromise, but has faith, rather than fear, in the individual in a group decision. Numbers have never overcome fears. Economic abuses bankrupt one state and society. I think this is something we should all consider. I would like to feel that we are politicians, but at the same time I have different feelings about compromise. I move that we go to lunch.

Recess

[quorum call: 126 members present and a quorum.]

Amendment

Mr. Poynter Amendment proposed by Mr. Kean to the resolution.

On page 133 immediately following the portion of the sentence which reads "nor shall the Executive Committee serve as the Committee on Committees"—it was added by Convention Floor Amendment No. 2 proposed by Mr. Roy and adopted by the Convention on January 13, 1973—insert the following: "The Executive Committee may divide itself into subcommittees and assign to any such subcommittee any duty or duties of the Executive Committee."

Explanations

Mr. Kean Mr. Chairman, members of the Convention, there was some discussion this morning about the size of the Executive Committee and the necessity of the full committee meetings in order to carry out its duties. I think it is sought by some means by which the committee could divide itself into subcommittees, and it may even be implicit in the fact that such a committee exists. However, in order to make it abundantly clear that the Executive Committee would have this right, in its discretion, and be able to... some of its... all of its functions to subcommittees, I offer the amendment.

[Amendment reread.]

Questions

Mr. Tapper My question is this. I'm wondering if this amendment is germane to this particular rule. Rather should it be, should we amend Rule No. 18 to provide this? Rule No. 18 sets up the Executive Committee and Rule No. 16 as I understand it, sets up the officers of the Convention. And I was just wondering if it wouldn't be better attached to Rule No. 18?

Mr. Kean Well, Mr. Tapper, the only reason I brought it up here is that Rule No. 16 now designates the Executive Committee to be the officers of the Convention as originally envisioned by the rule. And under the circumstances I would think that it could go here just as well under Rule No. 18.

Mr. Schmitt Does Rule No. 55 pertain to this area? It states the Convention shall have authority to create other committees including special advisory committees as it deems necessary and all substantive committees may create such subcommittees as each deems necessary, provided that all such subcommittees shall be created only by a majority vote of the creating body. Does that take care of that problem?

Mr. Kean No, I don't think it does, Mr. Schmitt, because that rule does to the creation of committees, additional committees by the Convention and subcommittees by the substantive committees and the Executive Committee is not a substantive committee.

Further Discussion

Mr. Flory Mr. Chairman and delegates to the Convention, I rise in opposition to the proposed amendment. My opposition is based upon the position that I took on Mr. Roy's amendment in that we ought to have an Executive Committee big enough to give adequate representation to this Convention and the public at large. I can foresee by this amendment through the use of delegated powers by the Executive Committee to a subcommittee, no limitation of power and a complete dilution of the problem that we attempted to solve by Mr. Roy's amendment. And I simply mean this, that a majority of the Executive Committee could name those subcommittees, excluding, if you will, those that we attempted to put on the Executive Committee, by giving broad representation to the minorities. Those based upon sex discrimination, urban versus rural, so that we are right back where we started originally. And I beg you to consider this amend- ment in the light in which I rise, in opposition. In that you are fixing to dilute what you have already adopted by an overwhelming majority of the Convention. So I ask you to defeat the amendment.

Further Discussion

Mr. Burns The amendment makes sense with me in this respect. Some of the speakers this morning have been talking about and stressing economy in the cost of the operation of this Convention. It would seem to me that under the amendment just proposed that we could certainly save the taxpayers of the state of Louisiana and at the same
time win over their confidence that in that respect by adopting this amendment, because if the Executive Committee has certain things to come before it, before it, that adapts themselves to certain different fields, it would certainly be an economy move to have subcommittees to meet instead of the entire committee to take care of those particular problems. And so I would suggest to the Convention that they consider this amendment in favorable light on that basis.

[Previous Question ordered.]

Closing

Mr. Kean Mr. Chairman, I think if you look at Rule No. 63, which applies to all subcommittees of which the subcommittees of the Executive Committee would be such. I think it answers the question, the point that Mr. Flory has made as well as answering the question of how you would create the committee and by what vote. Rule No. 63 dealing with the subcommittees says a committee by the affirmative vote of the majority of its members may provide for the appointment of the committee chairman or subcommittees composed of members of the committee. Reports of subcommittees shall be considered by the entire Committee, before any committee recommends any action the report to the Convention. And if applicable the committee shall be applicable to subcommittees. It seems to me that affords ample safeguard against the point that Mr. Flory has made.

Questions

Mr. Tapper I have two questions, Mr. Chairman. Number one in light of Rule No. 65, is your amendment really necessary?

Mr. Kean Rule No. 65 is dealing with the Committee as a Whole.

Mr. Tapper The second question is this. Isn't it a fact that under your amendment if adopted, the Executive Committee could by majority vote select that majority to run that Executive Committee and exclude the minority? Is that not correct?

Mr. Kean Mr. Tapper, I've been around on the fringe of politics for a good while, and I've always been told that if you get a majority of anything you're going to run it.

Mr. Rayburn Mr. Kean, I assume you served on the Rules Committee?

Mr. Kean Yes, sir.

Mr. Rayburn Did you propose this while the Rules Committee was meeting?

Mr. Kean No.

Mr. Rayburn Did you feel it was covered in Rule No. 63?

Mr. Kean The reason I didn't propose it when the Rules Committee was meeting, Senator Rayburn, is because we were dealing then with a small Executive Committee of seven members and I didn't think it was necessary.

Mr. Rayburn Do you think that Rule No. 63 will cover when you are trying to do and if you do, what is the purpose of your amendment?

Mr. Kean It would make it clear that the Executive Committee would have the right to divide itself into subcommittees and carry out the functions through those subcommittees. And to make it abundantly clear that the committee had this right to avoid the expense factor that Senator De Brieux spoke to at length this morning.

Mr. Rayburn Well, I don't think that would... that would clear up Senator De Brieux's objection, but doesn't Rule No. 63 cover the exact same thing for any committee that you are contemplating to do just with the Executive Committee?

Mr. Kean I would just prefer, Senator, to have it abundantly clear that this applies to the Executive Committee.

Mr. Juneau Mr. Kean, I concur completely in the thrust of what you are trying to do. May I ask you, may this not be a better solution that in Rule No. 63 to make it abundantly clear that we just add when we talk about a committee and say and subcommittee and executive committee? That would take care of the whole thing and keep it in context with the rules. If there is an objection, let me know.

Mr. Kean Well, I don't really, I don't think the objection is the way you put it. The objection, as I appreciate it was more to the substance of the proposal. And I would like to suggest that we adopt it and give the Executive Committee that authority, leave no question about it and I don't think it's really a great problem.

Mr. Arnette As I see it, Mr. Kean, the basic difference between Rule No. 63 and your proposed amendment that is under Rule No. 63 no action can be taken by the subcommittee. But under your amendment the Executive Committee could take action through a subcommittee only. Is that correct?

Mr. Kean I think the report of the subcommittee in order to be considered by the Convention would have to be recommended back to the entire committee as Rule No. 63 provides. On the other hand, housekeeping tasks could be assigned to the subcommittee.

Mr. Arnette Don't you think this needs to be made abundantly clear that the subcommittee would not have the power to make decisions for the entire Executive Committee?

Mr. Kean I have no objection to that being provided, no, sir.

Mr. Avant I wonder if you would be willing to recast your motion, so as to incorporate therein the provisions of Rule No. 63 with respect to this Executive Committee. So as to guarantee that every member of this Executive Committee will be on at least one of the subcommittees and also to make it abundantly clear by recasting it so that the provisions of Rule No. 63 would say that the reports of subcommittees shall be considered by the entire committee, before any committee recommends any action thereon by the Convention. To make it abundantly clear that that provision is applicable to the Executive Committee and its subcommittees.

Mr. Kean I think Rule No. 63 is applicable and insofar as your first suggestion, Mr. Avant, is concerned, I'm not willing to change my amendment to accomplish that. I think the Executive Committee ought to have the right to appoint men on the subcommittee as they think are necessary to carry out the assigned duties.

Mr. Avant In other words, am I correct in understanding then, that you want your amendment to stand, you're offering to stand so that this Executive Committee can exclude some of its members from any subcommittee, if that is their wish?

Mr. Kean I don't want the Executive Committee to exclude anybody, and I think the Executive Committee have the privilege and discretion to establish its subcommittees with such members as it may see fit to put on it by a majority vote of that committee.
Mr. Avant. And that would though, give them the right if they so saw fit to exclude certain members of the Executive Committee from any subcommittee, as your motion stands now. Would it not?

Mr. Kean. I don't view it that way, Mr. Avant.

Mr. Avant. Well, maybe you and I don't read the same language.

Mr. Kean. That wouldn't be the first time.

Mr. De Blieux. Mr. Kean, there is a question by Senator Rayburn awhile ago that this Executive Committee could do the same thing under Rule No. 63. I just want to ask you, as I read Rule No. 63 that the committee can authorize as Chairman to appoint members to a subcommittee. But under the amendment that you propose here, the whole Executive Committee must vote to set up these subcommittees with the membership. Isn't that the difference, so therefore the majority of the Executive Committee is going to control who serves on each subcommittee? Is that correct?

Mr. Kean. That's right, and I think they would.


Reading of the Rule

Mr. Poynter. Rule No. 17, Convention Employees.

A. A Chief 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.

Question

Mr. O'Neill. My point, Mr. Stagg, would you please explain what the Rules Committee envisions the salary setup of these people? Will the Chairman decide the salary? Will the Executive Committee decide the salary? Would you please clarify that for me?

Mr. Stagg. Mr. O'Neill, it is the understanding that the Executive Committee will employ the employees of the Convention and that they shall set the salaries in the budget of the Convention and such other administrative details.

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

Reading of the Rule

Mr. Poynter. Rule No. 19 applies to the Chairman. Rule No. 19. Duties. The Chairman shall be the presiding officer and the Chief Executive Officer of the Convention, and as such Chairman of the Executive Committee. He shall:

A. Preside at sessions of the Convention and exercise the usual powers and perform the usual duties of a presiding officer;
B. Preserve order and decorum;
C. Speak to points of order, and subject to an appeal to the Convention, decide all points of order;
D. Confer 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 Chairs, to preside at the time, both the Chairman and the First Vice Chairman;
F. Name a delegate to preside at the Convention 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 that day;
K. Direct the Convention in its official activities, including naming delegates to perform duties connected with the business of the Convention.
L. Not engage in debate when sitting as Chairman, nor shall he vote on appeals from his rulings;
M. Maintain general control of the Convention Hall, its environs, and all rooms set apart for use of the Convention;
N. Sign all warrants and/or checks;
O. Supervise the Convention staff, provided that he may delegate certain of this function to members of the staff;
P. On his own initiative or at the direction of the Convention appoint such special committees as may be necessary to perform special functions.

Amendments

Mr. Poynter. Amending the original resolution as follows: Amendment No. 1 [by Mr. Casey]. On page 5, line 30... on page 5, line 30, after the word "seats" delete the comma "", and in lieu thereof insert a period and delete the remainder of line 30. Amendment No. 2. On page 5, delete all of line 31.

Explanations

Mr. Casey. Mr. Chairman and members of the Convention, the only effect of this amendment which is very simple gives to the Chairman of the Convention and to the Executive Committee the determination of the method of seating in the Convention rather than being seated by Congressional Districts. Personally, I would just like to sit by delegate districts. Sit where you please. I thought it worked very well on yesterday at the Convention Center—where everyone just walked in, first come, first serve, sit where you want. There was no confusion difficulty or unhappiness at all with the seating arrangement. It's been said of New Orleans, and New Orleans is a problem in many areas, and I even hate to mention that it connection with seating, but unfortunately New Orleans comprises a large portion of the First and Second Congressional District. And I think it is unfortunate that the people in New Orleans and in the areas of other areas such as Shreveport that you are required to have to sit with your own delegation. I think the most important thing that we can do in this Convention other than coming up with an acceptable theory that the people is that we can get to know each other better. That we can work with each other. That the people in New Orleans can work well with Shreveport or Acadia Parish or Evangeline and one of the things that I would like to do is be able to sit with the people that I'm glad to work with, sit where I want to... So I think, I think we are causing problems, particularly in a city of New Orleans where I don't think the people from New Orleans should be identified as a block. When we vote, I know I want to vote individually, and I think that everybody else wants to vote, too. So I think really in the area of voting, if we ever have a standing vote, everybody might observe well. New Orleans is voting this way, I think we have about 38,000 people... It's been said on many occasions in the Legislature and in the Convention it's going to be said, I
think it's about time that the city of New Orleans becomes a part of the rest of the state. And I think this is a good start.

Questions

Mr. Anzalone Mr. Casey, if we ever find us a place where we're going to meet for more than two days in succession, and we all find us a seat where we are comfortable, would you mind that being the permanent seating of the Convention or is that the intent of your amendment?

Mr. Casey I have no personal preference on how the Executive Committee or the Chairman of the Convention would determine our seating. Personally, I think it ought to be just on a first come, first served basis. If you walk in wherever we are going to meet and you sit down and just be happy with wherever you are sitting. And I think that would be the appropriate way of doing it. If anybody wants to come late to the Convention and sit in the last seat that's available, that's their problem. If you want a good seat, get there early.

Mr. Guidry Mr. Casey, I'm thoroughly in accord with your amendment. I really like it, but I want to ask you a question which you may be able to answer. Do you think we'll keep on being gypsies and move day to day or do you think we'll finally, finally find a permanent home one of these days? Where we can find a seat where we might like to rest for the rest of the Convention.

Mr. Casey Well, Mr. Guidry, I thought the physical arrangements were excellent yesterday. I'd personally be satisfied with that, or if good arrangements can be made in the House Chamber, itself, I have no opposition to that. I think it would be fine for us to have a permanent home, however, Senator De Blieux has observed that this discussion is costing the state some money, so we ought to terminate it, sir.

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

Amendments

Mr. Poynter Amendments proposed by Mr. Dennery. Amendment No. 1 On page 7, line 7, inserted the words "and/or checks". On page 6, line 13, delete the words "and/or checks". Amendment No. 2. On page 8, delete line 10 in its entirety. Amendment No. 3. On page 13 between lines 1 and 2, add the following Rule 25.1 to read as follows: Page 9 between lines 1 and 2, the following language shall be inserted: a new rule 25.1 to read as follows: Rule 25. number 25.1. Signing of Checks. All checks shall be signed by the Chairman or the First Vice Chairman and by the treasurer or the Chief Clerk.

Explanation

Mr. Dennery Section 8 of Act 2 of 1972 provides that any funds appropriated should be withdrawn from the state treasury in accordance with warrants signed by the Chairman of the Convention and all checks for the disbursement of funds shall be signed by the Chairman and the Vice Chairman of the Convention, or by the Chairman or Vice Chairman and such other persons as shall be designated by the Convention. The purpose of my amendment is merely to clarify the situation so as to conform with the rule and permit either the Chairman or the Vice Chairman, plus the Treasurer and the Chief Clerk to sign checks. I believe you will all agree that if we have to have two people sign checks, we ought to have four people authorized in case any one of the original two is ill or out of town or something. It is basically a technical amendment, and therefore I set it up so that it amends three different sections at the same time.

Questions

Mr. Bollinger Is the Chief Clerk referred to in the amendment as a delegate?

Mr. Dennery No, it's the Chief Clerk that is referred to in the Rules as one of the employees of the Convention.

Mr. Bollinger Don't you think, in my opinion at least, would it be in your opinion that the other authorized signature that would be coauthorized with the Treasurer should be possibly a delegate or an officer?

Mr. Dennery I would have no objection to that, Mr. Bollinger, but I just did this because I thought it was the convenient thing to do, because the Chief Clerk usually is around.

Mr. Burson I understand the reason of your amendment to conform it to the law, but would you consent to withdraw that part that relates to a rule that has yet to be considered? I don't see parliamentarily how we could put an amendment to something that's not before the body.

Mr. Dennery I yield to the Chairman and the Parliamentarian on that, Mr. Burson.

Mr. Henry Inasmuch as this is technical in nature, and inasmuch as we did advance out of our regular order yesterday, I think that at the same time under these circumstances it would be appropriate just for clarity to go ahead and if the body determines to act on this amendment at this time.

Mr. Newton Mr. Dennery, may I see a copy of your amendment, just a second? You are striking out, you are striking out the word "and/or checks". Now does this leave it so that the Chairman only signs warrants?

Mr. Dennery No, the Chairman signs warrants and the Vice Chairman signs them.

Mr. Newton But, the Chairman doesn't sign checks? Now isn't it conceivable...

Mr. Dennery Excuse me, but the amendment to the addition of the words, page 8, 25.1, shall be signed by the Chairman or the First Vice Chairman and by the Treasurer or the Chief Clerk. So it provides for two signatures, either that of the Chairman or the Vice Chairman and either that of the Treasurer or the Chief Clerk.

Mr. Newton The point I'm making is there a provision in the Act for private funds? I don't know where they are going to come from, but conceivably they could come so that we would be receiving funds from other than from the state treasury. And that's why the words in the rule as originally put in there were put in those terms. And I don't want to defeat the purpose of that.


Reading of the Rule

Mr. Poynter Rule No. 20 pertains to the First Vice Chairman. Rule No. 20. Duties. That First Vice Chairman shall serve as First Vice Chairman of the Convention, and as such, shall: A. Preside as acting Convention Chairman, when requested to do so by the Convention Chairman, or in the absence or inability of the Chairman to serve; B. Serve as a member of the Executive Committee of the Convention, and carry out such other duties as are assigned by the Chairman.
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C. Serve as an ex officio member of the Committee on Rules, Credentials, Ethics, and Schedules, but shall have no vote and shall not be counted for the purpose of obtaining a quorum.

Amendments

Mr. Poynter Amendment No. 1 [by Mr. De Blieux] on page 6, line 30, after the word "vote" and before the word "and" insert the word "therein". Amendment No. 2, on page 6, line 31, after the word "quorum" and before the period "," insert the word "thereof".

Explanation

Mr. De Blieux Mr. Chairman, ladies and gentlemen of the Convention, this is just a little technical amendment for clarification to be sure that we're only excluding the Chairman from being counted in that committee meeting, because the provision now stands does not make that clear and we want to be sure that the Vice Chairman has a vote otherwise.


Amendment

Mr. Stagg Mr. Chairman, you'll note that on page 5 in the middle of the page the beginning of the duties of the Chairman, there is an interlined word, eleven, saying the Chairman is a title. In line 19 on page 6, there is a title, First Vice Chairman. In line 32 between 31 and 32 there is no title as a technical committee amendment. May we ask and I move that we insert the word "Vice Chairmen" in the middle of the page as a style correction?

[Technical Amendment adopted without objection.]

Reading of the Rule

Mr. Poynter Rule No. 21. Vice Chairman. The Vice Chairman shall:
   A. Preside in the absence of the Chairman and the First Vice Chairman in the order established by the Chairman as provided in Rule No. 19E;
   B. Serve as members of the Executive Committee and carry out such duties as are assigned by the Chairman;
   C. The Chairman shall designate First Vice Chairman to serve ex officio on each of the three remaining procedural committees. No Vice Chairman shall have a vote on the committee to which he is assigned and shall not be counted for the purpose of obtaining a quorum.

Amendment

Mr. Stagg Mr. Chairman, I move the deletion of the word in the title following the words "rule No. 21". Take out "Vice Chairmen" at that point and insert the word "Duties" to make it conform with the other parts of this rule, otherwise I move its adoption.

[Technical Amendment adopted: viva voce.]

Mr. O'Neill Mr. Poynter said First Vice Chairman in line 3 and that was a mistake. I wanted to clarify that point.

Mr. Henry Mighty fine. Thank you, sir.

Mr. Stagg Mr. Chairman, Mr. De Blieux added as a style to make it conform with previous adoption that the word "thereof" appear after "quorum" in line 7.
And my question is, do you have any idea or figure at all that you can give this Convention as to what it would cost the state to provide a verbatim transcript of the records of this Convention and of the Committee as a whole?

Mr. Stagg. Mr. Avant, in the Rules Committee this same discussion was held. There were several points of view expressed. One of those points of view was that as you know, when questions of Constitutional rights are concerned the courts pay no attention to legislation. This is the history of the formation of the Documental Constitution. It was the opinion of some of the members of the Rules Committee, that the two secretaries Committee who are Legislators. I think the last time I heard them discuss it, they thought that it would take maybe four secretaries on hand at twenty dollars a day, take twenty-five dollars a day for the pay of those four secretaries or a hundred dollars a day to transcribe the proceedings of the Convention. There was no counterview to the fact that it was of historical and legal significance to have the proceedings of the Convention in a form of a written record and that is now reflected in the language of Subparagraph B.

Mr. Avant. Well, Mr. Stagg, are you telling me that it can be done for approximately a hundred dollars a day?

Mr. Stagg. No, Mr. Avant, I'm not. I reflected it's being understood as a kind of convention which took place in the debates in the Rules Committee, and that's why I am up here. To say why the delegates did it. And that's why they did it cause they thought they could do it for a hundred dollars a day and more than that they thought that it was needed as a historical record of the proceedings of the Convention.

Mr. Avant. Well, I say this that I agree with you wholeheartedly, it is most needed, if it can be done for a hundred dollars a day. It is well worth it, but I have serious doubts that it can be done anywhere near a hundred dollars a day.

Mr. Rayburn. Mr. Stagg, if we're going to keep these records recorded and written, who will have control of them? Could somebody who wanted to nitpick the copy and ask for the records and take them out and give them to people? Who would have control of the records?

Mr. Stagg. Under the section that we are discussing, Mr. Rayburn, the duties of the Secretary and in Subparagraph H, it is stated that the secretary shall preserve and safeguard all original copies of the Convention documents. I say that these things.

Mr. Henry. Wait just a minute, Mr. Stagg, Mr. Stagg, pardon me. There are numerous delegates complaining about not being able to hear. Please hold down the conversation, especially behind the rail. There are some of you talking like a bunch of blackbirds back there. Please hold it down. Proceed. No offense, Mrs. Taylor, it looks like some snowbirds back there, too. Proceed. Proceed, gentlemen. Hold down the noise, seriously. Gentlemen and ladies. Proceed.

Mr. Rayburn. Mr. Stagg, in their provision as to what control the Secretary would have of these records or if I had fifteen of my constituents that wrote for a complete record and also a complete transcript of the proceedings, what would be the existence of that provision, would they be entitled to have them mailed to them or sent to them? This things going pretty good right now we are having a little trouble among ourselves and I'm just curious as to what's going to happen when the public starts picking at it. Would they be entitled to get a copy of those records, a copy of that copy that we've written in and asked for it? What safeguard does the Secretary have as to what disposition he or she will make of these records in the event someone wants a complete copy of all the proceedings on any particular day of proceedings of this Convention?

Mr. Stagg. Mr. Rayburn, never having been a member of a Constitutional Convention I don't know the answer to that. I know that when the Secretary is charged with safeguarding them as his duty, that I think it would lie with the Executive Committee to decide whether a copy of a sound recording would be at the cost of the person applying for it or that a transcript would be at the cost of the person desiring it, it's worked at ten cents a page, then that would be established as the cost to somebody who wanted a copy. But I don't know the answer to your question.

Mr. Rayburn. I know, but do you think we need to put that safeguard in there where any one wanting it would at least have to pay the cost of it? We have that now in our driver's license application. Some attorney or some insurance company wants some information. They pay the cost of that information, and I don't want to see this Convention records placed in the predicament of where some of our constituents would write in or call in I would like a copy of the proceedings of the entire Convention on such and such a day, and we have no provisions to whether we don't give it to them we're in trouble. But I think we should have some safeguard to protect ourselves because the cost could very tremendous or we could be placed in a position if we don't give it to them of looking a little bad. That is the only thing I'm trying...

Mr. Stagg. Senator Blair points out that under Rule No. 64, all written records and reports of the Convention shall be subject to the provisions of the Public Records Act.

Mr. Rayburn. The Public Records Act, I don't think makes any provision for paying for any records. I think they say that an individual could come and see them, if he so desires. And I'm sure if that is true that would take care of what I'm concerned about.

Mr. Flory. Mr. Stagg, assuming the cost to operate it...but once you transcribe verbatim the previous day's proceedings, is there any provision to proofread against the tape in a test to the validity of the typed transcript report? I know as you do even in deposits there are some words that are much to make mistakes in transcribing, so who is going to, when it goes before the court, to get the legislative history on questions of constitutional law, will attest to the validity of the transcript report?

Mr. Stagg. I think that would be the duty of the Secretary of the Convention, Mr. Flory.

Mr. Stinson. Mr. Stagg, I'm a little concerned about the duty of the Secretary to tally the vote on any issue that comes up. You know in the Legislature you can see how you vote and we've had some close votes here with the standing and so forth. If it's one person who's going to have the say-so for making down whether you vote yea or nay, do you think that's safeguard enough on important issues that I foresee in the future that will come up and will be very controversial?

Mr. Stagg. On the yeas and nays, Mr. Stinson, I think the, the counting of this vote will be played back. You could hear yourself answer the roll or any one else's vote, you question?

Mr. Stinson. Thank you. And you think that will take care of the necessary precautions?

Mr. Stagg. I do, sir.

Mr. Stinson. Don't you think in the case of
Mr. LeBreton and a few of us, it might take two cameras instead of one.

Mr. Stagg: We're going to rename you Mr. Leprechaun.

Amendment

Mr. Poynor: Mr. LeBreton, I've made one editorial change on that, if you'd like to look at it. Amendment proposed by Mr. LeBreton to Committee Resolution No. 15. Stagg, amending the original resolution. Amendment No. 1. Page 7, line 13, delete the words "verbatim written record and". (B) would then read for those trying to follow "verbatim a recording of the proceedings of the Convention and of the Committee as a Whole.

Explanations

Mr. LeBreton: Mr. Chairman, Mr. Stagg and members of the Convention, having read every word of the duties of the Secretary, there are many safeguards to keep a record of what we're doing. Now, in addition to that, when you say to me keep a verbatim written record, that would mean that someone would have to take down every word that was spoken. I have not heard of that in any body such as this, a legislature where any oral and recording seems to duplicate a verbatim written record, you have a record on the tape. I can conceive that maybe the tape would break or maybe the battery would run out of something of that sort, that would just be up to the person who operated the machine. It seems to me that we have a complete duplicating tape. In that tape we have one of the most important points. I'm making in asking you to remove these six words is that I would think the cost would be just tremendous to have everything verbatim. You think of every word that we said yesterday between ten and six. I don't know how many millions of words that would be and how many words have we issued today since ten o'clock this morning. And I just wonder if it's necessary. I certainly want to have a complete record as much as anyone does, and I see the justification. I will have had the experience to understand it but I don't think that the first six words would be necessary. I think a sound recording would be the answer to all extra precautions. What I say is: (C) and (D) and so on would be sufficient to keep a record of what we do. So I ask that my amendment be accepted on the basis of (A) to duplication. (B) the cost would be just out of this world.

Further Discussion

Mr. De Brieux: Mr. Chairman and ladies and gentlemen of the Convention, I don't anticipate that we will be recording and putting in each daily journal what transpired verbatim the preceding day. If this is the sense of the rule that the written record will be preserved at the end of the Convention, whatever method you use, I don't think it's going to run into the tremendous expense that Senator Rayburn and Representative LeBreton referred to. But I can say this, probably if we had a written record, verbatim record of the Convention the states in the year 1787, we probably could have saved a lot of expenses as it has taken the Supreme Court to interpret what that Constitution meant. I hope that the Constitution that we adopt as a result of this Convention will last that long. And I hope that we won't have as many court decisions going to do so because of the document we adopted. I think this can be very helpful in that extent. You know you can waste a lot of time and you can have a lot like I was speaking about a few minutes ago when you enlarged the Executive Committee. Or you can waste it in big lungs. It's not the amount that's important but the extent of it and it for. And I think that this particular time that if you spent money to keep a record of what went on and what was said with reference to each one of these provisions that it might be worth a lot, lot more to the public in general then what we've spent on the Executive Committee.

Question

Mr. Blair: Senator De Brieux, in order to defray the expenses of, you know, it's going to be a very expensive thing, would you be willing to lower your charge back to such one that we have here about ten cents a word in order to pay for this?

Mr. De Brieux: Well, Senator Blair that's the same category with what I've spoken while the Executive Committee. It's not how long it takes you to say it, it's what you said here whether or not it's important.

Further Discussion

Mr. Jenkins: Mr. Chairman and delegates to the Convention, there are two publications that are contemplated by these rules. The first would be a daily journal. It would be the minutes of what transpires that would be placed down was at the time we convene till we adjourned. I never have heard of that in any body such as this, a legislature where any oral and recording seems to duplicate a verbatim written record, you have a record on the tape. I can conceive that maybe the tape would break or maybe the battery would run out of something of that sort, that would just be up to the person who operated the machine. It seems to me that we have a complete duplicating tape. In that tape we have one of the most important points. I'm making in asking you to remove these six words is that I would think the cost would be just tremendous to have everything verbatim. You think of every word that we said yesterday between ten and six. I don't know how many millions of words that would be and how many words have we issued today since ten o'clock this morning. And I just wonder if it's necessary. I certainly want to have a complete record as much as anyone does, and I see the justification. I will have had the experience to understand it but I don't think that the first six words would be necessary. I think a sound recording would be the answer to all extra precautions. What I say is: (C) and (D) and so on would be sufficient to keep a record of what we do. So I ask that my amendment be accepted on the basis of (A) to duplication. (B) the cost would be just out of this world.
Delegate Rayburn in the Chair

Further Discussion

Mr. Roy To the Convention, I'm in favor of the amendment of Representative LeBrun. First of all—and I'm not saying this now because I happen to be an attorney—but I've been in a bunch of cases where you just, with even court reporters, there you run into a world of problems and trouble finding out exactly what was said. I think what could be done with the sound recording as Representative LeBrun suggested is to do away with a lot of unnecessary expenses. How in the world are you going to ... and how are you going to index all of the thousands of words we're going to say? What are you going to do? Are you going to index something like Dick Guldin's comment this morning about forty-nine dollars a minute? That doesn't belong in a verbatim transcript and stuff. I haven't found that the courts are overly excited about looking into the past history of acts, and I think if an attorney is interested in citing something to a court, then it's very easy under Rule 22—under part 6 of that Rule No. 22—fill the attorney to ask the Secretary to the Convention to have transcribed, and there's going to be a world of conflict as to exactly what was said. Did the man ask read or reed or what have you? But in any event, you could attest to whatever somebody wants, charge them for it, and send it up when it's needed. There's no need from the day to day to have a verbatim record, whether you do it the next day or six weeks after. There's just no need for it, and if you're going to do it that long afterwards, I don't see the need for it immediately like it's been suggested. What the courts need, the attorneys can furnish. I'm for the amendment. I think we ought to adopt the amendment.

Questions

Mr. O'Neill Mr. Roy, in listening to your proposal—[I] respect what you are saying—but what becomes of the recorded transcript to the proceedings, once the Convention has disbanded? In other words, in 1885, I as an attorney was for a written transcript of these proceedings. Who is going to then transcribe the proceedings and make them available to me?

Mr. Roy Well, I think under the Public Records Act under that rule, it provides that this will be. The Public Records Act that somebody could be authorized to transcribe that particular section which you wanted and attest to it. I'm just supposed to the concept of a verbatim record being later typed up. I just don't think it makes sense.

Mr. O'Neill As I understand the Public Records Act, its access to information, not certification that the information is correct. Are you familiar with the Public Records Act?

Mr. Roy Not to that extent, but I think if it's a public record that it would have to be certified as a true and correct copy of a public record.

Mr. O'Neill By whom?

Mr. Roy By whoever is in charge of the records.

Further Discussion

Mr. Arnette I was on the Rules Committee and we brought out, practically all the points that have been brought out here, but the main reason that we decided to keep a verbatim written record was for obvious reasons or five specific reasons. First of all, it would not be a deposition type form. It would not cost a dollar or two a page or three dollars a page or anything like this. It would just be a typed copy of what was said. The second thing is, it's very necessary for future use in law suit purposes for interpretation of the Constitution. I'm sure everyone understands this is a very important point to consider. The third point is, we went through our homework and the Rules Committee and went through twenty-one other sets of rules to Constitutional Conventions held throughout the last twenty years. In all twenty-one of them, as far as we found, every one of them had a verbatim written record of the proceedings. The next point is, that whoever wants a copy of this transcript and the part that they want, will have to request it and pay for the part that they do want. Now, as Mr. Roy brought out, well if someone wants a specific section, I think it's because of a certain section of that specific section of the tape. Well, this would be alright if everyone would just want certain sections, but what's going to happen is there are going to be so many different people wanting sections and so many sections that overlap. It would be much easier to have one master copy and just let people copy what they wanted out of this. The entire document verbatim would just let the people take out of it what they wanted, which in the long run would probably be much cheaper than to have these people come in and wanting certain sections and overlapping sections. But these are the main points that I wanted to bring out. Probably the most important is that every other Constitutional Convention for the last twenty years did have a verbatim written record of all the proceedings.

Questions

Mr. Juneau Mr. Arnette, I have a question for you. I've discovered a matter that is important, because this is who it would effect, the Supreme Court, and a verbatim record isn't a necessary thing to have. I think that for the future of the court and the state of Louisiana, my question is this: as I read on line 16 it says, "all proceedings," proceedings to me contemplate committees, subcommittees and everything else. That means all proceedings, procedural and everything else and I think that it would be at the point of being ridiculous. Don't you think that maybe a solution to that would be that we change possibly change the word "proceedings" to "sessions" and the only verbatim record we would have transcribed would then be the records we're in full session. It's this redundant stuff we might have in procedural committees.

Mr. Arnette Well, in other words, as I understand your question, you're afraid that we would have to have copies of all the proceedings of the committees, also. Now as the Rule No. 22 is written, the (B) part says proceedings of the Convention and of the Committee as a Whole. As Rule No. 22 Section B, is written, it contemplates proceedings of the Convention and the Committee as a Whole. The verbatim written record of the committee is covered in another section on committees. I can't remember what it is right now, but it contemplates that this committee may have a verbatim record. But it does not require it. Now this is covered by this other section. It's 50(A) if you want to look at it in your rules. I think that's correct.

Mr. De Blieux Mr. Arnette, as the result of having this record made like this, is it possible that the copies that will be sold, the excerpts that will be sold, will probably bring in more revenue than what the record would cost to make?

Mr. Arnette Now, this is a possibility. You could have it maybe at ten or fifteen cents a page, according to what the xerox copy would cost. But this isn't what I'm concerned with. What I'm concerned with is, if you were to make copies of the verbatim written copy. Another point that has been brought to my attention since I've been up here, is that these tapes will deteriorate after a period of time, say twenty or thirty years. I think the copy of this Constitution and interpretation of it will be questioned for a longer period of time than twenty.
thirty or forty years. And a written copy would not.

Chairman Henry in the Chair

Mr. Arnette There is one other thing I'd like to bring out that's also a very important point, besides the deterioration of the tapes, there is a possibility that since tapes do break, they need to be spliced, and splicing you can leave out words or sentences, and words would be garbled because of the splice and it could be possible that certain tapes could be recorded over. That a significant portion of the proceedings that were very vital and important interjections would be lost in this manner. So thinking that we should go along with twenty-one other states that have done in their Constitutional Conventions, I think we ought to have written verbatim records.

Mr. Quay Mr. Chairman, ladies and gentlemen of the Convention, I don't want to belabor the point and go on forever. I think that the proceedings of the Convention are of enough historical significance to justify keeping a record. There are other good reasons, particularly dealing with questions before the Supreme Court of Constitutional Interpretation, I think that this article provides an orderly means of transcribing it, of having it attested to by the Secretary and the President of which was set out in another rule. Now, wouldn't we be perfectly well within the broad language of this article, and restrict it by some means as to the substantive debate on the proposals before the Convention or even leave it to the discretion of the Executive Committee what portions are going to be transcribed. But I think that we need this provision in here at least to have a substantive debate on proposals before the Convention and I urge the defeat of the amendment.

Further Discussion

Mr. Avant Mr. Chairman and fellow delegates, I think the answer to this thing is in the rule itself. I rise in favor of Mr. LeBreton's amendment. I agree with everything that's been said about the importance of having a record of the proceedings. I think what we want here becomes a Constitution of this state. If it does not, then I don't think anybody could care less what we said here, if the people don't adopt our final proposal. If you go down in this rule and read Section 8 thereof, you will see that part of the duties of the Secretary are to see that all records are properly preserved in the Archives. Now, my understanding is that we have a machine to do this, and we are using this machine to make copies of the proceedings. So there's going to be three tapes. They will be placed in the Archives of this state. Then, if what we have come up with becomes the Constitution of this state, it would be a simple matter for the Legislature to pass an act directing that those tapes be transcribed and printed and placed in the public libraries of the state. But what in the world do we need a day by day verbatim transcript of all of the words that are flowing here for? It's just an absolute waste of money. I respectfully submit, and I urge you to adopt Mr. LeBreton's amendment.

Further Discussion

Mr. O'Neill James Madison spent hours upon hours at night transcribing notes of the Constitutional Convention that was held back in 1780's. He sat up all night transcribing word for word to the best of his memory, which was very good, the exact proceedings, the exact words which were said during the debate. These debates were recorded to the time of court hand and the record was needed. Justice Holmes of the Supreme Court later read all of these things while making his decisions on the Supreme Court. And I'm sure all of you lawyers here recognize Justice Holmes is a very distinguished jurist. It strikes close to home because as a law student, that a verbatim record would be an excellent means of preserving the work of this Convention. I personally would purchase a copy of this verbatim record, if the Constitution were passed or defeated. I think it's important enough that you consider this and that you defeat this amendment so that we can have a verbatim record of these proceedings.

Questions

Mr. Roy Old James Madison transcribe all the comments about Benjamin Franklin's gout and stuff like that or did he transcribe the debate on the substantive issues that went to the Constitution?

Mr. O'Neill Mr. Madison made some very amusing comments in his writings, and he caught the jokes, too.

Mr. Roy Then you think that what Mr. Jack Avant has suggested is out of order at this time and we can't wait and let the state archivist keep all this and if it's passed, then let it be transcribed at that time?

Mr. O'Neill I question the expense of transcribing at that time. I think we should do it now, while we have the opportunity to do it while we are in session. I think the sense of a lot of the things would be lost.

Mr. Stinson Mr. O'Neill, isn't it so that if we don't keep a record of this type in future litigation there is a possibility with all due deference to the paper, that a newspaper will be introduced as what takes place here instead of the actual record of the proceedings?

Mr. O'Neill You never know.

Mr. Stinson And also isn't it a fact that a tape can be changed or deleted or such as that, and you can only...a certification of tape would be that this is a tape and not a certification. This is the actual proceedings, isn't that correct?

Mr. O'Neill Yes, sir.

Mr. Champagne Is it not true that this record verbatim would give us every detail that takes part in this Convention? Is that right?

Mr. O'Neill As I understand, it would give us the details of the Convention in full session. That's my understanding.

Mr. Champagne Then I would suggest possibly that this would be a wonderful opportunity for some of these people who come up here very often to hear just what they said. Is it not?

Mr. O'Neill If they care to do that much.

Further Discussion

Mr. Burns Mr. Chairman, ladies and gentlemen of the Convention, I'm just adjusting my brief remarks to the value of the importance in comparison to the cost of transcribing verbatim the proceedings of this Convention that will lead up to our finished product. If the finished product is not sufficient in itself it will fail. But as far as the transcription verbatim of our proceedings here and everything that is going on and all the talk of being any help to the Supreme Court in twenty, thirty, or forty years in the future, as far as I'm concerned, I think it would be better if the Supreme Court didn't have the availability of all the things that are here. And rather decided on the basis of our finished product, though we've never been told what the want for a
verbatim transcription, but if it's anything like the suggestion, I would certainly say without fear of contradiction that it's not worth it.

[Motion for the Previous Question rejected: viva voce.]

Further Discussion

Mr. Drew: Mr. Chairman, ladies and gentlemen, I'll only take a few minutes, because I think there's been some misunderstanding from the beginning of this discussion. If you will notice in Section (B) of Rule No. 58, the suggestion that it shall be placed on our desks daily, but there is nothing in this section that says that the verbatim record shall be placed on our desks daily. It can be typed up at any time and I do think that we need the record. We need a written record that can be certified to, and when this Convention is dissolved and there are no further officers, there's no one to certify it. I think that the three hundred and fifty thousand dollar appropriation for this Convention is so unreal that maybe it has caused us to appear to be a little over thrifty. If we were in session fifty more days, we would be out of funds. So, don't look for three hundred and fifty thousand dollars to cover the cost of it. This is not a daily record, but it is a permanent record that will be of great need in the future. I urge the defeat of this amendment.

Questions

Mr. Tapper: Mr. Drew, of course I agree with everything you've said. Isn't it fact that by simple majority we can change the rules of this Convention at any time? And isn't it a fact that if we, that we should try this and see how costly it's going to be, since it's so important to have. And if it's going to be that costly as we proceed in the first few days can't we then go back to amend these rules to provide that we should not have it.

Mr. Drew: I don't think that we can determine in the first few days. Mr. Tapper. That's the point I'm making. It may be that the Legislative Council later on after the Convention starts its regular proceedings, the Legislative Council would have available secretaries who could start transcribing the proceedings, but I feel that if something went wrong tomorrow of what we did today, but the purpose of this section is to preserve a record of these proceedings and that we need. And I again urge that you defeat this amendment, so that the public will have the benefit of that public record that could be certified to.

Thank you.

Mr. Munson: Mr. Chairman, when we speak of the proceedings of the Convention, what do you envision this to be? Do you envision it to cover subcommittees, Executive Committees or just when we're in open session of the Convention?

Mr. Drew: Mr. Munson, we made quite a bit in the Committee, the Rules Committee, over capitalizing and not capitalizing Convention. And I think it is capitalized here which it would be the proceedings of the Convention and as a whole, not subcommittees or committees. There's another provision that deals with committees.

Mr. Munson: Well, rather than just a capital letter, don't you think it should be spelled out that we are only talking about Rules of the Convention while in full session, rather than meetings of the-- I know it's covered in Rule No. 58, on committees and subcommittees. But don't you think it would be better for us to spell out here that we're only talking about proceedings of the Convention, when we come back here on July 5th?

Mr. Drew: I would have no objections, although I think as written, when it says Convention and Committee as a Whole, it would be hard to interpret it to cover except the full sessions of this Convention and the Committee as a Whole.

Mr. Jenkins: Mr. Chairman, isn't this whole question of whether committee meetings shall be recorded verbatim, taken care of in Rule No. 58, which says that they may be recorded verbatim, but does not require that they be recorded verbatim?

Mr. Drew: That is correct. Mr. Jenkins. Whether committee recordings or testimonies are recorded or not is up to the committee. And I think that provision would further clarify what is written here that we are speaking of nothing but the full sessions of the Convention and the Committee as a Whole.

Motion

Mr. Singletary: Mr. Chairman, I favor this, I favor a--I favor a verbatim written record, however, since the question of expense has been raised, would a motion to table all matters dealing with Section (B) of Rule No. 22, until we can find out exactly what it would cost, be in order?

Mr. Henry: The motion to table would be in order, however, I don't know what better position we would be in to determine the cost of it, Mr. Singletary.

Mr. Singletary: Okay, I withdraw my motion.

[Motion withdrawn.]

Further Discussion

Mr. Schmitt: I'd like to oppose this amendment. Approximately a week ago, I spoke to a former assistant Louisiana attorney general who was in this position for thirteen years. He's presently a judge in Orleans Parish, and his one request was that whatever we do, for God's sake, please prepare a written transcript of all the proceedings so that the intent of the Convention will be known by the attorney general's office, as well as by the courts. Apparently, during the time in which he served as an assistant Louisiana attorney general, many questions were presented to Jack Gremillion's office, and they had nothing to rely upon. As you know, it's one of the functions of that office to provide written opinions to certain agencies as to what the interpretation of laws and statutes, as well as the Constitution, are. Therefore, he implored me to make this one request. I brought it out through the Committee meetings, and I request that you consider this at this present time and that you defeat the amendment. I would also state, however, that I believe that you could leave a certain amount of this to the discretion either of the Executive Committee or to the Chair as to what aspects should be transcribed verbatim in that certain motions--perhaps, the motion to adjourn or motion to recess--certain other types of motions might not be considered to have the amount of relevance necessary for us to extend the funds to have them transcribed.

[Previous Question ordered.]

Closing

Mr. LeBreton: Mr. Chairman, Mr. Stagg, member of the Convention, I am sorry that my idea caused so much of a problem; however, I want you to know I'm deeply sincere in what I'm saying. One, I question the wisdom of verbatim; but, two, I strongly force the question of cost against what the value is. Now, in Section (B) that we are discussing of Rule No. 58, I say to you, in my opinion--and I'm not a lawyer--that (B) and 58 contradict themselves as to whether or not committees or subcommittees may
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or shall be recorded. Certainly, that would be a tremendous difference in cost. I'm for keeping a record, but not this kind. Now, I'll answer to what my friend and colleague in the House of Representatives, Jenkins, said about the fact that this may not be needed daily or it may be typed, year after the Convention adjourns, I again tell you that, having read Rule No. 22 from top to bottom and bottom to top, I don't see where anyone can say how often that's going to be written, how soon it's going to be written. I could conceive that the session would require it to be on our desks every morning. There's certainly nothing in here that forbids that. So I tell you that the cost on this could be unbelievable. I am told that the eighty pages that was taken in testimony of Southern University cost seven thousand, five hundred dollars; almost a hundred dollars a page was the cost. Now, I can't prove that to you, but I've been told that by one of the members in this room. And I promised not to use the name. So, I--when I tell you that I'm afraid of the cost--I'm coming before you very humbly as a member of the Appropriations Committee and say to you: You've got to consider the cost against the value. And if my figures are anywhere near right, I'll say to you--and stick my neck out--that if we have two or three thousand dollars to run this Convention, about half of it's going to go for this. I rest my case, Mr. Speaker.

[Amendment rejected: viva voce.]

Amendment

Mr. Poynter Amendment proposed by Mr. Juneau to the resolution. Amendment No. 1, on page 7, line 14, delete the word "proceedings" and insert in lieu thereof the word "sessions".

Explanation

Mr. Juneau Mr. Chairman, I agree one hundred percent with Mr. Drew as what we intended, but I just want to make darn sure that we understand it. It's apparent we have a lot of technical people here and I hate to appear a year later and somebody jumps and says, "I don't care what you say, I want it transcribed". What does mean is where we're in full session of the Committee as a Whole, that will be transcribed. When we have a committee hearing or a subcommittee hearing, then you go to Rule No. 58 and that controls it. I just want to clarify that and that's all this amendment does.

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

Point of Order

Mr. Fulco Mr. Chairman, is it possible after we conclude this rule, voting on this Rule No. 22, that on subsequent rules that the Chair will ask if there are any objections to the rule and if not, that we may be able to suspend the voting on each of the rules in order to save time?

Mr. Henry Well, we could do that, but we're not wasting much time on the vote, Mr. Fulco?

Mr. Fulco I just thought, I asked the question because it has been done many times in the Legislature. And I thought that it might just speed up the process. Thank you.

Mr. Henry Thank you for your suggestion, Mr. Fulco.

Amendment

Mr. Poynter Amendment proposed by Mr. LeBreton amending the resolution as follows: Amendment No. 1. On page 7, line 13, after the word "a" and before the word "written" delete the word "verbatim".

Explanation

Mr. LeBreton Mr. Chairman, members of the Convention, I heard the chorus, but I still think the word "verbatim" is unnecessary and again with the cost. As one member said to me, "Does that mean that if we discuss adjournment for forty-five minutes that's good and if, of course it would be. And everything else that is said. I see no objection. It's probably good to have a written record, but again I say that a verbatim record is every word that is said from the time we convene till we adjourn, and I just wonder if that is necessary. I for one don't think that it is. Therefore, I offer the amendment.

[Previous question ordered. Amendment rejected: viva voce. Previous question ordered on the rule.]

Question

Mr. Burson There's been a good deal of discussion about the use of the written record in legal proceedings, and I don't see it treated in this specific rule. It may be in some other that I haven't noticed, but will the written record be certified as the written record of the Convention by the Secretary? Because otherwise, we might...

Mr. Stagg In Paragraph (G), Mr. Burson, it says that the Secretary shall attest when necessary to all official documents of the Convention. And a verbatim written record would certainly be one of those documents.

I move the adoption of Rule No. 22, Mr. Chairman.

[Rule adopted: viva voce.]

Reading of the Rule

Mr. Poynter Rule No. 23. Delegation of Secretary's Duties to Chief Clerk. Except for certification of official acts, documents and vouchers, and service on the Executive Committee, the Secretary may delegate his duties to the Chief Clerk, subject to the supervision by the Secretary.

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

Reading of the Rule

Mr. Poynter Rule No. 24. Duties Pertaining to the Treasurer shall be as follows: A. Exercise responsibility for the accuracy of the Convention's financial records and the monthly distribution of financial statements to the delegates of the Convention; B. Cosign, with the Convention Chairman, all warrants and/or checks; and that has been amended now, Mr. Journal Clerk, could I have that amendment? I'll go back. C. Serve as custodian of all Convention financial records; D. Assist in the preparation of the Convention's budget; E. File quarterly audits and final audit of financial records with the State Treasurer, Clerk of the House of Representatives and Secretary of the Senate; F. Make financial records of the Convention available for audit to the Louisiana Legislative Auditor quarterly and at the end of the Convention; G. Serve as a member of the Executive Committee, and carry out such other duties as may be assigned by the Chairman.

Mr. Stagg Mr. Chairman, I wish to point out that in line 10 there has been a previous amendment adopted striking "and or/checks".

Mr. Poynter That is correct.

[73]
Reading of the Rule

Mr. Poynter Chief Clerk. Rule No. 25. Duties.

The Chief Clerk shall:
A. Shall not be a delegate to the Convention.
B. Shall perform general administrative duties of the Convention subject to supervision of the Chairman, and when he assumes the duties of the Secretary as provided in Rules No. 22, he shall do so under the supervision of the Secretary.
C. Shall be answerable to the entire Convention for faithful execution of his duties and the smooth functioning of the Convention in assembly as a deliberative body.
D. Shall serve as Parliamentarian of the Convention and shall be advisor and counsel to the Chairman and committee chairmen on all matters of parliamentary procedure; however, all parliamentary rulings shall be the responsibility of and shall be made by the Chairman.

Mr. Stagg Mr. Chairman, I move the adoption of Rule No. 25 with a technical amendment that in line 34, "chairman" should be "chairmen".

Mr. Poynter It's a new rule that's been inserted, but it's not part of this, it's Rule No. 25.1.

Mr. Henry Do you offer that as a technical amendment?

Mr. Stagg I do, sir.

[Technical Amendment adopted without objection.]

Questions

Mr. Arnette Mr. Stagg, would it be possible for another technical amendment at the end of line 1 on page 9 to add "the Chairman of the Convention" then add "or committee chairmen" at the end of line 1, after "Chairman" and before the period, "or committee chairmen"?

Mr. Stagg Do you offer that as a technical amendment, sir?

Mr. Henry He doesn't have the floor. He asked you a question, Mr. Stagg.

Mr. Stagg Mr. Chairman, in answer to Mr. Arnette, I would like to move a technical amendment to add after the word "chairman" in line 1 the words "and committee chairmen".

Mr. Henry Mr. Stagg, did you mean "committee chairmen in committee"? Is that the way you meant to amend it?

Mr. Stagg That's what the amendment means, sir.

Mr. Henry As long as we all understand one another.

Mr. Stagg Mr. Chairman, earlier that he shall be the advisor and counsel to the Chairman," and that's yourself, "and committee chairmen".

Mr. Henry Yes, sir, I understand.

[Technical Amendment adopted without objection. Previous Question ordered. Rule adopted: viva voce.]

Mr. Stagg Mr. Chairman, I take it as being factual that the language of Mr. Dermyer added 25.1 will appear in this place in the rules as finally printed?

Mr. Henry Yes, sir.

Mr. Stagg ...with a new numbering system?

[74]
Mr. Poynter—Rule No. 28. Recognition in Debate. When any delegate desires to speak in debate or present any matter to the Convention, he shall rise and address himself to the Chair. He shall not speak until recognized, and when recognized he shall confine himself to the question under debate.

(Previous question ordered. Rule adopted: viva voce.)

Mr. Poynter—Rule No. 29. If any delegate, in speaking or otherwise, transgresses the rules of the Convention, the Chairman shall call the delegate to order; in which case the delegate shall sit down and shall not proceed without leave of the Chairman or the Convention.

(Previous question ordered. Rule adopted: viva voce.)

Mr. Poynter—Rule No. 30. Limits on Debate. Delegates shall not speak more than once to the same question, nor more than fifteen minutes without leave of the Convention, unless the delegate is the mover, proposer or introducer of the matter pending, in which case, either the delegate or his designee 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.

Questions

Mr. Burson—Mr. Stagg, it's been apparent that many delegates, including myself, have been engaged in debate under the guise of asking questions and I don't see anything in these rules that say, or any subsequent rules that covers the matter of asking questions and whether that's going to be allocated to fifteen minutes or not. As I read this this is only debate. Is that correct?

Mr. Stagg—You'll find, Mr. Burson, that when this Convention gets into the deliberative phase and that Chairman is sitting at the chair, when your fifteen minutes begins to click, if you then yield to somebody else for a question you are going to lose some of your fifteen minutes and you won't be so cavalier about it as we've been today.

Mr. Denney—Mr. Stagg, is the use of the plural word “designee” on line 33 delegates?

Mr. Stagg—Yes, Mr. Denney, when a delegate is permitted to close, and he has the wishes to have indicated to the body, that his views are shared by several people and he has fifteen minutes in which to reply, it is possible for the proposer to divide his time and ask that the closing remarks be made by one, two, three or more delegates in honor and still would honor the time division.

Mr. Denney—Mr. Stagg, under those circumstances, would you be good enough to mark in your book that Rule No. 76 (A) refers to delegate in that instance in the singular, so that there was a...

Mr. Stagg—I thank the gentleman and I will make certain that when we get to that point we will be careful to include it.

(Previous question ordered. Rule adopted: viva voce.)

Mr. Poynter—Rule No. 30. Recognition in Debate. When any delegate desires to speak in debate or present any matter to the Convention, he shall rise and address himself to the Chair. He shall not speak until recognized, and when recognized he shall confine himself to the question under debate.

(Previous question ordered. Rule adopted: viva voce.)

Mr. Poynter—Rule No. 29. If any delegate, in speaking or otherwise, transgresses the rules of the Convention, the Chairman shall call the delegate to order; in which case the delegate shall sit down and shall not proceed without leave of the Chairman or the Convention.

(Previous question ordered. Rule adopted: viva voce.)

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Mr. Stagg—I thank the gentleman and I will make certain that when we get to that point we will be careful to include it.

(Previous question ordered. Rule adopted: viva voce.)

Mr. Poynter—Rule No. 30. Recognition in Debate. When any delegate desires to speak in debate or present any matter to the Convention, he shall rise and address himself to the Chair. He shall not speak until recognized, and when recognized he shall confine himself to the question under debate.

(Previous question ordered. Rule adopted: viva voce.)

Point of Information

Mr. Kean—Now that Rule No. 30 has been adopted, is it now in effect?

Mr. Henry—I'd like to say that it is, but I don't think that it is and I'll tell you why, because we are adopting a resolution from the Rules Committee. And I think that it would be improper for the Chair to so rule that that beautiful rule is in effect at this time. If the body were to insist, I would be glad to preside in that manner.

Motion

Mr. Kean—My motion is that in light of the fact that we have now adopted Rule No. 30 as part of Resolution No. 1, that we now declare that Rule No. 30 is to be implemented by the Chairman with respect to the debate on the remainder of the rules to come before the body this afternoon or until they are completed.

Questions

Mr. Leithman—Mr. Kean, would it not be probably safer for us to maybe adopt Rule No. 1 through 30 in view of the fact that we have some provisions for the absence of the Chair and things of this nature, and just at random, but rather than picking out Rule No. 30, it seems to me, perhaps we could go one to thirty. Would that be not in order?

Mr. Kean—I have no objection to that Mr. Leithman, I just simply feel that if we can implement Rule No. 30 with respect to the remainder of the debate, that we can move this thing along much more rapidly than we have in the past.

Mr. Triche—Mr. Kean, no sir, I have no objections to limiting the debate to fifteen minutes on each rule, however, but to propose it before the body the adoption of all the rules. And if we adopt this Rule No. 30 temporarily to apply would that then mean that we are entitled to debate these rules for only fifteen minutes per person? Debate the entire resolution?

Mr. Kean—I think that would be correct.

Mr. Triche—Then what you're saying then if we adopt your motion is that Mr. Stagg will be allowed to talk fifteen minutes more on these entire rules, or rule by rule?

Mr. Roy—Mine is more in the way of a point of information. I'm for your motion, Mr. Kean, but I'm wondering about Rule No. 76, because part of Rule No. 30 is referred to Rule No. 76 and we haven't adopted it yet. Should we maybe adopt Rule No. 76?

Point of Order

Mr. Tapper—I agree with your proposal, but I question whether or not this may in some way cause some legal problems in the future. Wouldn't it be better if instead of adopting this rule before we complete all of the rules...wouldn't it be better if we took a vote of the delegates on their feeling as to whether or not the Chairman could invoke the particular limitation rather than take one of these rules out of the resolution and adopt it? I'm thinking of the legality of it later on.

Mr. Henry—Inasmuch that this is apparently a point of order, Mr. Kean, if you will allow me, Mr. Kean had asked if it would proceed under that rule? It was my ruling, inasmuch, Mr. Tapper, as we are considering a resolution in its entirety that such a motion would be improper, but that he would be in order to suggest that we proceed under such a ruling as is provided in the rules. So I think that resolves your problem.
Mr. O'Neill I agree with your motion, Mr. Kean, but I question the validity of it at this time, because there's no provision that we've adopted yet to suspend rules, in case we find that we'd like to extend debate on this. And I find that that's a problem, too. It seems like this motion has run into a lot of problems.

[Previous Question ordered. Motion adopted.]

Reading of the Rule

Mr. Poynter Rule No. 31. Prohibited Behavior. No delegate shall walk off the Convention floor during roll calls, nor shall any delegate in any way impede the business of the Convention by interrupting delegates who are speaking, by use of objectionable language, or by engaging in any way in discourteous conduct.

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

Reading of the Rule

Mr. Poynter Rule No. 32. Questions of Order. Every question of order shall be decided by the Chairman, without debate, except to overrule a point of order. 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 Chairman, all appeals shall be decided by the Chairman without debate, except to overrule a point of order.

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

Reading of the Rule

Mr. Poynter Rule No. 33. Answering Roll Calls. Every delegate must be at his seat when a roll call is being taken, and answers to roll calls from other locations on the Convention floor shall not be counted.

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

Reading of the Rule

Mr. Tobias Mr. Stagg, does this include roll call votes for when we arrive at the Convention, in other words, the initial roll call to see who is present?

Mr. Stagg I would presume that the rule means exactly that, when a roll call is being taken.

Mr. Tobias Would you be willing to amend the rule to provide for that one particular instance?

Mr. Stagg Mr. Tobias, I would do it in courtesy to you. As a committee member, I cannot and I won't.

Mr. Womack Mr. Stagg, would this roll call have been one that you would normally assume would be also an opening roll call or is there a distinction between roll call and an opening roll call? The reason I ask the question is if you have an opening roll call and you're not permitted to answer and at no other time would be permitted to answer that, maybe in another section an individual who wasn't at his desk at that particular time would be deprived of pay for that day. We may need a clarification.

Mr. Stagg I think, Mr. Womack, the comment that you have made and that Mr. Tobias has made are excellent comments on the rules, however in the Rules Committee, I think what we had in mind was the same kind of disorder that has taken place on the answering of the roll and the various other times during the Convention. The opening roll call has been answered from all over the room and I think that's adequate, but when a vote is being taken on a critical issue, this Rules Committee rule that's the kind of roll call the Rules Committee had in mind.

Mr. Tobias I withdraw my objection.

Mr. Landry Mr. Stagg, is it true that the roll call is covered in Rule No. 3?

Mr. Stagg Yes sir, Mr. Landry, it is.

Mr. Weiss Hopefully, Mr. Stagg, we may have an electronic method of voting and roll calls. If that's the case, wouldn't it be necessary to be at your seat at the time to call, according to the first motion or rule that we passed number three.

Mr. Stagg That was the remark that was just made by the previous speaker. And if this Convention be so fortunate as to vote by roll call, then I'm sure that the then permanent Rules Committee would have several amendments to the rules of the Convention to cover the use of the electronic voting machine.

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

Reading of the Rule

Mr. Poynter Rule No. 34. Absence from Daily Session. A delegate may be excused from attendance at daily sessions only with leave from the Chairman, and no delegate shall be compensated for a day on which he is absent from Convention sessions.

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

Reading of the Rule

Mr. Poynter Rule No. 35. Vacancies. By a vote of at least two-thirds of the delegates 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.

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

Reading of the Rule

Mr. Burns Mr. Stagg, did the committee look into the legality of this rule with reference to giving the Convention the legal authority to declare a man's seat vacant? As I understand it, the delegate to this Convention is a duly elected official and I was just wondering whether we have that legal authority or not?

Mr. Stagg Mr. Burns, we did not ask the opinion of any legal authority. It was a group of seventeen delegates writing rules and we figured that if a man or woman was not in his seat or at the opening roll call on fifteen unexcused absences, on fifteen unexcused consecutive opening roll calls, that he had abandoned his seat in this Convention and that measures should be taken so that his District would be represented in this Convention.

Mr. Burns I'm not questioning the...your action in providing that. I'm just questioning the legality of it.

Mr. Stagg If it ever occurs, Mr. Burns, I think we'll face that legality.

Mr. Brown Mr. Stagg, it is your intention to define opening roll call as that roll call that
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begins each day; in other words, if we recess for lunch and come back, is that a roll call? Can you might have eight or nine roll calls in a day. One roll call a day, is that your interpretation of that particular point?

Mr. Stagg Yes, Senator Brown.

Mr. Brown Mr. Stagg, what happens if you’re fifteen minutes late and miss the opening roll call? Does that mean that you have absented yourself from that entire day and that’s counted against you as such?

Mr. Stagg No, Senator Brown, I think the roll call provision under Rule No. 3, the delegate who came in late goes to the desk of the Secretary and asks to be marked present. And that’s all he’s required to do in any parliamentary body.

Motion

Mr. Blair Mr. Chairman, fellow delegates, I’d like to make a motion that we temporarily pass this. Obviously we are not going to finish all these rules today. And let us get a legal opinion on this, because I think this could cause some real static down the ways. I make the motion that we temporarily pass this and check on the legality of it.

Further Discussion

Mr. Arnette When the Rules Committee was considering this particular rule, we looked it Act 2, and Act 2 provides that any seat may be declared vacant if there is an inability or an unwillingness to serve on the part of any delegate. Now the act left it open as to how the Convention would declare this. And we decided that an equitable type situation would be this as provided in Rule No. 35, fifteen consecutive unexcused roll call misses. And it seems to me, not being any legal scholar or Supreme Court Justice, or anything else, but it seems to me that this would be a way and a legal way of providing such vacancies. And for anyone else who has anything to say about it, come on up. But I see no point tabling the motion at this time. Let’s get the rules adopted.

Further Discussion

Mr. DeBleuex Mr. Chairman and ladies and gentlemen of the Convention, I want to agree with the previous speaker. I don’t think it’s necessary to pass over this particular rule at this particular time. I have some questions in my mind too, with reference to the legality of this particular rule. But this may not ever come into being, and I think that whenever it does, whenever we do declare a delegate’s seat vacant because he’s been absent without leave, without excuse or something of that sort, the courts are going to pass on it anyway, and I think that will be the time to get out legal decision. I don’t think we have to worry about it now. So I say that we just go on ahead and adopt the rules and wait for that time.

[Previous Question ordered.]

Closing

Mr. Blair Mr. Chairman and fellow delegates, I want to make it perfectly clear that I’m not trying to table this. All I asked for was to temporarily pass it. You know we’re not going to finish all the rules today, and I think we could just save a lot of time by checking on the legality now where there wouldn’t be any question. I ask that we temporarily pass it up until we can check that.

[Motion rejected: viva voce.]

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

Reading of the Rule

Mr. Paynter Rule No. 36. Voting in Person. No person other than the delegate himself will be permitted to vote or to answer any roll call or quorum call.

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

Reading of the Rule

Mr. Paynter Chapter 4: Proposals. Rule No. 37. Proposals: Any original suggestion, proposition or draft intended to become a part of the Constitution shall be referred to as a proposal. A proposal introduced by a delegate shall be designated as a delegate proposal, and a proposal submitted by a committee shall be designated as a committee proposal. An amendment shall be designated as an amendment.

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

Reading of the Rule

Mr. Paynter Rule No. 38. Resolutions. All matters of general Convention business, other than proposals intended to become a part of the Constitution shall be proposed through the instrument of a resolution, which instrument shall be so designated and may be introduced at any time. A resolution introduced by a delegate shall be designated as a delegate resolution, and a resolution submitted by a committee shall be designated as a committee resolution.

Resolutions shall be subject to the same rules of readings, committee referral and adoption as proposals. Resolutions shall contain a short title which shall be reflective of its purpose and substance and shall comply with the form requirements of Rule No. 41.

Delegate Nunez in the Chair

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

Reading of the Rule

Mr. Paynter Rule No. 39. Introduction. A proposal may be introduced by a delegate or delegates or by a committee on behalf of a majority of its membership.

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

Reading of the Rule

Mr. Paynter Rule No. 40. Introduction of Committee Proposals. Committee proposals prepared and approved by the several committees of the Convention prior to July 9, 1973, shall constitute the first proposals to be introduced in the Convention and shall be introduced by the Chairman of each committee or his designee.

Amendment

Mr. Paynter Proposed by Ms. Zervigon. On page 42, line 3, the following sentence is to be added at the end of the present sentence. "These proposals as far as completed shall be mailed to all Convention delegates on or before June 22, 1973."

Explanation

Ms. Zervigon The reason I submitted this amendment is that I would like to have at my house and ready for me to read as much as possible of the work that’s been done by the committees for the Convention before the July 5th date when we reassemble to consider them as the first proposals.
Amendment

Mr. Poynter Amendment No. 1 [by Mr. Flory] On page 12, Tine 3, delete the period ".", and insert this:

and shall bear the signatures of a majority of the members of the committee."

The additional language, immediately following the word "designee" and add the following: "and shall bear the signatures of a majority of the members of the committee."

Explanation

Mr. Flory Mr. Chairman and delegates, this is a technical amendment somewhat but yet extremely important in view of the fact that we have provided in this proposed rule that the Chairman may introduce a committee proposal in his name or the name of any designee of the many governmental and civic commissions and committees in drafting legislation, agreeing in accordance with this amendment to introduce the signatures of a majority of the committee members who have read the final draft and does in fact represent a majority view of that committee in the way of a proposal. I urge the adoption of the amendment.

Questions

Mr. Kean Mr. Flory, Mr. Flory under Rule No. 60, provides all proposals submitted to a substantive committee shall be reported from that committee indicating committee action provided that a majority of the committee membership present and voting must approve the committee report. As I appreciate your proposed amendment you would change that rule as applies to all committees.

Mr. Flory We are talking about here is a majority. If you spell out that a majority of that committee shall make the report, Mr. Kean, we'll take care of Rule No. 60 when we get there. If it is the desire of the Convention. But if a committee proposal is to be introduced in the name of a committee, let's assume for example that there are eighteen or nineteen members on the committee. Ten constitutes a majority, then ten people ought to sign that rather than having six people, if six would constitute a quorum, six would be a majority of the quorum present. If we're going to have a committee proposal, it's my judgment that we ought to have a majority of that committee supporting that proposal. And it ought to reflect the consensus of a majority of that committee. And that's the sense of my amendment. I urge you to adopt it.

Mr. Perez Mr. Flory, would you be agreeable to an amendment which would provide that there would be a majority in accordance with Rule No. 60 and then when we get to that particular rule, we will decide whether or not a majority of all of the members of the committee or a majority of those voting would be required to vote the matter favorably so that we would have consistency in our rules? I mean, in other words, when we take up Rule No. 60, we will then determine whether or not we need a majority of the total members of the committee or a majority of those voting, and at that time we could determine what a majority means. So that if you would be agreeable to amending your amendment, so that it would provide that a majority as provided in Rule No. 60, would you be agreeable to that?

Mr. Flory Of course I would have no objection, Mr. Perez, to amending it to that extent; however, I think you're only delaying the pain. The decision has to be made sooner rather than later, so I'm sure I'd want to reflect in a committee proposal the consensus of a majority of a committee or whether or not you're going to do it in the majority of the quorum present. It was my understanding in the Rules Committee, I may be incorrect, and I am not trying to speak for the Rules Committee, but when this was under discussion that a committee proposal should be at least reflect a majority opinion of that committee. Now, the only thing I'm trying to do is to assure in the drafting of a proposal, when it comes before the Convention, that the final passage of a committee proposal, I want to know whether it reflects a majority opinion of that committee or whether it reflects a majority of the quorum that was present at the time that that proposal was heard. I think we ought to be assured that it reflects a majority opinion of the membership of that committee.

Mr. Duval Mr. Flory, I, looking in Rule No. 39, and want to ask you what your interpretation of it is. Rule No. 39 which we recently adopted says, "a proposal may be introduced by a delegate or delegates or by a committee on behalf of the majority of its membership."

Mr. Flory That was the purpose of my amendment, was to clarify Rule No. 39, Mr. Duval, in spelling out that we would know as delegates to the Convention when it is the desire or in the journal that it contained a majority of the signatures of the membership of that committee. Yes, sir, this lies directly with Rule No. 39.

Mr. Roy Mr. Flory, in keeping with your argument, isn't it a fact that what Mr. Kean and them are talking about under Rule No. 60 applies only to substantive committees and there are going to be four procedural committees that may be very important to your point?

Mr. Flory That is absolutely correct and particularly if you adopt what is proposed here in the way of the procedural committee.

Further Discussion

Mr. De Bie Mr. Acting Chairman, ladies and gentlemen of the Convention, and particularly this Rule No. 40 that we are adopting now, that means that all proposals submitted by delegates will be to be introduced, that is there's no prefiltering of any kind or any, shall it will have to be introduced after July the fifth, 1973. That all of the committee proposals which will automatically be the first matters of the Convention will be, you might say, prefilled, they will have to be in order for us to get them out as the amendment we've just adopted by June 22nd. And then we can come to the Convention with our own proposals after we've read the other proposals for changes and submit our own proposals to the Convention. I think that's the sense of that rule, and I just wanted to be sure I understood it.

Question

Mr. Guidry Mr. Stagg, I don't see any provisions for minority proposal on here if I do see a provision in Rule 60 on substantive committees but how about on a procedural committee? Are you entitled to a minority report, a minority proposal?

Mr. Stagg In paragraph sixty I know or I have heard, Mr. Guidry, that there will be an amendment when we get the word "substantive" in line 6 which would be curative of the question you have raised.
Chairman Henry in the Chair

Reading of the Rule

Mr. Poynter  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 11 inch paper in a type face with excellent reproduction qualities. A margin of one inch on the left and right side and at the top and bottom shall be preserved. The lines on each page shall be numbered consecutively from top to bottom at the left margin, and the left typing margin shall be two spaces to the right of the line numbers. Pages commencing with page two shall be numbered at the top center of the page. The original of all proposals shall remain in the custody of the Convention. The Secretary shall, as soon as any proposal is printed, place it on the desks of the delegates. The caption of each proposal shall be substantially in the following form:

Constitutional Convention of Louisiana of 1973

PROPOSAL

(Committee or Delegate) (Number)

Introduced by

(Name of Delegate or Committee Chairman)

Each proposal shall also contain a short title stating concisely the general nature of its subject matter.

[Previous Question ordered. Rule adopted: viva voce. Adjournment to 1:30 p.m., Tuesday, January 16, 1973.]
PRAYER

Mr. Stovall ... name for the creation and preservation and all the blessings of this life. We are grateful that we can come here today to this responsibility with renewed physical strength and we pray that we might come with clear minds and with generous spirits to work together in order to move forward in our state, for all that will help all of our people to find true fulfillment in life. We pray that we will give to each of us a spirit of understanding and consideration and guide us in our deliberations. May Your blessings be with all who are in need and be with us at this time. In the name of Christ we pray, Amen.

PLEDGE OF ALLEGIANCE

ROLL CALL
[14 delegates present and a quorum.]

UNFINISHED BUSINESS

RESOLUTIONS ON FINAL PASSAGE

Reading of the Rule

Mr. PoynTER Rule No. 42. Deadline on Proposals. No proposals may be introduced by delegates after the first sixty days following July 5, 1973, committee proposals, however, may be introduced at any time, provided rules governing procedures for adoption are followed. Amendments to proposals may be offered anytime.

Amendments

Mr. PoynTER Amendment No. 1 [by Mr. Avant]. On page 12, line 29, following the word "delegates" insert the words "or committees". Amendment No. 2. On page 12, line 30, delete the semicolon ";" and in lieu thereof insert a period "." and delete the remainder of line 30. Amendment No. 3. On page 13, delete line 31. Amendment No. 4. On page 12, line 32, delete the language "for adoption are followed".

Explanation

Mr. Avant. Mr. Chairman, fellow delegates, the purpose of this amendment is to place a deadline of sixty days following July 5, 1973, which would be approximately September the fifth, on all proposals. Now, the reason for this is that: We will at that time have approximating between one hundred and twenty days within which to complete the work of this Convention. I do not believe that if we are allowed up until the very last day through committees to submit entirely new proposals to this Convention that we will be able to complete the work that we have to accomplish within the time allotted. Now, an amendment to a proposal may be offered at any time. Also a substitute, if I understand these rules, may be offered at any time. Furthermore, if in the fading days of this Convention, some brilliant idea comes forth that all of a sudden is going to precipitate the solution to what has heretofore been a logjam, we can suspend the rules. But, if we are going to allow committees up until the very last day of this Convention to come in with entirely new proposals, I believe we're going to hamstring ourselves and seriously interfere with our ability to accomplish what we are here to accomplish, and that is the reason for this amendment. I think that we can be protected. We have many ways in which we can be protected in the event some new amendment comes up at the last minute that we just have to consider. But, to throw it wide open for completely new proposals which could not be covered by an amendment or a substitute up until the last day, I think would be unwise. For that reason, I ask you to adopt this amendment.
Explanation

Mr. Stagg: Yes, Mr. Chairman. If it is appropriate to note that what was sought by the Rules Committee was that no proposal could be rammed through the Convention by having first and second or second and third readings occur on the same Convention day, and that a more orderly way of going about it was considered by the Rules Committee, to require that the bill be considered and read on three different days during the deliberation of the Convention.

Question

Mr. Flory: Mr. Stagg, just as a matter of information, I would like to ask your views as regards line 26, which is F and line 30 which is J. It appears that you have two referrals to the Committee on Style and Drafting. Was it the intent of the Rules Committee that the Style and Drafting Committee would style it in proper form prior...that is, upon a committee recommendation to the Convention? This is the way it appears here in my interpretation.

Mr. Stagg: Yes, sir. It was hoped that the Style Committee would get the bills and have a chance to style it and number it, and after it has been amended or otherwise dealt with, between the second and third readings that maybe the Style Committee could have a look at it. I might say in passing, Mr. Chairman, that the language in F, Committee on Style and Drafting...a technical amendment on raising to initial capitals the Committee on Style and Drafting in line F, or in Item F on line 26. A matter of style only, sir.

[Technical amendment adopted without objection.]

Questions

Mr. Gravel: Mr. Stagg, on line 19, the word "committee," should that not be "constitute"? Wasn't the intention of the rules that the committee referral would constitute the second reading just as the introduction constituted the first reading as set forth? I don't know if you understand what is meant by "committee referral shall commence the second reading."

Mr. Stagg: I think the probable appropriate word would have been "to constitute." I don't know how that got past us, but believe that's the way it should read.

Mr. Henry: Mr. Stagg, I don't think the appropriate word would have been "constitute."

Mr. Stagg: We had advice from Mr. Poynter when we were concerned with these orders of proceeding, and I believe that it was Mr. Poynter's suggestion that when you commence the second reading it is done by committee referral and not constitute. That was the suggestion from our parliamentary adviser.

Mr. Gravel: I still don't understand it. It seems to me what you are saying is that the introduction...Mr. Henry: Mr. Gravel, I believe that if you'll read that rule more carefully, you'll find that it is absolutely clear and accurate insofar as the procedure of the Convention is concerned.

Mr. Gravel: Well then I don't understand what is meant in line 8, "introduction which shall constitute the first reading."

Mr. Stagg: Well, the committee referral commences the reading of it, but you'll not down in "engrossment" under C—"which shall complete the second reading"—in other words, it's not to go past a reconsideration. It has to be first considered by the delegates under D, and then if recommitted, reconsidered by the committee, then back to the Committee on Style, and then engrossment which completes the second reading of the proposal. The commencement of it is with the committee referral.

Mr. Gravel: I understand. Thank you very much.

Mr. Stagg: Yes sir.

Mr. Henry: Mr. Gravel, I think you find yourself somewhat in the situation that Mr. Jenkins did one day as Mr. Triche said "Well, I can read it for you, but I can't understand it for you."

Mr. Arnette: In line 14 and line 17 was Chairman intended to be capitalized, meaning the Chairman of the Convention, or should this be the person that was presiding that particular day?

Mr. Stagg: It would be the person presiding as Chairman of the Convention on that day. Do you propose, Mr. Arnette, that we reduce those capital "C's" to "c's" so that anybody who was presiding could make this referral?

Mr. Arnette: That's my question.

Mr. Stagg: I think your question is well taken.

Mr. Burson: Purely for informational purposes—these are technical terms, and I don't really know what you mean—what in line 27 under "F" does the word "Engrossment" mean?

Mr. Stagg: Engrossment is a legislative term of art, and it means when you engross a bill you have included a bill with all of its amendments complete and reprinted so that the delegates will have before them in their present proposals.

Mr. Burson: And in the same vein in line 29, "I," the word "Enrollment"?

Mr. Stagg: Enrollment is the bill is then enrolled into the Constitutional document as the last step, or the next to the last step, to its completion of the work on it by the members of the Convention.

Reading of the Rule

Mr. Poynter: Rule No. 45. Order of Proposals. When a proposal is up for third reading and final passage, it shall be read, debated, and acted upon separately by sections. Each section shall be considered a separate question for the purpose of "limits on debate" provided for in Rule No. 30.

Question

Mr. Burson: When the term "sections" is used here, are you referring to the sections of the different articles to be proposed in the new Constitution?

Mr. Stagg: Very definitely. It was felt that if someone presented...if a committee presented a proposed article to the Constitution, that it ought to be able to be debated in each of its parts, rather than as a whole document with fifteen minutes limited to each speaker.

Reading of the Rule

Mr. Poynter: Rule No. 46. Amendments. Amendments shall be submitted in writing, and a copy of every such amendment shall be distributed to each delegate before a vote occurs thereon.

Questions

Mr. Schmidt: Would you consider adding after...
amendments, “except technical amendments”?  Mr. Stagg: No sir, we considered that amendments, inserting commas and semicolons and this kind of thing would occur, but it was the feeling of the committee that since we are keeping a close record on every part of the document, that if you had a technical amendment, it would be in writing.

Mr. Nunez: Mr. Stagg, I'm assuming from a procedural standpoint that that every amendment submitted by a delegate of this committee has to be reproduced and given to each delegate before we can act on that amendment, regardless of what the amendment does. For instance, just a change of word, are we going to have to reproduce and submit it to each delegate of this Convention? That's what the amendment does?

Mr. Stagg: That's correct, sir.

Mr. Nunez: Then the Rules Committee didn't feel like this would hamper the proceedings of the committee at all?

Mr. Stagg: To the extent that it hampered it, that was considered, but the overwhelming view of it was that you're going to be voting on some very technical amendments, some of which may have the ability to change the substance of the article, and that every delegate ought to have before him when he votes on the final Constitutional Document, and on the parts of it, that it should be in writing.

Reading of the Rule

Mr. Poynter: Rule No. 47. Style and Drafting. When all proposals have been processed, the entirety of those adopted shall be sent to the Committee on Style and Drafting for orderly arrangement in the new proposed Constitution, 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.

Questions

Mr. De Blyeux: Mr. Stagg, I noticed in the reading of this you say "when all proposals have been processed"—noticing that clause in the first sentence--"the adopted shall be sent to the Committee on Style and Drafting for orderly arrangement." Now, as I read this and understand it, it means to say that we've got to wait until all the proposals have been processed before the Committee on Style and Drafting would get them. Now, that's not the content that I think was referred to in. I believe, Rule No. 44, which is the one which we've just previously adopted a little bit earlier. I would think that it might be better that these proposals as they are processed—not all—all that is, I don't know how you interpret it, but I think that we have to make it clear that, as the proposals are processed, then those that we've been adopted will be sent to committees because we can't wait until all of them have been adopted before we send them to the Committee on Style and Drafting.

Mr. Stagg: Well, what I think we are referring to here, Senator, is that there is under Rule No. 44 an order of processing which causes the bill to be studied by the Committee on Style and Drafting midway in its processing—and then when all of the proposals have been processed, the entirety of the proposal be in the hands of the Committee on Style and Drafting for the purpose of arranging them within the body of a new Constitution. And that, I think, is the intent and purview of that particular article, and in the final draft, at the end of our work, the final draft in all of its parts must be approved by a majority of the delegates to the Convention.

Mr. De Blyeux: Well, that kind of clarifies it to me. Cause I just didn't understand that I didn't want to have to wait 'til we had finished all the proposals before the Committee on Style and Drafting would get them.

Mr. Stagg: Correct, sir.

Reading of the Rule

Mr. Poynter: Rule No. 48: Distribution. For the purpose of these rules "distribution" shall mean that a copy of any document is placed on the desk or chair of each delegate.

Explanation

Mr. Stagg: Mr. Chairman, we were—at the time this rule was under consideration—did not know in what place or in what kind of room the Convention would be meeting, and events of the last several days have shown that it has been in different places and under different circumstances. It was also proposed that among other meeting places that one of them under consideration has had only auditorium type seating, so it was an abundance...out of an abundance of precaution, the Rules Committee put the language in "on the desk or chair of each delegate" to cover whatever eventually was before us at the time the Convention is in final deliberative situation.

Explanation

Mr. Stagg: Mr. Chairman [....] or if between two committees there is a dispute over subject matter or jurisdiction that we provided a Coordinating Committee which would be composed of the Chairman and the First Vice-Chairman of the Convention and the chairman of the respective subcommittees, and the duty of that Coordinating Committee, when we refer to it, will be to work out a sort of a comprehensive plan to help in the event that two different subject matter problems are being viewed by the two different committees; and, hopefully, these matters can be resolved by the Coordinating Committee. There are as many different ways to divide these committees, perhaps, as there are delegates. The Rules Committee decided on this arrangement, and I'm presenting it to have moved its adoption because one good way that the work of this Convention can be divided into what the Rules Committee felt was the proper number of substantive committees for the use of this Convention. I move its adoption.

Mr. Henry: The gentleman now moves the adoption of the rule, which I think has already been seconded. Now, gentlemen, it looks like a lot of you have questions, but we have a series of amendments, so if you'll allow us to go ahead and proceed with the amendments, then we'll allow Mr. Stagg to speak to the rule itself and recognize you people to speak from the floor. I think it would probably be in the best interest of time to go ahead and see what these amendments do. It may resolve some of your questions or some of your comments. So, Mr. Clerk, if you will, who sends up the first set of amendments?

Amendment

Mr. Poynter: Amendment No. 1, proposed by Mr. Silverberg.

On page 15, lines 15 and 16, delete the words "Board of Regents for Higher Education." On page 15, lines 15 and 16, delete the words "Board of
Regents for Higher Education.

Explaination

Mr. Silverberg Yes, Mr. Chairman. Mr. Chairman and fellow delegates, I am very favorably disposed toward this amendment because in the belief, I believe the words "Board of Regents for Higher Education" are superfluous and restrictive and should be removed from the sentence. The Committee on Education and Welfare is adequately instructed on its responsibilities by the remaining language. If the words "Board of Regents for Higher Education" are to be included in the rule, we must assume that the Rules Committee intended the remaining language "Public Education" to include only primary and secondary education. If this is so, then certainly the committee should be instructed to also consider the LSU Board of Supervisors, the Louisiana State Board of Education, the Coordinating Council for Higher Education, and the State Superintendent of Education's office. The language also fails to charge the committee to specifically consider the vocational and technical training of our youth to progress beyond the secondary education level. The specialized field of junior colleges is also not mentioned. Like most of my fellow Louisianians, I believe when we speak of public education--well, when we speak of public education, we mean all education--that we offer it through our tax supported public schools, including our primary and secondary and university level institutions. I urge your favorable consideration.

Thank you.

Point of Order

Mr. Burns Mr. Chairman, ladies and gentlemen of the Convention, in view of the fact that we are not ready to discuss--and perhaps amend--to, or questions on some eight committees--if possible, I would suggest that we take them up for the purpose of discussion and amendments in the order in which they appear, rather than skip from one to the other and get them all mixed up and intermingled. I think that in the interest of clarity and time-saving, if we could do that, it would save a lot of time. It would confine our discussion to one committee at a time, rather than jumping back and forth.

Mr. Henry Mr. Burns, I think that your point is certainly well taken, and while we had decided that we would proceed on the amendments in the order in which they were handed up, I think that you've got a better suggestion. As far as it is practical, Mr. Clerk, I will ask you, after we dispose of one, he's already explained it--that we proceed in the order in which the committees are listed, if we can, Mr. Clerk.

Point of Order

Mr. Perez Mr. Chairman and fellow delegates, we have just adopted Rule No. 66, which requires that a copy of every amendment be distributed to each delegate before a vote occurs thereon. It is my suggestion at this time that, even though these rules are not yet been formally adopted--that because of the grave importance of the designation of these committees--and apparently there will be several suggestions and recommendations--that a copy of every such proposed amendment be distributed to all of the delegates.

Mr. Henry Mr. Perez, your point is well taken. The problem is the reproduction equipment is not here right now and will be here later on this afternoon. So, we'll just have to make shift and do the best that we can.

Further Discussion

Mr. Leithman Mr. Chairman and members of the delegation, I rise in opposition to my good friend, Mr. Silverberg's amendment; and I'll try to explain in just a few minutes a very broad picture of education here in the state. Mr. Silverberg feels that the mandate was education left out in the charge by the procedural rules. I question this, and this is one item that I want to touch on briefly. I feel nothing's been left out in the charge and in the right mix--inclusive. It's inclusive of school bus drivers, of our lunch programs, and retirement systems for our educators. None of this was mentioned, but it is included because the committee won't be able to make any kind of determination on how this came to be--this every constitutional factor that relates to education in any way, all of which is included in these volumes of education. So, nothing has been left out in terms of any segment of our educational system. I have a resolution which will come up in a minute--gentlemen, I would not prefer to yield at this time; I will yield later. I have a resolution that I planned to offer at a later time in the proper order, which will make an amendment to this; however, it will include and pull out of Rule No. 7, Mr. Silverberg, all of education. It will have public education, our higher education, special ed., career education, in one committee for handling. This has been prepared and offered, and I feel personally that this is the way it should be, and this is not only my personal viewpoint, but, gentlemen, we have recently done away with a single committee for handling these matters in the Legislature. We have one model joint legislative committee. We feel it's a good committee--people knowledgeable in education that they have taken it in their own hands, the entire responsibility of coordinating the professional staff with the Legislature in the direction of education. This joint committee just today passed a resolution that public education and higher education be handled as a one-item committee here in the Convention. So, gentlemen, I ask that we not adopt this because I feel that Mr. Silverberg has a good reason to offer this resolution, but I feel that we should not separate education. I think if we separate anything, all of education should be taken out, all of education should be handled as one item. We included in our education, which is about thirty-six percent, if I remember, of our total state budget: health and welfare, another big item--the big three items--and the other third is our highways, which is not included. So, really we're talking about almost two-thirds of our budget. Right now, this committee hearing, and I just think it's too much for us to cope with. So, gentlemen, I will ask that you reject this, and I do hope that you see fit to include all of education as a single committee at a later adoption period in this program.

Questions

Mr. Tapper Kenny, is it my understanding that your amendment, which you propose to adopt at a later time will add a ninth committee to deal with education?

Mr. Leithman It will add a ninth committee to be designated as 7A, but in essence you will have a ninth committee, and it will deal with all segments of education in the state under one committee--higher, special ed., career education, secondary and elementary.

Mr. Tapper Would you consider in preparing your amendment--I assume you would--but would you look it over and instead of designating public education, higher education, etc., etc., would you consider using the word 'education' so that it would cover everything--public education, private education, etc., instead of going into detail because, when you do that, you may say something that you would consider just using the word 'education,' period?

Mr. Leithman Well, if you think it's necessary, I certainly have no objection to doing that. I don't think it's necessary, but if I would certainly do that. 'Cause all I want to do is really include
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all of education under this.

Mr. DeBlieux: Of course, Mr. Leitman, the question you answered for Representative Tapper has just about given me the answer which I was seeking with reference to this, because I certainly think that this amendment should be adopted in all of its fields. Now, I don't know about separating it from the other affairs, but I'm with you on that it shall consider all education. Now, as I take it, just lifting out the words "Board of Regents for Higher Education" will not change the functions of the committee whatsoever. You can bet your bottom dollar that the Committee is going to consider some sort of a coordinating or Regent for Higher Education. Whatever you want to call it, it's going to be considered by the committee which considers education. But I just wondered what harm would we do, if we lift out of this particular section the words which Mr. Silverberg has attempted to do: that is, a Board of Regents for Higher Education. Also, if we just lift out the word "public" so that we'd consider all education, you might say, in every one of its facets.

Mr. Leitman: I agree with you.

Mr. Silverberg: I don't think that we have any difference in context or in ideas. But I do think that we have a possibility that you resolution or your amendment might not pass. I'm quite concerned over this. If we have a Board of Regents and a rule and the directive is very, very restrictive. When we speak of the Board of Regents for Higher Education, as you well know, we are speaking of something that won't take place until 1974, if then. If your resolution doesn't pass, what happens to us?

Mr. Leitman: Well, I don't see any problem if my resolution does not pass. Education will be handled—all segments of education, higher education, education with public education, will be handled along with welfare, labor and industry, civil service, and all of these other segments—so it will be handled, and I don't think any great jeopardy will be done. Well, Mr. Silverberg, I want to just touch on this: when you mentioned dividing the word about the Board of Regents, I think the planning people—I don't know, I can't really read their minds—but I think they picked this title up off of a bill, and I personally handled the bill in the House, and that was the name of the bill. I think, really, they just picked up that Board of Regents for Higher Education and offered that title of legislation. But I don't see any harm in my bill not passing, if that you are going to be handling so much of the state's budget in one committee. Any other questions, Mr. Speaker?

Mr. Fontenot: I assume that you intention, by getting up here and voting against Mr. Silverberg's amendment, you are--let me ask you—are you intending to separate this number seven committee into two committees—one to consider the welfare and consumer affairs, civil service, labor and industry—then again proposing that a committee number nine study education? Is that the intent of your...

Mr. Leitman: Basically, yes. What I plan to do is have 7 and 7-A. Seven would deal totally with education, all segments—higher education, public education, school by school in every area of education. Then 7-A or 7-B, whichever I have on the resolution, will cover the remaining aspects of that paragraph.

There's no other questions, Mr. Speaker?

Further Discussion

Mr. Champagne: Fellow delegates, I rise in support of Mr. Silverberg's amendment because, as

the attorney sometimes says, the words "Board of Regents" is leading to the witness. I would like to eliminate it, and not adopt at all, and I feel that if you do go along and not adopt this amendment, and you go along as the other speaker mentioned, then you're opening the door to have the same number of committees that the Constitutional Convention in 1921 was killed by. On the point that he mentioned that we would have experts on this committee, being a man of many interests, I submit that you don't want all the experts on the committee to which they may appear to belong. You certainly don't want legislators on the Legislative Committee completely. You don't want judges on the Judicial Committee completely. You don't want only educators on the Education Committee. You need people of different interests because, even though it's two-thirds of the budget of the State of Louisiana, the educators themselves do not pay the budget. What I'm telling you is, if you go along and go along on this trend, that you get for education, one for welfare, and one for relief, one for this and one for that, you'd better hold this thing down to eight committees. It's well represented, it's varied, and it covers it completely, and I repeat to you once again that please observe the amendment that Mr. Silverberg made. Let's consider education complete, because this is a segment of the bills that in the twenty years from now won't even be mentioned on this committee. It's changing times, and you're writing the Constitution for all times. You want all people of education, but it's not as far as it deals with private or any other means. But, please, let's not start adding on additional committees, as it seems to be the public opinion of some people here, because then you're going to divide this thing up to the point that people of many interests cannot be on any.

Further Discussion

Mr. Newton: Mr. Chairman, fellow delegates, I rise in opposition to a segment, there's probability or possibility that we will keep our eight committees. All I've done is recommend that we limit the language of this rule and, incidentally, we point out that there has been a number of some minor errors in the compilation of these very excellent set of rules, and it would seem to me that this is the rule committee. It's very obvious that we are limited to a particular area of education. I think by the elimination of those few words "Board of Regents for Higher Education" we have covered the whole of education in Louisiana. Some of my fellow delegates have come to me and suggested that we drop the word 'public,' and I would have a good amendment, I did not choose to do that. I think that the area in which this committee will work [Previous Question ordered.]

Closing
that it will be limited to public education. I say that we won't--if I happen to be on this committee, or any of you are on this committee--that your proposal is not proper for education. But, in the final analysis we are concerned with public education. I urge your adoption of this amendment.

[Amendment adopted; viva voce.]

Amendments

Mr. Poynter These are amendments proposed by Mr. Dennery to amend the original resolution as follows:

Amendment No. 1. On page 14, strike out lines 30 through 33 in their entirety and insert in lieu thereof the following: "1. Committee on the Executive Department, which shall consider the offices comprising the Executive Department, reorganization, state civil service, term of the governor and other elected officers of the Executive Department, and impeachment."

Amendment No. 2. On page 15, strike out lines 6 through 9 in their entirety and insert in lieu thereof the following: "5. Committee on Local and Parochial Government, which shall consider local and parochial government, none rule, school district consolidation, intergovernmental cooperation and parochial and municipal civil service."

Amendment No. 3. On page 15, line 16, strike out the words "civil service." Page 15, line 16, strike out the words "civil service."

Explanations

Mr. Dennery Ladies and gentlemen of the Convention, first may I congratulate the Rules Committee on limiting the number of committees. I think that's very sound. The purpose of my amendments are to remove civil service from the Committee on Education and Welfare and to divide civil service into state civil service and parochial and municipal civil service and put that subject in the respective committees. The reason for this is that civil service is far more than just a civil service commission; it is a department of personnel within each of these branches of government. It seems to me that the Executive Branch of the government in the committee which considers the Executive Branch should consider state civil service, that the Committee on Local and Parochial Government should consider matters relating to parochial and municipal civil service insofar as they affect the operation of these two fields of government. I realize that the Coordinating Committee would be able to accomplish this, but it will be rather awkward if you have civil service under Education and Welfare, and you then had to have a joint meeting of three separate committees to consider the effect of civil service on the state executive as well as on the parochial and municipal. It is for this reason that I have removed it...I suggest the removal of it from Committee No. 7 and the inclusion of each of these in the proper committees.

Further Discussion

Mr. Flory Mr. Chairman and delegates, I rise in opposition to the amendment, and I base my opposition upon the history of civil service--the purpose of which is to give protection to the state local municipal parochial employees in this state, to take it out of the realm of politics. I say that civil service has no place whatsoever in the Committee on the Executive Department. I believe that the Rules Committee has outlined in excellent fashion those subject matters that should be considered by the eight substantive committees. I would not want Municipal and Parochial Civil Service to be inserted in Subsection Five because I think the matter of civil service could be consolidated into one section or article of the constitution.

What's good for the state employees ought to be, in the way of protection, good for municipal and parochial employees of this state adapted to local and municipal and parochial adaptation. Let me say, if I might, in looking at Subsection Seven, the comments that have been made up to this moment in regard to the 54th Amendment in Subsection Seven: What is more appropriate in the way of civil service to leave in Subsection Seven with the rights of employees? This is what you are talking about. You are not--you are not, I believe, in the constitution with reference to rights of employees, except your provisions of civil service. Now, I think that Subsection Seven is ideal in the way that the Temporary Rules Committee has had it. I've had my disagreement with some of the things that the Temporary Rules Committee has submitted in the way of detail. But, I submit to you that great consideration was given into the development of the subject matter and breaking it down into the eight substantive committees, as we now have it proposed before us. I would beg you not--not to divide the civil service. Don't put it in the Executive Department. It has no place in being considered with the powers of the Executive. That was the purpose of all--all of the state employees of this state and the local governments under civil service: to give them the protection that they need. I ask you, in all Justice, to defeat this amendment.

Delegate K.D. Kilpatrick in the Chair

Further Discussion

Mr. Burson I have no strong feeling about where civil service should be as regards to state employees, but I do have very strong feelings that anything in the new Constitution that we write which is going to affect civil service in the local, parochial, municipal government should be considered by this committee that is considering those matters relating to local government. I think the reasons for that are all too obvious in the history of that state that our local governments have in many cases been hamstrung by action taken on the state level that they have had no part in formulating or dealing with at all. They had to accept something as fait accompli which, in many cases, visited a grave financial burden on the cities without the means whereby to meet these additional burdens.

I do not think that the Committee on Parochial Municipal Government should be deprived of the opportunity to consider any civil service proposition that will affect those governments. For that reason I speak in favor of the amendment.

Further Discussion

Mr. Abraham While I have no quarrel with what Mr. Burson has said as to local government having a say-so on affairs that affect them, I can't help but agree with Mr. Flory that we should keep civil service all as one package, because what we are talking about here in Section Seven is the Committee on Education and Welfare, and civil service is a part of the public welfare. There is nothing to prevent the Committee on Local and Parochial Government from presenting to the Committee on Education and Welfare their views and thoughts on civil service as how it affects them.

I am sure--and I think Mr. Flory touched on this a little bit--but I would like to ask if there is any member of the Rules Committee or the Chairman of the Rules Committee who would consent to take the floor to explain their reasoning as to why they grouped the two in the way they did it. I think grouping it this way because it deals with the welfare of the public, but maybe we can put a stop to some of the controversy if they will explain to us as to why they put it together. And I think we would better understand their reasoning.

Further Discussion

Mr. Stagg Mr. Chairman, in answer to the question...
by Mr. Abraham, and in part in answer to some of the things that Mr. Tribbett said and by Mr. Person, we have attempted to balance the work load of eight different committees. We get down now to a discussion of philosophy as to what kind of document it is we are putting in the hands of the people. If we are going to present a hundred thousand words or two hundred thousand words, then perhaps some of these committee structures could be balanced. Here we are as we sit here today. What is the considered opinion of the delegates in this room that our finished product will look like? We have written a compendium exhaustively treating with every branch of government and every area of government responsibility; or is the new constitution going to be one with very infrequent amendments? A basic statement of law and structure of government; or are we going to write another catalogue like 1921? That is what the committee structure is about. Now we get to the work load of Subcommittee No. 7. There is not going to be a large number of pages on public education. There really isn't in the present Constitution. There's not going to be a great huge amount of language on consumer affairs. This is not a legislative document we are going to draft. It's going to be a general statement of principle of government. Education and Welfare, if those were the only two subjects to be in the purview of Subcommittee No. 7, their work would certainly not be balanced with that of the Committee on the Executive or on the Legislative or on the Judiciary. So, for that reason, we added to Education and Welfare two or three pretty sticky points, so that their work load would equal out with the other seven committees: For instance, consumer affairs, a new and larger item of governmental interest in recent years, civil service, labor and industry, seeking there a balance between contending economic forces within the same subcommittee. We would not want to see this committee, if it had twenty people on it, to be as large as previously associated with education. I don't believe that would be what would be a balanced committee on the subject of education. Nor would I like to see it overwhelmed with people whose business and personal associations have been in the field of welfare, or in civil service, or in labor, or industry. We want, by this committee structure and this outline of subcommittees, to divide the areas of the new constitution evenly as possible in our concept so that the new constitutional document will be a document where the document would make one subcommittee about as busy as another; and to the extent that we succeeded by dividing some of these areas, that is the explanation of the composition of the Executive and the subject matter areas where you or some of you may think they don't really belong. It was an effort by the Rules Committee to divide the work of the eight separate committees, and that's how these subject matters were switched around and changed around by the Temporary Rules Committee.

Further Discussion

Mr. Womack Mr. Acting Chairman, fellow delegates, you look like we are going to get into the spirit of some of the items that's coming up any way. It was envisioned by many of us on the Rules Committee, and probably a lot of others, that there would be a number of overlapping articles, overlapping articles in the constitution. Some of them are covered in as many as three or four articles that may well matter. In your opinion that this would be considered probably by one or two more committees, because they were affected, and that the chairman of those committees would get together and quite possibly hold joint hearings on these items where there an overlapping. Now, if you are going to start out and say that we are going to have a constitution, with one thing in mind, is that's what's on the plate, then we might speak about a hundred words. If we are going to look at a constitution from the standpoint of my interpretation of it, we are looking for a constitution that gives the greatest amount of protection to the individuals of this state—the property owners and everybody else—but the greatest amount of leeway and flexibility in the operation of local government. As I look back and check and, even though there's many involved in civil service in the constitution that has never been amended, and if every other act or every other section of the constitution of this state was like civil service, there would not have been an amendment submitted in the last eighteen years. Now, I'll give you a little something to think about. We have applied to fouling up civil service in the State of Louisiana than any other item of it, and I defy anybody to successfully contradict it. If you don't think so, somewhere down the line you're in touch with the rank and file of service employees. There's only about fifty thousand of them. When you add all of the other, and the fact that you've got many, many working people in it, I think we better take a second look before we start attempting to make civil service a football in this convention and turn a good portion of our attention to where the real problems are, and that's the problems of the operation of local government and the problems of reducing the multitude of amendments that are submitted to the people over a period of years which certainly has confused the issue. Thank you.

Chairman Henry in the Chair

[Previous Question ordered.]

Closing

Mr. Danney I would point out with regard to my good friend, Mr. Flory's statements that civil service goes far beyond protection of the employees. In my opinion, the prime purpose of civil service is to have a merit system for the State of Louisiana and for the courts, the parochial, and municipal governments. So it seems to me that it is very important to find out what the executive branches of these forms of government have to say about it. Now, as far as Mr. Stano's statement, I do not comprehend that every committee is going to come out with an article which covers everything in that committee. It seems to me that the committee can study it, but may recommend that the article go somewhere else in the constitution. And in many situations, it is quite logical; for instance, in Rule 2.24 the Executive Department is to study the term of the governor and other elected officials. Well, there are many elected officials in this state who are not in the Executive Department and; and, presumably, this method of dividing, in the rules, is to comprehend that each committee is to recommend where in the constitution the ultimate article will go. I strongly urge that you adopt this amendment.

[Amendment recommitted. Vote unanimous.]

Amendment

Mr. Poynter Amendment proposed by Mr. Guarisco to the resolution.

Amendment No. 1. On page 14—a page 14—line 27, immediately following "powers," insert the following: "and concepts and principles of government."

Explanation

Mr. Guarisco Ladies and gentlemen of the Convention, the reason why I brought this amendment up--I may be nit-picking about it--but I think that this particular committee should not be hamstrung by what is written in it. We are already on the go. For example, we here in this Convention may—and here in Louisiana in 1923—may develop what might turn out to be a new idea. And the present committee are proceeding that if a man only saw squares, he may have never contemplated the wheel. So I
think that this committee should be free to maybe find a new branch of government, or what have you, and they should be free to do this. Therefore, I urge the adoption of the amendment. For an example: distribution of powers—we may eliminate a power; we may add powers, but I think there's a presumption that we shall have three branches of government and distribute them in three different areas. So, I urge the adoption of the amendment.

[Amendment reread.]

Further Discussion

Mr. Duval Fellow delegates, I just thought at this point it might be a good idea to perhaps clear up the language under the committees. This language—I don't think the rules intended this language to be exclusive. It is merely a guideline as is a budget. I don't think any committee is going to be bound by the language of this article. I think if we attempted to outline everything specifically and definitely, we'd be here all year trying to do that. What we must understand is that each committee is going to be basically autonomous and to try to work together with the other committees—but, the general concept being that this language is merely a guideline to the convention and does not preclude any committee from going off into a peripheral area, and not specifically itemized, under the article setting up the committees. I wish you'd consider this. Therefore, keep that in mind when you vote, please. Thank you.

Questions

Mr. Rachal Mr. Chairman, ladies and gentlemen of the Convention, I'd simply like to ask a question of the maker of this amendment. It seems to me that certainly we can consider these concepts and principles, but it seems to me that we are trying to make a textbook out of a constitution. As I understand it, this particular article—if that's what it would be—would deal with the rights of individuals as they should be stated. If we are to include in it the concepts and principles of government, we are beginning again to lengthen the constitution and, to make it a textbook rather than a constitution per se, as I understand the constitution.

Mr. Duval I might point out I didn't make that amendment.

Mr. Rachal Oh, I'm sorry. I thought I was first... the reason I asked the speaker the question because, as we heard him defending it before, including this terminology, it just seemed to me that it was out of place.

Mr. Duval My remarks may not have been clear enough. I was speaking against the amendment.

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

Amendment

Mr. Pouyer Amendments proposed by Mr. Denney. Amendment No. 1. On page 18, delete lines 2 through 5 and insert in lieu thereof the following: "A Committee on Judiciaries shall consider the judicary, tenure, selection and removal of judges, the Department of Justice, district attorneys, sheriffs, constables, clerks of court, parish recorders, parish registrars and coroners;".

Explanation

Mr. Denney The purpose of the amendment is to include the removal of judges, primarily. It may be the tenure is sufficiently broad to cover that, but it seemed to me that we ought to have a specific provision to permit the committee on judiciary to consider removal of judges as well as their selection. The addition of the other words, the words "constables," to follow "sheriff," and the words "parish recorders" and "parish registrars" is primarily made because we have those animals in New Orleans. Now, it may well be that we won't have them in New Orleans after the Constitution is adopted. But I would certainly think that they should be considered by the committee on judiciary. We have a constable of the first city court who has the same general types of duties as does the sheriff, so I think we should consider that office. Our parish registrar and recorders are independent elected officials.

Questions

Mr. Kilbourne I only wish to ask if justices of the peace should not also be included in there?

Mr. Denney If you consider that a justice of the peace is not comprehended under the term "judiciary", I would assume they should.

Mr. Kilbourne Well, everything else is mentioned but justices of the peace, and I just wondered if it wouldn't be proper to include justices of the peace.

Mr. Bel Mr. Denney, I'd like to ask: Would you include in that city marshalls?

Mr. Denney No, I didn't include that in there.

Mr. Bel Would you?

Mr. Denney Well, I don't think I can amend my own amendment.

Mr. Henry We've got one amendment, gentlemen, which is under consideration, which does not include such a provision. Now, if Mr. Denney wants to withdraw his amendment at this time, certainly that would be in order, or further amendments can be submitted at the appropriate time. But we don't amend the amendments.

Mr. Bel I'll go on and send up amendments.

Mr. Roy Mr. Denney, under No. 5 of that particular rule, Committee on Local and Parishal Government wouldn't cite other officers of a local and parochial nature be covered there, and we don't have to go into justices of the peace and these other specific problems that are being raised?

Mr. Denney I would think that may very well be correct, Mr. Roy.

Mr. De Blieux Mr. Denney, I'd just like to ask you this question. What language in this particular rule or in these rules would prohibit that committee from considering these other officials which you have mentioned?

Mr. Denney Inclusio unius est exclusio alterius. That means if you include one thing, it excludes the other.

Further Discussion

Mr. Abraham Delegates, I would simply like to explain the addition of all of these words to these rules. These are a set of rules which are a guideline and these committees, I would hope, would have enough discretion to be able to look at all these different things. If we were to keep adding words simply to include this person or that person, or that job or this job, we're going to wind up with a set of rules just like the Constitution is today. I don't see any need for having to add all of these little things, because you see what's happened now: Because he wants to add three people to it, somebody else wants to add another job, and then you're going to have another job. We'll be here for six
months just adding words to these rules, and these are simply rules for us to work by.

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

Amendment

Mr. Poynter  Amendment proposed by Mr. Leithman. Amendment adopted on line 18. On roll call, strike You'll notice the following: 17. Committee on Education, which shall consider all the facets of education in the state; 17 (A) Committee on Welfare, which shall consider health and welfare, consumer affairs, civil service, labor and industry; and.

Explanation

Mr. Leithman  Mr. Chairman, fellow delegates, we touched briefly, moments ago, on this resolution. I have changed the original resolution, at the request of many of you, that would include all facets of education. We eliminated the word "public" in line 18, so that Mr. Silverberg, I have eliminated the phrase "Board of Regents of Higher Education." The intent being; all facets of education would be included separately. There were other people that asked "what about public institutions?" so I included the word "health" in 7 (A). I broadened welfare to include health and welfare; so, basically, that I'm trying to do here is to keep the children, the students, apart from other facets of this committee here in. You will hear, in committee, various PTA groups; you will hear the teachers' organizations. You'll hear school-bus drivers, retirement representatives. You will go into career education, retarded schools, special schools, not to mention our universities and colleges. This will be a massive undertaking, and I think one committee should be set aside to handle such an important segment of the state: that being, education. I'll yield to questions.

Further Discussion

Mr. Avant  Mr. Leithman, I would like to read this because I couldn't follow it too well. My question was: I understand what you contemplate is two separate and distinct committees. In other words, there will be one committee which will be the Committee on Education, and then the remainder--or, substantially, the remainder of what is then the proposed section will be another committee with two chairmen, so we have nine committees instead of eight committees.

Mr. Leithman  That is exactly correct.

Mr. Avant  I wanted to be sure I understood it.

Mr. De Blieux  Mr. Chairman and ladies and gentlemen of the Convention, I rise in opposition to this amendment because what this will do. It'll add another committee. I think we can accomplish the same thing, in a way, by subcommittees which have already been authorized by the rules we have adopted so far. I see nothing wrong with the committees that have been set up by the Rules Committee. I see nothing wrong with the content of the rules that we have set up by the Rules Committee; that is, will be considered by each committee. I do question the fact that the Rules Committee did not designate a definite number of people to be on each of these committees; noticed that in Rule No. 53 there said from ten to twenty. Now, I don't think we can adopt a rule like that. We've got to set out the exact number of people that would be on each committee. But I think that with a smaller number of committees that we have, if we'll keep to that number of eight, it will take much more information from the various segments of our society and the various areas of our state to where everybody can get in their two cents. I think that's what we should have. I've served in the legislature a long time, and I know that sometimes you have committees running out of your ears. As a result of that, I've found myself, sometimes, trying to make three committees the same identical time. I do agree with the Convention to get in that type of situation. If we can limit the number of committees, hold the number down small, and limit the number of committees which the members will serve on, I believe we can do a much, much better job, because I feel quite certain there are a number of the members of this Convention will probably go to appear before a committee, sometimes, which they may not be a member of. And, if you have a lot of committees meeting, you're going to find yourself in a very difficult position, sometimes, in making those committee meetings that you would like to make. So, as a result of my observation of this particular amendment, I would suggest that we vote down this particular amendment and stay with the eight that we've got and utilize our subcommittees to divide up the subject matters, which can be taken care of. Now I can see it, if we have a committee of, say, fifteen on the Education and Welfare, that it might be very easy to have a committee of seven of those that will consider nothing but education at one particular thing. And maybe they consider something else, but, at least, the whole committee will have to pass on it. I think we'll get a much better Constitution that way than trying to have a committee for every subject matter that we may discuss during this Convention.

Further Discussion

Mr. Silverberg  Mr. Chairman and fellow delegates, I rise in support of Representative Leithman's amendment. I'm quite sure we're all aware of the amount of work that went into the completion of these rules. The Rules Committee to limit the number of committees that we had so that all of us could participate. However, there is one thing that the Rules Committee couldn't do, nor can any other committee: sit here or stand here and tell us how much work will be involved in the final completion of the few pages that will go into this new Constitution. I have in my hand here these pages which are the result of about four and a half months--or, possibly, two hundred and fifty hours--of intensive work in a committee of sixteen who have researched all facets of higher education and have reached a conclusion which could come up with something that would be better than Act 712, which will take effect in January of 1974, unless this comes up with something better. As you now know, the Board of Regents would take effect then. Many of us feel that this is an imperfect act, although the intent is good. I think that, in order to accomplish the objectives that have been set forth not only by the Rules Committee, but in order to fulfill the desires of the people throughout this state, that it be our responsibility to give everyone, as well as the delegates to this Convention, an opportunity to participate in depth. I can assure you that the sixty-man committee that we don't have enough people to staff the particular committee, in which we are referring to, unless we divide it. Thank you, and I urge your support for a favorable adoption of this.

Further Discussion

Mr. Burson  I speak in opposition to the amendment for the reason that I believe the amendment that is, because so much devoted to education that we need a separate committee, is spurious for this reason: We are not here to confer a state budget, but a Constitution. The copy of the Constitution in my hand contains Article XII on public education, twenty-one pages framed. Now there are other
assumptions to public education in the Constitution, but the main article dealing with public education in the present Constitution is twenty-one pages out of the seven hundred-odd pages in the present Constitution. I think it obvious, therefore, that if we create a separate Committee on Education, then the delegates would probably be to lengthen this twenty-one pages that we have, rather than to decrease it. I imagine that ninety percent of you are on the same position that I did—that we were going to cut down the size of the Constitution. I submit to you that, if you vote for an amendment creating a separate Committee on Education, you are going to be taking the opposite of the platform that you ran on.

Further Discussion

Mr. Aertker. Mr. Chairman and ladies and gentlemen of the Convention, I rise to speak in opposition to the amendment. I think that public education is directly related to the other areas that you have already included on this committee. Since this is the first time I've had the occasion to speak to the platform, I would like to add my compliments to the tremendous job that the Rules Committee has done for this Convention. But, certainly, welfare and, certainly, labor and industry are a definite part of the Constitution, and when we start talking about all of the different segments of education being included in the Constitution, you hope that none of the things that we don't write into the Constitution is provisions dealing with special education and PTA's and all the other matters, that we develop a Constitution that will give some protection to public education in this state, and that we provide a broad general outline of the duties and the responsibilities of this government to provide certain types of education, which we are trying, by this amendment, in my opinion, really to isolate education as an operation in this state, and I think it is directly connected with the areas that it has on the committee. I request that you vote against this amendment.

Questions

Mr. Champagne. I just want to clarify a question in my mind. You are against this amendment: is that right, sir?

Mr. Aertker. Yes, sir. I am.

Mr. Champagne. And would you...are you superintendent of education in one of these parishes?

Mr. Aertker. East Baton Rouge, yes.

Mr. Champagne. That's the point I wanted to put.

Further Discussion

Mr. Fontenot. Mr. Chairman, fellow delegates, I rise in support of this amendment, and I'm going to give you some of my personal observations concerning this particular issue we are facing now. I also commend the Rules Committee on its work in proposing eight substantive committees, but I feel that Delegate Leithman's proposal is a good one. My own personal feeling is that the Departments of Education and Welfare, Consumer Affairs and Civil Service, Labor and Industry—I think it's just too broad and just too big for somewhere around sixteen or eighteen to twenty people to handle. I don't feel like subcommittees could handle it either. I think it would actually take one whole committee to handle public education, all facets of education. This is my own personal opinion, and I've said, in support of the amendment, and I think one more committee is not going to hurt that much. Of course, I see the tendency to maybe start breaking up every committee and adding on new ones, but I'm not for adding on many new committees. But I think—in this particular instance—I think it's a good idea. I think we ought to do it. So I suggest that everybody support our amendment.

Further Discussion

Mr. Silverberg. I meant to ask this question of Mr. Aertker. I ask it of you also. We are all familiar with Rule No. 53 which limits the size of each of the substantive committees. Do you think that twenty people, which is the maximum we could have on this committee, is an adequate number to serve the Constitutional Convention and do the job that we will be assigned, if we happen to be assigned to this committee?

Mrs. Corne. Yes, sir. I believe that the people who would be assigned to this committee would naturally be people who would wish to be on the committee and who would be very much interested in the work of the committee. I feel that these people, of course, would realize that many of the issues are clear-cut issues. And I do think that the Rules Committee has done a good job, and I do think that a twenty-member committee could do the job of this.

Mr. Silverberg. This is no reflection on the Rules Committee, but are you familiar with the size of the Coordinating Council for Higher Education?

Mrs. Corne. Yes, sir. I am.

Mr. Silverberg. It's a large committee.

Mrs. Corne. Very.

Mr. Silverberg. Are you familiar with how many years it took this Council to put together a program that just is beginning to reach into education? Are you familiar with the size of the education committees in the House and the Senate or the Joint Legislative Committee on Higher Education? They are eight committees from which I can understand, is that correct?

Mrs. Corne. Yes, sir. I also realize that there is a lot of background information that can be gotten—very good information that can be gotten—from these people—these committees.

Mr. Silverberg. Well, in other words, you're positive that we can get the job done with the size of the committee.

Mrs. Corne. Yes, sir. I feel that way.
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many years, and he indicated that--or I received the indication that--this was a desirable way of handling this matter, and I've got to take issue because I have here a resolution by every legislator that is now and has been keenly interested in education. They have a resolution here--the chairman of both committees, people that have been active in the Southern Regional Education Conferences, every phase and every conference of education. That is a resolution signed by those people, submitting to you that the children and education be handled separately in this Convention. I've got to compli-

ment Mr. Burson on his vitality on the floor of the House. I think it indicates just how this should be handled.

Mr. Burson, I've got to apologize, I misled you. Mr. Burson, on the state budget, I did not give the state budget as any basis, apparently. I didn't make myself clear. The dollar certainly isn't a basis for our breaking this committee up. I merely tried to indicate to you the vast scope that education has--and, I think, related to the moneys expended—but I certainly didn't want to mislead you and indicate that education, because of money, should be handled separately, because the future of Louisiana is in education. Number two, you may have twenty-one pages, but in my research, these are the volumes in our Convention that relate to education. Each page here is an education item, and it's not twenty-one pages. So, gentlemen, I just feel that in something so 1. 

 definite as a revision of our Constitution, we certainly can look into the people around the state--special education, our careers--and I'm not going to go over and over. Our universi-

 ties are going to be wanting to appear before you. This would take literally months and months, and I've been through it. And on that basis, I ask that you handle education separately from the other factors that appear in your rules. Thank you for your attention.

[Amendment rejected: viva voce.]

Amendments

Mr. Poynter The next set of amendments, taking them in order as they would arrive within the rule, are sent up by Mr. Tapper, amending the original resolution as follows:

Amendments:

On page 14, at the end of line 29—page 14, end of line 29—delete the semicolon ";" and add the following:

"...and any other subject deemed appropriate by said committee.

There is a similar amendment at the end of each appropriate committee assignment: page 14, line 35; page 15, line 3; page 15, line 9; page 15, line 13; page 15, line 17, page 15, line 23. The similar language is added: ", and any other subject matter deemed appropriate by said committee."

Explanation

Mr. Tapper Mr. Chairman, fellow delegates, the amendment simply does what I think Mr. Stagg said the Rules Committee intended to do, and that is to divide...it doesn't amend any committees; it leaves the number of committees at eight, but what it does is to allow you, as a member of any one of these eight committees, to go into any other subject that the committee by majority vote deems appropriate. Now what that means to me is this: I want to commend the Rules Committee, also, on their perfor-

 mance job that they have done. I think they had a real tough time in trying to title these committees and also in specifying under those titles what these respective committees would study. However, the word "shall" in each committee designation or explanation to me means--or it may mean—that these are the only things that can be handled by these respective committees. And the only thing that my amendment will do is to authorize these committees to go into—well, let's say in the case of the Judiciary, which does not talk about justices of the peace or constables, certainly it authorizes here about constables or somebody else. In this event, the respective committee could go into that particular phase of the present Constitution. There would also be the possibility of an amendment proposed by someone else to the effect that we should not be considering only those things that are in the Constitution, but possibly those things that are not in the Constitution—maybe like taking one of the departments out, which I'm not saying we should do that. We should have the right, as we do overall, to look into any other matters, matters other than are in the present Constitution. And I'll ask your favorable support of my amendment.

Questions

Mr. Rayburn Mr. Tapper, don't you believe that unless you put some safeguards on this amendment that you might have various committees duplicating studies? I mean, you say "or any other matter the committee desires." Well, you could have several committees taking up the same subject matter, if you don't have any provisions on your amendment to eliminate that or to prevent that from happening?

Mr. Tapper It's very possible, Senator Rayburn, and I think that's the reason the Rules Committee was creating the Coordinating Committee principle. But the Coordinating Committee, in my understanding, could have only ten members. If we adopt another rule, which is coming up a little later, that our committees will have from ten to twenty members, and six members who don't want to go into anything else that is in this Constitution, other than what's in this Constitution. Can we in your case to say, "Well, we're not going to allow any other committee to go into anything else, if they happen to get on the Coordinating Committee. And yes, it could be broad and it could have some dupli-

cation, but I think that every member of this Conven-

tion should be authorized, and every committee should be authorized, to go into whatever subject they deem necessary. Because, remember, we're only going to be on one committee apiece. Now, suppose you are on a committee that isn't studying judiciary, but you think you should or should not be in the judiciary. Now, of course, you can introduce a resolution—or a proposal, rather—and that will be sent to this Committee on the Judiciary, but you will not be a member of that committee. Your proposal could be killed in that committee, and when it gets to the floor of this house, you have a hard time overruling that committee.

Mr. Velazquez First, as a member of the Rules Committee, I'd like to thank you for your sugges-

tion; however, we felt that we...do you feel that we covered this sufficiently and allowed sufficient balance in line 14, on page 15—other provisions that may not be covered by the areas of responsibil-

ity shown above may be assigned by the Coordinating Committee to the appropriate substantive committee--on page 17, and page 18. The Coordinating Committee shall consider any issues regarding omissions, overlap, and/or conflict which might arise concerning the jurisdiction of any substantive committee or on any subject matter, call joint meetings of any substantive committee for the purpose of discussing any omissions, overlap and/or conflict which might arise concerning the jurisdiction of any substantive committee or on any subject matter, make recommendations to the respective substantive committees as the possible resolution thereof?

Mr. Tapper No sir, I do not think the problem that I'm presenting to you is covered by that. That's the Coordinating Committee which could have only ten members, and the following resolution forthcoming, which means that six members who may not want to go into anything
else other than what is in the present Constitution could say that they are not going to delegate this authority to any particular substantive committee.

Mr. Velazquez We also have a stipulation that, while something goes before a committee, it may make a decision. There's no way that they could just bottle up the point that you would raise to them.

Mr. Tapper I understand that too, but I don't think that addresses itself to the problem that I am presenting to you. The problem I'm presenting to you is that if I would like to see every member of this delegation, or this Convention, be able to propose any subject before a committee. You know, we also have adopted a rule which says that a committee can make proposals. Now, if a committee cannot go into any other area than is specified under the particular committee heading, then how can that committee make any proposals in that area other than that which is specified? I don't think it's covered by the Coordinating Committee. The Coordinating Committee could be composed of people who don't want to go any further than we want to go.

Mr. Perez Mr. Tapper, would you be agreeable to adding to your amendment, which reads, "and any other subject matter deemed appropriate by said committee"—add the following words: "under the general description of committee" so that the committee on the Judiciary, any matters which the Judiciary Committee would consider to be under their jurisdiction, they could properly consider, but not consider a matter, for instance, on education or welfare. Would you be agreeable to such an amendment?

Mr. Tapper I don't think that would do what I want it to do, Chalin, but maybe a subsequent amendment can be proposed to that effect. My initial intention of proposing the amendment was to allow, it's my understanding the Rules Committee decided that we should not have too many committees. They decided that eight was a fairly good number because of the number of delegations to the Convention. Each delegate should be on one of these committees, and only one of these substantive committees. I feel that the Rules Committee felt that they had to divide these committees into eight different areas. But I don't think that the Rules Committee and others in this Convention feel that if you're on one committee you should be able to go into the area of education or the area of the executive or the legislative. And, really, my intent is not so much—and I thank you for your suggestion. If this one doesn't pass, it is—because this one is broader than the one you suggested—if it doesn't pass as it is, I would like to offer the other amendment. But I believe that we should have this amendment adopted.

Mr. Avant Mr. Tapper, do you think that the amendment which you offer is not just permissive, but that it actually invites and encourages these committees to be running off in all and any direction that they want to?

Mr. Tapper I don't think it does that, Mr. Avant, but if it does, I'm glad that I proposed it because that is exactly what we're here for.

Mr. J. Jackson Mr. Tapper, besides the fact that it makes it permissive on the part of the committee, wouldn't it also be the case in the event that Rule No. 44—which I assume we've adopted—that says that when it comes to the matter of referrals, I can envision a situation whereby, you know, we have to refer information; refer a proposal to a certain committee. And if this Convention decides that it goes to one committee over another, your rule would still then allow that committee to be very permissive and say: well, we recognize what the Convention did, but we want to go into that area; we want to deal with that particular subject itself. So, in effect, it does negate Rule No. 44—If not negate, at least poses some very serious problems in terms of how do we refer certain matters to substantive committees. Wouldn't you say?

Mr. Tapper I don't think it negate it, Mr. Jackson, but I do believe that it may affect it, somewhat, to this extent that the committee members on either of the eight committees, or any of the eight committees, will be able to go into other matters than are specified in the language under that particular heading.

Mr. Burson Mr. Tapper, isn't it true that under the rule that Representative Jackson just alluded to, if I had a delegate proposal that was assigned to one committee and I thought it should be assigned to another, that I could object and ask the Convention to have it assigned to the committee I thought it should go to?

Mr. Tapper Yes, sir, the Convention could by majority vote, as I understand it, send it to... the committee that the convention wants to send it to.

Mr. Burson Don't you think that this proposal then, in the rule that we have adopted, would cover to a great extent the problem that you're raising with your proposed amendment?

Mr. Tapper No, I don't think it would, because the committee itself can submit a proposal, and I'm trying to deal with the situation where the committee would like to go into another area.

Mr. Duval Mr. Tapper, is it your understanding that the rules setting up the Coordinating Committee did not give the Coordinating Committee directive power, merely suggestive power. Do you understand that as being what the rule says?

Mr. Tapper I think you're right, Mr. Duval.

Mr. Duval Thank you, sir. And do you see anything in these rules which would preclude a committee from suggesting something that may not be specifically germane to the article creating it?

Mr. Tapper I see the word "shall"; yes sir, I do; and that word "shall" bothers me.

Mr. Duval Do you see anything else which might preclude it, since the Coordinating Committee can only suggest?

Mr. Tapper No, you're talking about the Coordinating Committee suggesting something in addition to what is listed under these particular topics. And the word "shall" in there means to me—I may be incorrect—but the word means to me that this is all they can go into.

Mr. Sutherland Mr. Tapper, I'm a little bit concerned as to what do you mean when you say "shall go into the subject matter." What do you have reference to? Are you planning to have a committee, several committees, reporting out different subject matter, or are you planning to have a committee consider the question and refer it to the appropriate committee as determined by the rules?

Mr. Tapper Well, I'd not really planning anything. Mr. Sutherland, but by my amendment, I hope to accomplish this: that any committee can go into subjects that are not listed in under those titles, and whether they submit them to other committees or whether they submit a proposal to the Convention by the committee would be left up to the majority of that committee. I move for adoption of my amendment.

Further Discussion

Mr. Roy Delegates to the Convention, I rise in
opposition to this particular amendment. I don't think it's necessary. I think that with reading Rule No. 39, which allows a majority of the committee to introduce any type of resolution, along with Rule No. 45, which allows the committee to introduce a resolution even after sixty days, along with all the other issues brought out by Representative Jackson, what have you, that we're just engaging in a lot of discussion for nothing. I think that the committee, the appointment committee, rather, can be overruled by the Convention as a whole. I don't think there's anything to worry about. I think anything that's germane to any subject can be brought up; and, with due respect to the other people who want to talk, if they are in opposition to this amendment, I'd like to ask them to let me move the previous question at this particular time.

Previously Question ordered. Amendment proposed: Mr. Poynter to the committee resolution. Amendment No. 1. On page 4--14, excise me--line 26, immediately after the word "consider" and before the word "the" insert the following: "All areas affecting the Bill of Rights and Elections, and shall consider, but is not limited to, the following specific areas:"

Amendment No. 2. On page 14, at the end of line 29, delete the semicolon and insert in lieu thereof the following: "Notwithstanding any other rules to the contrary there shall be seventeen members of the Committee on Bill of Rights and Elections."

Explanation

Mr. Schmitt. Mr. Speaker, I'd like to withdraw Amendment No. 2 at this time.

[Amendment No. 2 withdrawn.]

Mr. Schmitt. I prepared this amendment because I believe it states specifically what the intent of the committee on rules was during that hearing. I think, in so far as the area which are specifically enumerated, there won't be any major areas which will be left out. However, if there are other areas in which the committee deems that it's necessary that it enter, then it has the right to go into these areas. I feel that this would bring about the desired effect of the committee and would satisfy Mr. Perez's objection to the prior amendment. I believe it would.

Further Discussion

Mr. Burns. Mr. Chairman, ladies and gentlemen of the Convention, I started to get up just now--tried to--and speak on Mr. Tapper's amendment, but this just as good an opportunity to express my views on concepts of the wording of these eight different committees. I think that if we could all agree on--not because I think it—but, if we could all get this concept in mind, it would shorten the future discussions on these particular eight amendments. Committees in other words, as I understand it, the different duties under the different committees are more permissive, but not restrictive. I think it would be almost humanly impossible to set forth in detail everything that that particular committee is going to consider during their deliberations between now and July 5. I think this is comparable to a budget that's drawn up in businesses and corporations. While it's true it sets forth every amount for that particular year for the coming year, but yet you're not restricted to it; it's merely a directive. I think that that would be different... the wording of these different committees consist of. I believe as a matter of fact, that you could have gotten just with the designation and the name of each committee. I don't think it's necessary to be amending every one of these committees' duties by saying that something was left out of it, because that would limit their authority in any manner whatsoever. I could not go quite as far as Mr. Tapper's amendment went; but, yet, if it would obtain this purpose, I would have voted for it. But I just don't think that that should be left to the discretion of each committee. In other words, I don't think a Committee on Education would take it all in the manner and hold as to fix the term of the election method of electing judges, but I think that anything within the concept or the general authority of that particular committee, that they should have the right to take it up without being it set forth in detail.

Previously Question ordered.]

Closing

Mr. Schmitt. I believe that this amendment—and I'm prepared to introduce other ones as we get to the different committees—would clear up any types of problems as to what areas a committee has the authority to consider. I think that it's extremely restrictive, but it also allows them to go into other related areas in their particular field. As an example, the Bill of Rights and Elections states: "all areas affecting the Bill of Rights and Elections"); therefore, if there is some section which is specifically let out and if Mr. Staggs' interpretation is correct, according to the way it is worded, I'm not religiously limiting. I don't think it should be that limiting.

[Amendment No. 1 re-read. Amendment Dis. re-excepted: Mr. Schmitt: viva voce.]

Amendment

Mr. Poynter. Amendment proposed by Mr. Kilbourne. Amendment No. 1. On page 15, line 1, immediately after "clerk of court" insert the following: "I, and justices of the peace." Explanation

Mr. Kilbourne. Mr. Chairman, fellow delegates, I thought perhaps the justices of the peace was omitted by oversight in consideration by the Judicial Committee. The justices of the peace is not so much used, I don't think, in urban areas; but, in the country, they still perform necessary and important functions. The justice of the peace is also definitely a judicial officer. He can render a judgment just as good as any judge on civil matters up to a hundred dollars. In criminal matters, he's the committing magistrate; he can issue an arrest warrant for any crime from murder on down. He can fix bonds in any crime not necessarily punishable by hard labor. Quite often, in the rural areas, why it takes quite a load off the country judges. I think it would be a mistake not to give some consideration to this office.

[Previous question ordered. Amendment proposed: Mr. Schmitt: re-excepted: viva voce.]

Amendment

Mr. Poynter. Amendment proposed by Mr. Fayard to Committee Resolution No. 1 by Mr. Stagg. Amendment No. 1. Insert in line 15, immediately after the word "consider" and before the word "education" delete the word "public". Page 15, line 15, delete the word "public".

Explanation

Mr. Fayard. Mr. Chairman and fellow delegates, I realize there may be some objection to this amendment, but my intention is solely to let this committee consider any aspects of education. It's my
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feeling that if we leave the word "public education" in the rule, as it is now written, we may possibly delete several items which could come up which this committee should consider. Number one, perhaps the special schools or educational clinics, accreditation of private institutions; or the public for Conv. Interpret this to mean that we are--this committee--is to consider only lower schools or secondary education. I'm merely putting this in here, hoping it out for some discussion. I personally set for some discussion. I ask the members and the delegations to pose any questions they wish to have and make any comments they wish to make on this amendment.

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

Amendments

Mr. Poynter Amendment No. 1. On page 15, line 16, after the comma, "", delete the word "labor" and on page 15, line 17, delete the words "and industry". Amendment No. 2. On page 14, line 29, delete the semicolon ";" and add the following--this is on page 14, line 29---"labor and industry;"

Explanations

Mr. Lennox Mr. Chairman, ladies and gentlemen of the Convention, mine is what I believe to be somewhat of an innocent amendment. I have the honor of having been appointed as a delegate to this Convention, representing industry. As you will note, labor and industry is tucked away under the general committee on Education and Welfare. I submit to you that there are at least a hundred delegates better qualified to serve on the Committee of Education and Welfare than I. But, as the committee is now structured, I'm obliged to act in service on the Committee on Education and Welfare. I do not believe that what I proposed does violence to the work of the Rules Committee, and I ask your support.

Further Discussion

Mr. Flory Mr. Chairman and delegates to the Convention, as Mr. Lennox was appointed to represent industry, so was I appointed to represent labor. I hope our division here doesn't signify the future of our Committee, since labor issues are concerned. However, I must stand in opposition to his amendment, insofar as labor is concerned, and I ask you to leave those matters relating to labor, as such, as proposed to the Temporary Committee on Rules. And, I ask you to vote down this amendment.

Questions

Mr. Bollinger Mr. Flory, I can respect your stand. I'd like to know the reasons for it, if you don't mind.

Mr. Flory I believe that the committee that has been proposed by the Temporary Rules Committee in considering education, health, welfare, civil service, and so forth, relate more to employees than does where the Section I as to where Mr. Lennox has proposed to put it. I believe that the interest of the working people of this state lies more closely tied in a line with those other issues to be discussed in subsection 7, 8, or whatever.

Mr. Bollinger You don't feel that the Dill of Rights would protect these laborers' interests and also, as well, industries' interests--as well as welfare?

Mr. Flory I have no knowledge as to who shall be or will be on any of the committees. And at this point, it's a matter of principle and as to where the, I consider, the most issues that will concern the employees of this state will be considered, and I suggest to you that that is in the field of health, education, welfare, civil service, and those issues directly related to the benefits and rights of the employees of this state.

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

Closing

Mr. Lennox Ladies and gentlemen, I'd appreciate your support and vote. Thank you.

[Amendment rejected: viva voce.]

Amendment

Mr. Poynter Amendment No. 1. On page 15, between lines 20 and 21, insert the following language: On page 15, between lines 20 and 21 ""notwithstanding the above, the committees may consider any related matters without limitation."

Explanations

Mr. Sutherland Mr. Chairman, what I'm trying to do with this amendment is to take care of some of the objections that were raised previously that the committees may feel they're limited by the subject matter that is expressed in the committees. This is to eliminate that and let them go into any related matters connected with the subject matter.

Further Discussion

Mr. Conroy I would like to speak in favor of the proposed amendment. A short while ago we had a recess. In conversations throughout the floor, everyone seemed to agree that the specific enumeration of certain areas—the different committees—did not preclude other committees from getting into those areas if they related to the functions of that committee. The rules don't specifically state. I don't know why they don't state, and it seems to me that it is incumbent upon this group to adopt Mr. Sutherland's recommendation and specify in the rules that nothing in this precludes the committees from getting into these other areas.

Further Discussion

Mr. Tapper Mr. Chairman and members of the Convention, delegates, I rise in favor of this amendment. This amendment will allow you, no matter what committee you're on, to go into any area that is not specifically referred to in that particular committee description, although comes under that particular heading, such as I mentioned before—like justice system, police, constable, etc.—and it wouldn't allow you to go all over the Constitution, and it wouldn't allow you, necessarily, to...well you would have no duplication, as such, that the amendment that I proposed might very well have had. I support the amendment; I think this is what all of us would like to have done. We don't want to be restricted under the title, and I don't think the Rules Committee meant it to be that way. I would urge your support of this amendment.

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

Amendment

Mr. Poynter Amendment proposed by Mr. Hume to Committee Resolution No. 1, by Mr. Stagg, amending the original resolution. On page 15, line 22, immediately after the words "may be" strike out the word "assigned" and insert in lieu thereof recommended for consideration.

Explanations

Mr. Hume Mr. Chairman and members of the Convention, very possibly the changing of the word

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"assigned" to "recommended for consideration" would clear up some of the problems. As a matter of fact a lot of the delegates seem to have when it comes to what subjects of consideration you can have under the eight general categories. It also clears up some of the language in the future rule which would be on page 17, which says "the Coordinating Committee shall recommend"--or "may recommend"--and it puts the same meaning in Rule No. 54 that they may recommend for consideration." So it does two things. It clears up the language of the two different rules here, and it also allows that subjects that were considered not to be covered can be recommended by the Coordinating Committee, which would take some basic powers away from the Coordinating Committee. And I think that the Rules Committee certainly has done a wondrous job, but just changing this one word, I think, would help these rules out considerably.

Questions

Mr. Nomack Senator Nunez, if we go aloft with the word "assigned," who decides--suppose they decide they don't want it or somebody decides that they shouldn't have it--who's going to have the final say-so?

Mr. Nunez I think it would go back to the committee that is under that category.

Mr. Stagg Senator Nunez, you recognize that there is a slight difference between the language that appears in line 22 and the language that appears under Rule No. 54, when it appears in the first lines of the Coordinating Committee. In the last two lines of the section on Coordinating Committee, it says "and to make recommendations to the respective substantive committees as to possible resolution thereof." What your amendment asks--if I understand it, sir--is that the word "assigned," in line 22, be changed to "recommended." Is this correct? Would you be as willing to suggest that the word "assigned" that's in rule...on line 22, in subsection--bottom of this rule we are studying--that we go over to Rule No. 54 and change the word "recommended" in line 22 to "assigned." Would that please you to make them consistent? What you are seeking, as I understand your amendment, is consistency. It would be just as consistent to change "recommended" in Rule No. 54 to "assigned," as it would to change "assigned" to "recommended" in the current rule.

Mr. Nunez Mr. Stagg, when we get to Rule No. 54...

Mr. Stagg 54.

Mr. Nunez ...54, if you want to go ahead and do that, I think the Convention will hear it at that time. Right now, I'm amending Rule No. 49, and I think that "recommended" is a much better word than "assigned" in that particular language.

Mr. Stagg Then you would then look forward to an amendment at Rule No. 54?

Thank you, Mr. Nunez.

Further Discussion

Mr. Avant Mr. Chairman and fellow delegates, I don't want to get the cart before the horse, but I'm like Senator Nunez. I was disturbed by an apparent conflict, in my mind, between Rule No. 54 and this provision in the rules that we now have under consideration. Rule No. 64 speaks of the Coordinating Committee making recommendations as to these conflicts. Yet, this rule says they may assign to the appropriate committee certain matters. Now, like I say, don't want to get the cart before the horse, but I had sent up an amendment--which hadn't come up yet--which would make it clear that, when the Convention is not in session, then this Coordinating Committee may make these assignments; but that, when the Convention is in session, then these conflicts would be resolved by the Convention. And I just wanted to bring that to your attention as a possible resolution of what does appear to be an apparent conflict in these rules.

Further Discussion

Mr. Kean Mr. Chairman and members of the Convention, there was a conflict in the provisions of Rule No. 49, with respect to the work of the Coordinating Committee, and the provisions of Rule No. 54. As I appreciate it, and as I understood it, in the language, the provisions on line 21, 22, and 23 of page 15 were designed to cover a situation where there had been no assignment of a particular area of responsibility. And under those circumstances, just assignamento having been made--the Committee on Committees, the Coordinating Committee, would have the right to make an assignment of that particular material. On the other hand, where there were conflicts and overlap involved, then under Rule No. 54 it was intended that the Coordinating Committee would only make recommendations with respect to a resolution of those particular areas. And under those circumstances, it seems to me that the language of the two rules are consistent and ought to be left as they are.

[Previous Question ordered.]

Closing

Mr. Kean Mr. Chairman and gentlemen of the Convention, certainly there seems to be some conflict, as far as what a delegate or what can be considered under these eight categories of rules. Can we, for instance, under the judiciary and pick out and consider justices of the peace, which is covered under that article in the Constitution? There is some question as to whether you can or not. There is some question as to whether the language is inconsistent. And in the circumstances that were involved, may be assigned by the Coordinating Committee, whether they dictate to you as a committee, make assignments that maybe you don't want. And I don't think we should have that type of authority. So, I think if we change "assigned" to "recommended" that we'd be clearing up the language in the rules, and I think we'd be giving a little leeway to what a lot of people have tried to do here today and maybe have gone too far. So I'd certainly appreciate your vote and consideration on the amendment.

[Amendment rejected by a voice vote.]

Amendment

Mr. Poynter Amendment proposed by Mr. Avant to the resolution.

Amendment No. 1. On page 15, line 22, between the words "may" and "be" insert the following: "when the Convention is not in session."

Motion

Mr. Avant Mr. Chairman and fellow delegates, in view of Mr. Kean's explanation, I withdraw the amendment I offered.

[Amendment withdrawn.]

Amendments

Mr. Poynter Amendments proposed by Mr. Tapper to Committee Resolution 1 by Mr. Stagg, amending the original resolution.

Amendment No. 1. On page 4, at the end of line 29, write the following in and add the following: "and any other subject matter deemed appropriate by said committee under the title above." The similar amendment following page 14, line 32, 15, line 1; page 15, line 5; page 15, line 7; page 15, line 11--line 13, rather--page 15, line 17; and 15, line 23.

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Explanation

Mr. Tapper. Just briefly, I can sense the feeling of the Convention; however, this would allow the particular committee to go into matters that are not specifically set forth in the definition of the committee and would change the title—like the judiciary; they could go into justices of the peace, constables, etc.; and under education, they could go under private education; they could go into other facets of education, welfare, and what have you. This would not broaden it to the point where they could go—where the Education Committee could go into the Judiciary or vice-versa. This would allow the committee to decide whether or not they want to go into these areas, rather than the Coordinating Committee. I urge your favorable passane.

Questions

Mr. Fontenot. Is it your interpretation that, unless your language is added, that these committees cannot go into this subject matter, or is your language necessary? Is that your interpretation?

Mr. Tapper. That's correct. That's my interpretation, because the word "shall" disturbs me—that the "shall" considers thus and so—and that it's limited. Now there are other areas under the same topic that are in the constitution that are not specified here. There are other areas that they may want to go into under the judiciary or under education or under agriculture that are not specifically set forth in the explanation under the title. I want to do is to then the authority to go into other areas under their respective titles only, and not go into any other area that another committee is dealing with.

Mr. Fontenot. So, as I take your interpretation, in other words, like in committee no. 2, if there are other titles, the justices of the peace are not included, then this committee will not be able to go into justices of the peace. Is that correct?

Mr. Tapper. The way I understand it, unless the Coordinating Committee comes back and recommends to them to go into that, yes. The way it's worded now in my opinion, they cannot go into it, unless the Coordinating Committee recommends to them by the Coordinating Committee. The committee itself, on the Judiciary, could not go into it.

[Previous question groupd. Amendment rejected; vote taken. Previous question ordered on the rules.]

Questions

Mr. Nunez. Mr. Stagg, I think that an assurance on your part to the members of this committee that have a feeling there are matters under these eight broad titles that we cannot cover, and there is feeling they can be covered. I think there are important titles in the Constitution that are being left out, if we can't cover them, and I think we should resolve it here. I am assuming, if you give the assurance that you feel that they are covered and we can take up the titles in there that some of us want in there and some of us feel that should be there and they rightfully should be. Then I guess we'd no ahead and pass it. I'd vote for it, but as it stands now, it looks like there are areas of consideration that the various committees would not be able to take up. Now, whether that's going to be in the Coordinating Committee, to come and tell them they can do it or not. I think it should be under the jurisdiction of that committee if it's in the Constitution. If it's in the Judiciary—which is the one that seems to be used most often—and they want to talk about justices of the peace, which is in the Constitution, they should be able to cover it; don't you agree?
LeBieu's comment. He seems to think that we should separate these last three lines which are a paragraph and to cover all eight committees. He says it's being snuggled up under 8 in the printed text might leave you the impression that it only applied to Subparagraph 8. And in answer to his question, which I joined to, I asked him back would it make him feel that it was clearer, and more declaratory of the purpose of the rule, to merely add to line 21 a number 9. So it made this a separate paragraph-numbered separate paragraph--under Rule No. 49...

Mr. Henry Mr. Stagg, I appreciate what you're attempting to do. Let me just get Mr. Poynter to point out what is involved in these little changes back and forth that seem so easy to make. Mr. Poynter.

Mr. Poynter Well, those little changes are rather complicated for the desk to keep up with, but in this case, Mr. Stagg, this rule begins "the following substantive committees are hereby created: 1, 2, 3, 4, 5." I don't think the addition of 9 is the solution here. I think that would tend to indicate that you are talking about another committee there.

Mr. Stagg Mr. Chairman--if I may speak, sir--if you'll notice the punctuation of Rule No. 49, each individual committee's assigned suggested area of coverage is ended by a semicolon. When you get to the end of the Rule No. 6, we've consciously placed a period to end it. Then we started a new paragraph. Mr. LeBlanc asked how better we could separate the last three lines. I'm not suggesting...

Mr. Henry Well, well, I don't think we're arguing about, you know, anything that's that important. I believe you're right. I think it would be nice if we'd caught it, but we're in the process of the procedure where the previous question has been moved, where you're closing, and we just can't back up that far. We've allowed a lot of leeway, but I think that's unnecessary. Does that conclude your remarks, sir?

Mr. Stagg Yes, Mr. Chairman.

Point of Order

Mr. Tapper I think Mr. LeBlanc raised a very good point. I, for one--and I think every member of this Convention--would like to know what is the interpretation of the Provision, the second paragraph, apply only to Paragraph 8, or the Committee on Natural Resources and Environment, or does it apply to all of the committees?

Mr. Henry Mr. Tapper, I don't think you need have any concern over the point of order that you just raised. And as much as I don't think that there is anything that needs to be done at this particular point in time, I think we may as well get ahead and vote on the adoption of the rule.

Mr. Stagg Did you have any other remarks that you would like to...

Mr. Stagg Mr. Chairman, I want everybody to understand that the fact that the Rules Committee understands the way this was written was 'cause they lived with it for three days. And I understand when a delegate who has not been through the process of this writing of all these rules could see that second sight is always best. I would like to alleviate the problem. There are twenty-six new Committees. Style in the Chair, instead of the Committee on Rules, it could easily be suggested that Rule No. 49 be divided into Paragraphs A and B--and put A in line 24a of the present text and B at the beginning of line 21--and that would negate the rule and make it perfectly clear.

Mr. Henry You know we're not going to segregate much of anything at this Convention, Mr. Stagg.

I tell you, if it will make you feel happy--I mean, I don't think there is any problem--but if it will help you all happy, shall we strike A and B in there on the side to resolve the problem.

[Rule adopted: via voce.]

Reading of the Rule

Mr. Poynter Rule No. 50. Procedural Committees. The following procedural committees are hereby created:

1) Committee on Rules, Credentials, Ethics and Schedules. Schedule, rules, proposed credentials, question 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 executive branch of the Louisiana Law Institute and provide for coordination of the transition of subject matter from the Constitution to the appropriate statute law.

4) Committee on Legislative Coordination and bills, shall consider and implement measures to inform the people on the actions, procedures, recommendations, and legislative positions. It shall plan and implement the report to be given to the voters of Louisiana on the result of the Convention's work, and shall direct the efforts to obtain approval of the new Constitution and the form and manner of presentation.

Explanations and Amendments

Mr. Keen Mr. Chairman and members of the Convention, I would like to offer three technical amendments. The first being on page 16, line 1, delete the word "and" after the semicolon. On page 16, line 6, insert a semicolon ",;" instead of the period after the word "law" and add the word "and." And on page 16, line 16, delete the word "state," so it would read merely "the appropriate law." It's been pointed out that there are regulations such as civil service rules which have the effect of law, that there can have the effect of law, and perhaps other devices which have the effect of law merely outside of the statutes. And under this circumstance, the deletion of the word "state" would be appropriate so that the committee could coordinate the transition of the subject matter from the Constitution to the appropriate law. If that included a regulation or a home rule charter or the like, it would have the authority to supervise that particular transition. The Rules Committee in proposing these four procedural committees attempted to cover procedural matters which were likely to come before the Convention and divide them into areas of responsibility that would make these procedural committees important committees. The first Committee on Rules, which will obviously be an important committee to consider not only questions of rules, but other matters covered by the rule with respect to that particular committee. The Committee on Style and Drafting has been referred to previously and is obviously a necessary committee for the work of the Convention. In connection with the Committee on Legislative Liaison and Transitional Measures, we need to maintain liaison with the Louisiana Law Institute, which includes the Legislative Council, in the opinion of the committee, the Law Institute, and to take whatever steps are necessary to coordinate the transition of subject matter from the Constitution to appropriate law. And lastly, the Committee on Public Information will obviously be an important committee in bringing out the recommenda-
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...tions and bringing matters before the voters of the state necessary to the final adoption of a new proposed Constitution. And under the circumstances, I move the adoption of the rule as amended.

Question

Mr. Womack Mr. Chairman and fellow delegates, the question I want to raise is that--since under item 4, there's a proposal there to where you're taking the responsibility of taking the final passage and seeing that it's steered on to the adoption by the public, without knowing what we're going to adopt may as well be open...the Chair might be open for volunteers for that position at this time.

Mr. Kean As I pointed out, Mr. Womack, I think the Committee on Public Information is going to be extremely important. It is not designed that that committee would take over the function of the Convention in explaining the new Constitution to the people of the state. But it would plan how we would go about doing it and take necessary steps to implement a public information program.

[Technical amendments adopted without objection.]

Amendment

Mr. Poynter Amendment proposed by Mrs. Zervigon to Committee Resolution, amending the original resolution as follows:

Amendment No. 1.

On page 16, line 1, after the word "it" delete the remainder of the line and insert in lieu thereof the following:

"Where a proposal referred to inconsistent or in conflict with a proposal approved by the Convention, the committee shall at the third reading (Rule 44H) so notify the Convention of that inconsistency or conflict and wait upon its instructions."

Explanations

Ms. Zervigon Mr. Clerk, there's a typographical error in the amendment. I meant it to read "Where a proposal referred to it is inconsistent." The words "it" and "is" belong between "to" and "inconsistent."

Mr. Poynter I follow you.

Ms. Zervigon Make that on your copy. The purpose of this amendment is to clarify the intent of the Rules Committee about the activities of the Committee on Style and Drafting. The phrase on page 15, line 32, says that "the Committee on Style and Drafting shall have control over literary style and consistency," etc. I don't think that, if in our five month's deliberation we pass these that are inconsistent or in conflict, the Rules Committee meant that the Committee on Style and Drafting must dictate to us which one of those we really meant to say or, therefore, I offer this amendment so that they can refer it back to the Convention floor and say: You've passed these two inconsistent things; which do you prefer, or shall we put them on the ballot as alternatives? And we of the Convention can decide.

[Previous Question ordered. Amendment adopted without objection.]

Amendments

Mr. Poynter Amendments sent up by Mr. Flory, amending the original resolution, reads as follows:

Amendment No. 1. On page 51, line 26, following the word "Credentials" delete comma and insert in lieu thereof the word "and". Amendment No. 2. On page 15, line 26, delete the words "and schedules". Amendment No. 3. On page 15, line 29, delete the word "calendar". Amendment No. 4. On page 15, line 29, delete the word "agenda.

Mr. Flory Mr. Chairman, delegates to the convention, while I consider this to be a technical amendment, let me assure you that it has some important impact, insofar as the orderly procedure of the Convention as it is to be operated upon the report of committees in the consideration of various proposals. As I interpret this rule, it would give the power to the Committee on Rules, Credentials, and Bylaws to set the order of the Convention, the calendar, and the agenda. I do not believe that this Convention, wise if it adopted that procedure, would say to you that as in all legislative bodies to my knowledge, except the national Congress, when a bill or a proposal is reported by committee, it is considered by the overall body in its numerical order, according to the order of the day. I would not want to see any committee--whether it be substantive, procedural, or otherwise--with the power that I consider contained in this proposed rule here. Take for an example, unless you are a member of the Rules Committee or in favor with the Rules Committee, it's quite possible--and I say only possible--that your proposal would never be set on the calendar until the very last week, the last day of the Convention. And it's my judgment in order to avoid the delay that he has the same identical treatment that his proposal, when it is reported by committee or when committee proposals are reported, that they be considered in the regular numerical order in which they were reported by committee, unless this Convention should decide otherwise in which they could set them special order of the day to consider special matters. But I think it's a judgment that the convention itself ought to make, not a subcommittee of this Convention. Again I say to you that I think it's technical in nature, but it does have some mechanical effect as far as to the future operation...the mechanics of the operation of this Convention, and I think you ought to give serious consideration that those things ought to be treated the same way in consideration of your proposal, once it's reported by committee, as is done in the Louisiana legislature and other deliberative bodies. I ask for the adoption of the amendments.

Question

Mr. Burson When you said "except the national Congress, Mr. Flory, weren't you referring to the fact that the United States House of Representatives is often referred to as having dictatorial power in what reaches the floor of the House?"

Mr. Flory They not only have the power to tell you what reaches the floor, but they have the power to tell you in what manner it shall appear before the floor and as to whether or not it can be amended and in what fashion. This is the thing that I was trying to avoid.

Further Discussion

Mr. Kean Mr. Chairman, members of the Convention, the word "schedules" which appears in the present resolution of the committee and in the body of the committee assignment is not designed to deal with any schedule of the Convention. There will be schedule which will have to be attached to this proposed Constitution, which will say in some instances that a bond issue issued pursuant to a certain provision of the Constitution and which would have to be attached in order to safeguard and protect prior action by the legislature and the prior Constitution. It's a device that is followed in many constitutional matters was done in the prior Constitution and would have
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to be done here. That's what the word "schedules" is talking about. Insofar as the reference to calendar is concerned, the daily business of the Convention proceeds in accordance with Rule No. 66. As I envision it, that sets forth the manner in which matters would be taken up by the Convention, and this is simply a means by which this committee can consider possible conflicts or changes and make recommendations to the Convention if and as necessary. Under the circumstances, I don't see any problem with the assignment of the material to the committee and, certainly, in the case of the schedules which have been listed, that should be retained because someone has to accept that responsibility.

Question

Mr. Zervigon Mr. Kean, you're a lawyer and I'm not, but I understood that schedules, as you just interpreted, should be considered by the Committee for Legislative Liaison and Transitional Matters, and since the word "schedule" is included in the rule that was taken with the "calendar" and "agenda," I understood that it meant scheduling, as to times, things to be considered by the Convention or its committees.

Mr. Kean That was not my interpretation of it. As I understand the transitional matters, that's going to be material which you are going to actually take out of the Constitution and put in the statutory material. As far as schedules are concerned, they are items which you attach to the Constitution either by way of explanation or by protection for those items which are not being carried over either in the Constitution or by some legislative action.

[Previous Question ordered.]

Closing

Mr. Flory Mr. Chairman, delegates, I too am not a lawyer, but I can only tell you how I read the King's English. When you talk about schedules in the same sentence with calendar and agenda, you are talking about the order or priorities in time in which matters will be discussed and considered and disposed of before this Convention. Now, I have no idea of what he's talking about in making reference to that somewhere later on and clarifying it in legal terminology. But when you're talking about schedules here, calendar and agenda, I want you to be cautious. You're yielding your right as an individual delegate to determine when your matter shall be heard by this Convention. I ask for the adoption of the amendment.

[Amendment adopted: viva voce.]

Point of Order

Mr. Fontenot Mr. Chairman, I'm having trouble keeping up with some of these amendments, and whenever the proposer comes up here end it is being read one time—and just now you kind of closed it real fast—if I missed it the first time, which I assume a lot of other people are missing it, missing the first reading of it now—maybe I'm the only one; I don't think I am—but there wasn't a second reading of it, and I really didn't know exactly what was taken out by the Convention left out or added. I wish you would maybe go a little bit slower or read it a second time upon the final passage. You do just go a little bit too fast, Mr. Chairman. I wish somehow or other you could correct that.

Mr. Henry Thank you, Mr. Fontenot, and your point is well taken. I apologize. I have been trying to proceed as slowly as possible, and we have not had a practice of reading it again, but, perhaps, that is a wise idea. We will proceed accordingly.

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

Amendment

Mr. Poynter (Amendment by Mr. Poynter). Page 13, line 28, immediately after "ethics" and before the word "and" delete the word "press" and insert in lieu thereof the words "news media."

Explanation

Mr. Colten I almost hesitate to discuss it after all the confusion, but it's a self-obvious change expanding the word "press" to the word "news media." That's all it is.


Reading of the Rule

Mr. Poynter Rule No. 51. Appointment of Committees. The selection of delegates to serve on the substantive and procedural committees shall be determined as follows: Within twenty-four hours after the adoption of these rules by the Convention, each delegate shall submit in writing to the Convention the committee or committees in order of preference to which he or she desires to be appointed.

A Committee on Committees shall select from among said delegates the delegates to serve on each committee after giving due consideration to the preference of each delegate and, based on the qualifications, experience, and residence of each delegate, so as nearly as possible a fair and balanced representation on each committee of this Convention.

Explanation

Mr. Kean Mr. Chairman, members of the Convention, I think the rule itself is explanatory. It simply provides a means by which the Committee on Committees, which is set forth in Rule No. 52, would proceed with the designation of the membership of the substantive and procedural committees, taking into consideration the expressed interests of the delegates to serve on a particular committee as well as the qualifications, experience, and residence of each delegate, so as nearly as possible a fair and balanced representation on each committee of the Convention.

Questions

Mr. Fontenot Mr. Kean, as I read this rule, I don't see any provision—I have a copy of the committee preference sheet, and I don't have any place on this committee preference sheet to choose a procedural committee. Now, where in these rules—maybe I overlooked it or something—could you tell me where I have a choice or preference on one of these procedural committees?

Mr. Kean As I recall it, the rules provides that each member of the Convention shall—at least one—shall serve on some substantive committee. And I think that we would need to broaden the preference sheet in order to give you an opportunity to express a preference on the procedural committee, since the appointment of the committees would be the same for both substantive and procedural committees.

Mr. Fontenot So, as I take it, in other words, is somebody going to pass out a new preference sheet giving us a preference on the procedural committees, also?

Mr. Kean We can do that, yes sir.
Mr. Burns Mr. Kean, the second paragraph, "within twenty-four hours after the adoption of these rules by the Convention, each delegate shall submit a writing to the Convention the committee or committees in order of preference to which he or she desires to be appointed"—does that mean that you have an open period of four hours in which the delegates have in which to file their preference? In other words, if one came in at the twenty-third hour, he couldn't be shut off?

Mr. Kean That is correct, sir. As I appreciate the rule, Mr. Burns, it was to expedite the turn-in of preference sheets with respect to the delegation preference for committee, and to give some period of time within which they would have an opportunity to consider the committee or committees they might wish to serve on, taking into consideration as far as the Rules Committee was concerned that there might be some changes in the committees that were listed in the recommended rules from those that actually exist after the rules are adopted. We wanted to have some period of time after the final adoption of the rules within which you could submit your preference.

Mr. Burns In other words, that wouldn't delay or retardo the proceedings of this Convention?

Mr. Kean Yes, in a way I would. It would. It's entirely possible, at the rate we're going, Mr. Burns, that we'll spend about twenty-four hours after the adoption of the rules in the selection of officers. And under the circumstances, I don't believe this would unnecessarily retard the work of the Convention.

Mr. Alexander Assuming that more than enough persons would attempt to serve on a particular committee—and I understand from this rule that the Committee on Committees would then reassign these persons. Now, suppose an individual is arbitrarily reassigned to a committee on which he does not wish to serve and is not appointed to a committee on which he does wish to serve?

Mr. Kean The individual may have the right to appeal to the Committee on Committees for reassignment. But, obviously everyone is not going to be able to have a committee assignment of his first preference or even perhaps his second preference. It will be the responsibility of the Committee on Committees to take into consideration the preference stated by the delegates and to attempt to equitably pack out the matter assigned. We're of a resolution that would have to be made by the Committee on Committees. And I don't see how we can handle it on any other basis.

Mr. Alexander Would it be the prerogative of the individual members of the committees to swap positions on committees—or swap committees, rather?

Mr. Kean There's nothing in the rules that would prevent that. I think you may have to clear it through the Committee on Committees just in order to avoid duplication.

Mr. Champagne Mr. Kean, since it seems that probably we'll need some kind of these sheets—since there was no provision or no space made for the procedural committees—would it also be in order that on this sheet some provision be made that that individual of the committee or committee to which he resides so that it might help, since location is one of the things that's being considered.

Mr. Kean Yes, we would be glad to do that. We'd be glad to try to get together a new preference sheet which would contain that information as well...

Mr. Henry We've already put it together, Mr. Kean.

Mr. Kean We'll put it together and have it for you in the morning. I think we'll probably be here tomorrow.

Mr. Roy Mr. Kean, I'm in favor of this rule, generally, but it appears that you're talking about...is it that, within twenty-four hours after the adoption of these rules, we must submit in writing to the Convention what preferences we have?

Mr. Kean That's correct.

Mr. Roy Have you all taken into consideration that after the adoption of these rules we've got certain officers to elect who are not eligible to serve on these particular substantive committees and, therefore, may not be able to do this within the twenty-four hours?

Mr. Kean At this point, there's no prohibition against any of the officers serving on either substantive or procedural committees. The only prohibition is against a member of the Executive Committee, or the Executive Committee as a whole, acting with respect to the Committee on Committees so that officers at this point, unless there's some amendment offered, would have the same right as any other delegate to serve on a substantive or procedural committee.

Mr. Roemer Mr. Kean, you yourself brought out the importance of the procedural committees. My question relates to Rule No. 53—is Rule No. 53 limiting our service of any one person to one substantive committee: As I understand the rule vis-a-vis procedural committees, the following would apply: that is, each of us has the possibility of serving on zero, one, two, three, or four procedural committees. Is that correct?

Mr. Kean That's the way I understand the rule. Mr. Roemer. The only restriction in Rule No. 53 with respect to service is that each delegate, except the Convention Chairman, shall serve on at least one and only one substantive committee so that a delegate could serve on three procedural committees or, if the committee on Committees so determined, could serve on none. I think if there's any change to be made with respect to that, it ought to occur in the consideration of Rule No. 53 rather than Rule No. 51.

Amendment

Mr. Poynter Amendment proposed by Ms. Zervigon to the resolution as follows:

Amendment No. 1. On page 16, beginning with line 23, delete the following material: "In the Committee of the Whole, after giving due consideration to the preference of each delegate and based on the second paragraph of the second article of the Rules of the Convention, a vote shall be taken upon the preference of each delegate and giving due consideration to their preference and a decision shall be taken on the basis of the preference given to each delegate in the Committee of the Whole." and insert in lieu thereof the following: "Based primarily on the preference of each delegate and giving due consideration to their preference and a decision shall be taken on the basis of the preference given to each delegate in the Committee of the Whole."

Explanation

Ms. Zervigon It's my opinion that the primary thing to be considered in the committee assignment ought to be the preference of the delegates. I well understand that we need committees balanced with skills and experience and various areas of the state represented, but I think the preferences of the delegates ought to be the primary consideration. Mr. Jenkins brought up before the Rules Committee a very valid point that we don't want committees made up only of experts in any one field or another—a subservient Committee made up only of lawyers, if other people are willing to serve on that committee. I can't tell you how I happened to come here and we'll see you one more time and press my luck, but I really hope that you'll favorably consider this amendment.

[Forrest question marked: Amendment passed. Amendment adopted: vis-a-vis substantive committees, except as noted in the Rule.]
Mr. Kean Mr. Chairman, I think the amendment, the rule as amended, is self-explanatory. I move its adoption as amended.

[Rule adopted: aye voce.]

Mr. Kean May it please the Convention, we’ve discussed the Committee on Committees at some length heretofore. It’s designed to create a separate committee which will have the responsibility of making substantive and procedural committee assignments in an effort to give Congressional participation. It is provided that the committee would be composed of the chairman of the six chairmen, with two delegates to be elected from each Congressional District, voting in separate caucuses. I move the adoption of the rule.

Reading of the Rule

Mr. Poyster 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 six delegates, who shall be delegates, to be elected from each Congressional District by the delegates voting in the Congressional District in which they resided at the time of qualification or appointment. Such voting shall be in separate caucuses.

Amendments

Mr. Poyster Amendments proposed by Mr. Conino to the resolution as follows:

Amendment No. 1. On page 17, line 1, immediately after the word “caucuses” and insert in lieu thereof the word “caucuses”, correctly spelled. Amendment No. 2. On page 17, between lines 1 and 2, add the following: “No member of the Committee on Committees shall be elected a chairman or a vice-chairman of a substantive or procedural committee.” “No member of the Committee on Committees shall be elected a chairman or a vice-chairman of a substantive or procedural committee.”

Explanation

Mr. Conino Mr. Chairman, fellow delegates, I was a member of the Committee, the Rules Committee, and the philosophy and the theory behind our thinking was that no particular person or group of persons should be in the position to take control of the Convention or any part of it. So, as a consequence of this, I devised this amendment which states very briefly that no member of the Committee on Committees, which will have the ultimate authorities, who shall be on any particular committee, can he himself or herself then be in a position to, at a later date, control the committee or control the actions of the committee so that they might choose a procedural or substantive committee. This is in keeping with the whole theory behind the Rules Committee.

Question

Mr. Kean Mr. Conino, would it be your opinion that a delegate on a Congressional caucus would have the right to decline to serve on the Committee on Committees by election of his delegates in that caucus?

Mr. Conino Would he have the right to decline to serve on the Committee on Committees? Yes.

Further Discussion

Mr. Chehadey Mr. Chairman, fellow delegates, I just wanted to say this much about the amendment. I believe that if further, so Mr. Conino has pointed out, the concept of distribution of power and the assurance that there will be a limitation of power, as they are placed on the more important committees. And I, for one, am supporting this and certainly urge the support of all of you in the hope of helping to keep this whole process the ultra in democracy. Thank you very much.

Further Discussion

Mr. Tapper Mr. Chairman, members of the Convention, I rise in support of this amendment. I think this is in the spirit of the Convention. This would prevent a member, serving on the Committee on Committees, from making any type of proposal to any member, that he’s going to appoint, to vote for him for chairman. I support this amendment.

Further Discussion

Mr. Roy Delegates to the Convention, I rise in opposition to this particular amendment. I just don’t see the reality of anybody on the Committee on Committees, which body is going to be elected by separate caucuses. Being able to take a sixteen-man committee and stack it so that he later can become chairman or vice-chairman of a substantive committee. That’s number 1. I think we’re getting to the point where some people, who may be very well qualified, are going to be penalized from serving on one of your more important, maybe most important, committees, the Committee on Committees, just because he doesn’t have like to also chair a substantive committee. Now, how in the world this particular individual, if he seeks both—one and certainly you can knock him off being competent—how he can stack everyone on the Committee on Committees to appoint certain people who by preference can designate which committee—substantive committee from making any type of in such a way as to assure himself a chairmanship or vice-chairmanship, I’d like to know. If he can do it, I think he ought to be able to be a chairman or a vice-chairman. Probably just president of the whole works here.

Further Discussion

Mr. Womack Mr. Chairman, members of the Convention, I haven’t asked one individual to vote for me for any position. In fact, I didn’t ask anybody to vote for me before I came down here. I think that we can go far enough to get just a little bit too much independence and too much democracy in the matter. As you start with a Committee on Committees, that each delegation in their caucus will choose what, in their opinion, is one of the better men that they have in the area if we’re going to classify ourselves. When you do that, you have automatically eliminated a sizable portion of the top flight men that you have in some areas, that are taking part in the most important thing that the Convention has, and that is the chairmen of the substantive committees. I think that, before we start eliminating people from holding the position of the chairmanship of the substantive committees, I think possibly we ought to say that we take those people and choose them first, by some means, and then get to the lesser offices—the lesser offices down the line being the Committee on Committees or the Executive Committee. I can foresee the possibility of a subcommittee only having two or three people that get to take the time, wants to devote the work, that is willing to push what it takes to organize and have good substantive committees hearing that might all be the choice of the caucus to have as their delegates to choose the membership. I’m going to vote against this, and I can just see that the bad in it, no doubt, in my opinion. Out of the two, I’ll answer a question, if that’s what it’s for.

Further Discussion

Mr. Juneau Mr. Chairman and delegates, I’ll make my remarks very brief. I’d like to say before you, for your consideration, three considerations—three problems. Number one: from the seventh district, I’m not, I don’t want to be,
and I'm not going to be a member of the Executive Committee. I don't want to be, and I'm not substituting in for a member of that Committee, so let's clear that board. Number two: I voted to expand the Executive Committee to give representation across the whole state. I think sooner or later we're going to have to come to the realization, once we get through with all the technicalities, that we've got to write a Constitution. When we get down to that point, gentlemen, you're going to have to have qualified people to do it. Now, the area of expertise is going to start getting narrow. I think we have gone to the ultimate in making a member of the Rules Committee, did everything humanly possible to assure that the power structure of this Convention was diffused to the delegates. I think we have done that. We have got a system. We have Committees on Committees. We have had caucuses to draw these rules. I think--don't forget that--I think that was an excellent result or an indication of what you can expect. The point that I'm making is: we have, in my humble opinion, gone to the ultimate of extremes in providing diffusion. I think you've got to be careful. I make this mistake, if you tell the people that you're going to elect on these two committees that you can't serve as a chairman or vice-chairman. You're going to see people thinking along the lines of the way they're going to go. And I think that you're going to exclude—I don't know who it is—but you could exclude the possibility of an excellent person, a person that has a capacity to have to write this thing. So, I rise in opposition and tell you that I think that we have done the ultimate and hope that you reject this amendment. Thank you very much.

Further Discussion

Mr. Drew Mr. Chairman, ladies and gentlemen of the Convention, I don't believe any delegate is stronger in favor of spreading out the authority of this Convention more than I am. In all our deliberations, you get this air of suspicion about these various delegates and people. Somewhere along the line here, we're going to have to put aside our suspicions... go on and have to have a little trust in each other. The Committee on Committees is a real important Committee. It's very important. It's got to select the best people it can and place them on these various substantive committees. But if I want to be on a particular substantive committee and I have hopes, possibly, of being elected a committee chairman, I'm not going to have an operation to do that time—then this is going to drive me away from wanting to serve on the Committee on Committees. And we're going to have to have some people in here who are going to do a lot of work, who've got the time to do a lot of this work. This is going to be a lot of work on all of us. But if we put too many restrictions on ourselves, where if I'm on a temporary committee—-and I agree with Mr. Drew—I want to point out that this committee is only a temporary committee; it's going to serve just for a short period of time, well, you're in effect telling me or telling everyone else; well, your job is done. I may as well go home. Cause I can't do any more good here. I appreciate all you are trying to do. I think that we've gone a long way towards distributing jobs and things like that, but I think we've reached a point now where we're going too far... And I think we ought to call a halt to it right now, and I would have to oppose... I ask you to oppose this amendment.

Further Discussion

Mr. Dubay To make myself clear from the beginning, I rise in opposition to the amendment. I don't find it redundant. I incorporate the remarks of all persons who have spoken in opposition to the amendment. I'd like to make here this point. I think that I'm reasonably last to vote at any time at any place. I also think that even
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has certainly not been the byword of this Convention. It's just the opposite. I don't think anybody who tries to coerce anything is going to get anywhere in this Convention. And I don't think we have any fear of the Committee on Committees even trying to do it so that they elect a chairman. And I'd like to point out this: when I'm on a committee, on a substantive committee, I want to vote for whom I want to vote for on this committee. I don't want other people to tell me that I can't vote for this person. I think each of us thinks that we have a reasonable amount of discretion should be able to exercise this discretion, using our own intelligence and our own sense of fair play. I'm voting for the chairman of the committees we're on. The committees will elect their own chairman, and they should elect whomever they damn well please.

Further Discussion

Mr. Fontenot I rise in support of this amendment. I think it's a good idea to spread our power around a little bit. I think that's what we've been doing as a committee. I don't think it's gone too far yet. As a matter of fact, I think the other day—and getting back to what he said—he wanted me to vote for anybody he wanted me to vote for, and there's no way possible you can stack the committees and everything. The other day we were all called politicians and, if you remember correctly, Pappy Treadway was one of us. And if you look at sixty-six people and if they're all sixty-six politicians, there always is a possibility that they can stack committees for friends or for themselves. Don't tell me there's no way that because there's a way if we're all politicians. Now, I would like to ask the proposer of this amendment if he would allow every committee to stack committees—would he also include members of the Executive Committee not serving as the chairman or vice-chairman on the substantive committee.

Mr. Henry Mr. Comino, you can't answer the question because Mr. Fontenot has the floor, and that would have to be made as a point of order, Mr. Fontenot, by a separate amendment. It cannot be incorporated in this amendment. If he desires to do so, he can withdraw his amendment and introduce such an amendment at the appropriate time to that effect. But he can't amend the amendment.

Further Discussion

Mr. Burson I'm going to start off with my disclaimers first. I don't want to be on the Committee on Committees or on the Executive Committee or on committees I don't like to. I can be a co-chairman or sub-chairman or a secretary but, seriously, the amendment, as I understand it, would exclude sixteen people from being committee chairmen. And I think that the problem that has been raised, justifiably so, by some speakers that we might be excluding some good potential committee chairmen would be largely resolved by the fact that if we pass this amendment, those people who want to be committee chairmen will not make themselves candidates for the Committee on Committees. So this will mean that the Committee on Committees will be composed, then, of sixteen people plus the chairmen, who not only are not going to be committee chairmen but didn't want to be committee chairmen in the first place. Apparently there are those among us that feel that this would be a desirable thing, and I think that certainly it is something that would not harm us, since we'd have a hundred and fifteen people, an additional fifteen people that should be a hundred fourteen, by excluding the chairman—left who would be potential committee chairmen. And I really feel that if one of them that out of a hundred and fourteen delegates to this Convention—all of whom, upon reading their biographies, seem to be eminently capable—that we couldn't find eight good committee chairmen.

Questions

Mr. Womack I want to be sure that I understand your thinking and proposal that we eliminate the Committee on Committees from one of the other positions—that we also eliminate the Executive Committee from that. So, that's sixteen and twenty-three is thirty-nine, and they can't hold either the chairman or vice-chairman, so we have eliminated at that seventy-eight people from those positions. I wanted to be sure my calculation was right.

Mr. Burson No, sir, that's incorrect. I'm speaking on the amendment to prevent the people who are on the Committee of Committees from holding the position of serving as committee chairman. As I understand it, that's what this amendment is about. If that were expanded to include those on the Executive Committee, I would oppose it because I would agree with you that that would be going too far.

Mr. Duval My question is somewhat related to Mr. Womack's. I merely wanted to understand your thinking. Why should the Executive Committee be able to do it if the Committee on Committees can't? Don't you think conceptually you're being inconsistent?

Mr. Burson Not at all. The Executive Committee won't have anything to do with appointing the membership of the committees who, if we adopt the subsequent rule, will elect the chairmen, whereas the Committee on Committees will be appointing members of the committees who will elect the chairman of the committee. So I think there's a great deal of difference.

Mr. Duval So, you don't think the Executive Committee's influence is such that they could have any influence on any other matter that they shouldn't be on committees?

Mr. Burson I don't object to influence as such by any individual delegate. As I understand the spirit behind this amendment, the first day we met on January 5, Governor Edwards stood before us and he said, "This is the greatest collection of intellect that we've ever had at a Constitutional Convention in this state." Now, three days later, we've got a hundred and sixteen nitwits. You're going to now say that there are only eight or sixteen brains in this whole operation. Everybody else is not talented? I don't think so. This amendment does not prevent a member of the Committee on Committees from being a member of a substantive committee. And if he's so talented that he's going to move from one to another, he'll let them know what he wants done. He doesn't have to be chairman. But the possible abuse of him being a member of the Committee on Committees, and what he may be able to do as he serves, is certainly...his ability to be chairman is subservient to an individual delegate's ability to serve. In Committee on Committees, his choice and whatever his talents...wherever his talents may lie. So I think it's the only democratic way. The first day we came up here, I've heard people come to the stand and say, they there sent here by God to write this Constitution. Well, He's not going to write it; we're going to write it. So, adopt the amendment.

Further Discussion

Mr. Guarisco I also agree with Mr. Chehardy that the adoption of the amendment is the only democratic way. The first day we met on January 5, Governor Edwards stood before us and he said, "This is the greatest collection of intellect that we've ever had at a Constitutional Convention in this state." Now, three days later, we've got a hundred and sixteen nitwits. You're going to now say that there are only eight or sixteen brains in this whole operation. Everybody else is not talented? I don't think so. This amendment does not prevent a member of the Committee on Committees from being a member of a substantive committee. And if he's so talented that he's going to move from one to another, he'll let them know what he wants done. He doesn't have to be chairman. But the possible abuse of him being a member of the Committee on Committees, and what he may be able to do as he serves, is certainly...his ability to be chairman is subservient to an individual delegate's ability to serve. In Committee on Committees, his choice and whatever his talents...wherever his talents may lie. So I think it's the only democratic way. The first day we came up here, I've heard people come to the stand and say, they there sent here by God to write this Constitution. Well, He's not going to write it; we're going to write it. So, adopt the amendment.

Further Discussion
Mrs. Warren: Mr. Chairman, fellow delegates, I can remember the first day of the Convention our chair- 
man said that we had arrived some representa- 
tion. I'd like to say this to you: this is some- 
thing that I heard many years ago and it has really 
stuck with me. It says that this self-praise is the 
most scandalous, but it's a poor dog who won't 
wag his own tail. I am just a housewife, but I'd 
like for this delegation to know that I am quali- 
fied to be a member of a committee. I am not seek- 
ing one, but I do believe that each delegate that 
was elected or appointed should have the right to 
participate in this Convention fully. And if they 
are not, I think we may be in for a chance to come 
in. If one delegate is going to have all the power, 
or one or two delegates is going to have all the 
power, there's not as well I'll say, at this point, 
that I am speaking in favor that 
these delegates that are on the Committee on Commit- 
tees will not have the power to be a chairman of a 
committee. And I even go to the Executive Board 
Committee 'cause, in many experiences over many 
years, I am not so naive to believe--even though I 
am not a seasoned politician, I have been a politi- 
cian for many years, and I think everybody that's 
be--that one person would stand up and say I'm not 
interested in this. And I'm not going to tell you a 
thing: but I'd like for me to tell you why I believe it, 
come to me after the Conven- 
tion and I'm going to tell you a little story about 
the rattlesnake and the bull, and I think you all 
will be convinced. Thank you very much.

[Previous Question ordered.] Closing

Mr. Conino: Fellow delegates, if you enact this 
 amendment, you will have done as much as you possibly 
can in diffusing the power of this Convention. 
You will know, in this case, no particular 
party, no particular group, no individual who 
will be able to control this Convention. There are 
probably other factors that you could take into 
consideration, but this is your first step. We have 
a hundred and thirty-two good delegates in here and, 
if you eliminate sixteen from serving as committee 
chairmen or vice-chairmen of a procedural or sub-
stantive committee, I feel sure that you have the 
balance of a hundred and sixteen that you can choose on. 
This is a free Convention. If you have the 
ambition of being a chairman or a substantive or 
procedural committee, just refrain from serving on the 
Committee on Committees. This up to now is our 
most important committee. There will be others 
where more of an action is, this is it, and I 
urge you to adopt this amendment.

Previous Question ordered in the Rule. Roll call vote ordered. Rule adopted: 
Yeas 64, Nays 67.]

Reading of the Rule

Mr. Poynter: Rule No. 53. Service on Committees. 
Each substantive and procedural committee shall be 
composed of at least ten delegates and no more 
thans twenty. Each delegate except the Convention 
Chairman shall serve on at least one and only one 
substantive committee. Each committee shall elect a 
chairman, vice-chairman, and such other officers 
as the committee deems necessary.

The Chairman of the Convention, shall be ex officio 
a member of all substantive committees, but 
shall have no vote and shall not be counted for the 
purpose of obtaining a quorum.

Explanation

Mr. Brown: Mr. Chairman, fellow delegates, I think 
the amendments are self-explanatory. In amendment 
No. 1, we're increasing the number, that we can 
moveto, from twenty to thirty. I agree with many 
of the delegates who were spoken to date saying that 
we can't get carried away in the number of 
committees that we have. If you let, we create 
two or three more, you do it to waste 
off-hand, in this particular case, however, I 
think we've got several substantive committees 
where we've got a tremendous amount of work to do. 
Take the Finance and Taxation Committee; you take 
our committee--we had so much debate regarding 
education and the civil service. I think in 
instances such as that, especially when we have 
a lot of talented people amongst this group who 
can lend support, we ought to be able to have 
a little more flexibility. I'm not saying all our 
committees should be numbered thirty. I'm saying 
that the Committee on Committees should have the 
discretion to go twenty-three, twenty-four, twenty-
five. I personally feel that some of the smaller 
committees may only be ten or twelve members. So, 
I would like to give the Committee on Committees 
the authority to look at the people involved, see 
where the preferences lie, and then if we need 
twenty-four, twenty-five, I would then give them 
the discretion. Amendment No. 2 merely 
gives the authority to the Committee on Committees 
to determine what the size shall be. This is 
amendment and it gives the Committee on Committees 
the discretion to go twenty-three, twenty-four, twenty-
five. This merely says that the Committee on Committees 
shall have the discretion to go. There's nothing in the rules that says this at 
the present time. No. 3 merely defines a little more 
exactly what's already in the rules. In
Amendment

Mr. Poynter: Amendment proposed by Mr. Thompson, amending the original resolution as follows:
Amendment No. 1. On page 17, line 6, after the words "least one" delegate the words "and only one".
Amendment No. 2. On page 17, line 8, after "necessary"..."Not less than two delegates from each Congressional District shall be appointed to each substantive committee.

Explanation
Mr. Thompson: Fellow delegates, since we've raised this committee to thirty, and since each of the eight Congressional Districts have less than one percent deviation by number, I think that the people whom we are going to have to take this back home to, to get it passed, would be better represented if they had two from each Congressional District on each of these committees. This will give you sixteen members to the committee and, of course, you still have fourteen more in which you can raise it up to thirty. Some of these committees are going to need to be thirty; I don't think all of them will need to be thirty. But you'd at least have representation back home for each of these committees. I urge a favorable vote. Thank you.

Questions
Mr. Abraham: Mr. Thompson, doing what you want to do, do you realize that if you've got eight substantive committees and one hundred and thirty-two delegates, that's an average of seventeen people per committee? And if we're going to have to have at least sixteen on a committee, that automatically fixes the number of the committee—the number of people on the committee.

Mr. Thompson: Not necessarily so.

Mr. Abraham: If two people have to be on each committee from each Congressional District, that's sixteen on a committee. And if we've got eight substantive committees into a hundred and thirty-two, that's seventeen people.

Mr. Thompson: You still have sixteen that can be from each Congressional District—two from each Congressional District. How do you think you're going to be amply represented in each Congressional District? Some of them may not have any.

Mr. Abraham: I realize what you're trying to do, but the fact that we've increased the number to thirty and the fact that we have a restriction that you can only serve on one substantive committee, means you cannot have any...

Mr. Thompson: Two.

Mr. Abraham: That amendment has not been passed yet.

Mr. Thompson: Wasn't that amendment passed on two? What we're doing is we changed this from where you couldn't be on one—that you can be on two. This is part of it.

Mr. De Blieux: Mr. Thompson, I don't know whether I talked to you about it or not, but before we got to this particular resolution, Resolution No. 52—I had proposed an amendment that would have selected two people from each Congressional district to serve on the eight committees. I was informed by, I feel like government authority, that none of the congressional committees would not have enough people to serve on the eight committees if you put two on each committee from each Congressional District. And for that particular reason, I withdrew my amendment in favor of the one we just previously adopted that would expand the committees and allow two people—I mean a delegate to serve on two committees—so
that we could have better representation that way because, otherwise, if you limit the delegation to one member—that is, to eight committees from the eight Congressional Districts—you would not have enough people in all the districts to serve and place two people on each committee.

Mr. Lambert What is your question, Senator De Bileux?

Mr. De Bileux I just wanted to ask him if he realized that, so therefore, his amendment would not be practical for that particular reason.

Mr. Thompson May I change the "shall"—there seems to be so much flak about the "shall"—to "may"?

[Amendment withdrawn.]

Chairman Henry in the Chair

Point of Order

Mr. Champagne I think, perhaps, there's some confusion. I don't recall having voted on any amendment which increased this thing to one—as it stands now, it's one and not more than one on each substantive committee—I don't recall having voted on anything to change that. I would suggest, if we may, just read it as it stands at the moment.

Mr. Henry Mr. Champagne, that's more in the form of a point of information. Now, when I left the Chair, the Brown amendment had just—just hold on, Mr. Thompson, please—the Brown amendments had just been submitted.

Mr. Clerk, what portion, if any, of the Brown amendment was adopted?

Mr. Poyster Mr. Chairman, Delegate Perez asked for a division of the question. Amendment No. 1, which increased the maximum committee size from twenty to thirty, was adopted. Amendment No. 2, which provided that the Committee on Committees shall determine the size of each substantive committee—substantive and procedural committee—was adopted, and Senator Brown withdrew Amendment No. 3, which would have provided "No delegate shall serve on more than two committees of any nature."

Amendments

Mr. Poyster Amendment No. 1 [as Mr. Thompson]. On page 17, line 6, after the words "least one" delete the words "and only one".

Amendment No. 2. On page 17, line 8, after the word punctuation make the following: "not less than two delegates from each Congressional District may be appointed to each substantive committee."

Explanation

Mr. Thompson What does this do is it changes the "shall" to "may" and makes it imperative to have two on each substantive committee from each of the eight Congressional Districts. And it changes a further reading that you shall not serve on but one to where that you can serve on more than one.

Questions

Mr. Duval Mr. Thompson, are you aware now that the rule, as it presently stands, provides that a delegate can only be on one substantive committee? Are you aware of that sir?

Mr. Thompson This is changing this.

Mr. Duval Is your intention to allow delegates to serve on more than one substantive committee?

Mr. Thompson Yes, sir.

Mr. Duval And don't you think, then, that one delegate could be on eight substantive committees?

And don't you think that wouldn't be very workable?

Mr. Thompson You have an amendment limiting it to two that's already been adopted.

Mr. Duval I'm afraid not, sir. I thought I'd like to ask you if you realize that it hadn't been adopted.

Mr. Thompson Well, you can draw one up for that if you'd like.

Mr. Duval No, sir, I don't.

Mr. Womack Mr. Thompson, I want to clear up one thing: that the word "shall" and "may" means absolutely nothing when you say "two shall" and then, when you say "not less than two may." You still are leaving it "shall." That's the point that I want to try to clear up.

Mr. Thompson "Shall" and "may" are two different meanings, Representative Womack.

Mr. Womack The point I'm trying to get at, though, is when you say "not less than two may," then that's automatically "two must be"—whether you say "two shall" or not. But, when you say not less than two, then you go right back to the positive approach on it.

Further Discussion

Mr. Stagg Mr. Chairman, I rise to oppose the amendment by the Delegate from Colorado from Coleman on the whole thrust of Rule No. 53 was that every delegate in this Convention was going to serve on a substantive committee—at least one and only one—and we left the question open as to whether a delegate could or could not additionally serve on a procedural committee, if he desired to ask for service on one additional or two additional committees concerning with procedure. The whole heart of what Mr. Thompson has proposed completely, totally changes the thrust of the rule as presented by the Rules Committee. It was the conscious feeling by the Temporary Rules Committee that one committee assignment of a substantive nature, involving committee hearings in all parts of the state, involving the writing of very important sections of the Constitution, where a delegate might become completely expert in that part of the Constitutional drafting that is our job to do, was all most of the members of the Convention could in conscience take on. What Mr. Thompson is seeking is to completely turn that language around and allow committee assignments to any delegate to serve on not just one substantive committee, but at least two. Now, I don't believe this is a good amendment, and I certainly do hope that the delegates to the Convention will agree with the Temporary Rules Committee. No matter what further amendment is offered, about service also on a procedural committee, I would not feel so strongly about it. But I feel very strongly that every delegate ought to serve on just one and only one substantive committee. I urge the defeat of the amendment.

Further Discussion

Mr. Arnette Delegates to the Convention, I can't tell you how strongly I oppose this amendment. There is one basic reason I oppose this amendment. It is because it was offered—or the amendment wasn't offered—but this particular rule was offered, with the idea in mind that everyone would be equal and serve on one substantive committee. There would not be any favorite few that would serve on two. So, if we accept this amendment, we have one or two...we are on the horns of one...on the dilemma that, if we have two and everybody serves on two committees, you have last thirty-two delegates in size, or thirty-four delegates in size, which is a ridiculous size for many of these committees. The other point is that
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we have some people serving on two substantive committees and others serving on one, which is not a fair situation. I think the only fair way to have this Convention run is to have each delegate serving on one substantive committee and only on one substantive committee, since these will be the parts of the Convention that are actually going to write this Constitution. Like I say, I can’t tell you how strongly I feel about this because I just don’t want to see part of these delegates being the favorite few that end up on two substantive committees.

Mr. Henry I think we have a technical breakdown on our amendment.

If everyone else that I have on the list will pass just for a few minutes, Mr. Thompson is going to withdraw his amendments and resubmit some amendments.

Motion

Mr. Stinson Mr. Chairman, members, I wish to withdraw that amendment No. 1, by Senator Brown, was passed or adopted.

That’s the one increasing from twenty to thirty.

Mr. Henry Right now, we’re in the process of trying to get rid of Mr. Thompson’s amendments.

Mr. Stinson I understood it was withdrawn.

Mr. Henry Well, we’re sort of having to go around by Laura’s house because these people are now drawing these amendments right. Once we get through with these rules of procedure, ladies and gentlemen, we’re not going to act like this. We’re going to follow the rules. Mr. Stinson, if you will, I’ll recognize you in a minute. Let me get this confusion out of the way. Then we’ll attempt to take up some more, please. Now, I’m trying to be nice, and I’m trying to be patient, and I’m trying for us to get the job done; but this is no sense in the way we’re operating right now.

Now if you’ve got a set of amendments—end, Mr. Thompson, I’m not talking to you specifically, but we’ve done this, and I’ve let us set a precedent, and it’s my fault—but there ought to be some way where, by and large, we can get these amendments right. I don’t think it’s fair to us to have to worry about this type of procedure, but when we have an amendment up here, there’s more to it than just saying “O.K. I’m going to change it,” because we are trying to proceed in order. This is confusing our desk; it’s confusing the Clerk; and you know it’s confusing me. So, Mr. Thompson withdraws the amendment. Now, Mr. Thompson, if you would, get one of these fellows over here to help you prepare your amendment, because I think we’re going to have an abundance of time to go ahead and reconsider them.

Mr. Stinson, I now... the Chair recognizes you.

Motion

Mr. Stinson Mr. Chairman, members of the Convention, my motion is that we reconsider the vote by which Amendment No. 1—that was the division, the first amendment by Senator Brown—was passed by this body. That amendment increased, perversely, from twenty to thirty. And, I think, since then, most people didn’t realize what we were doing, and that, if they limited one assignment—if we were thirty on eight—that’s two hundred and forty, if I figure correctly. So, I’d like to reconsider the vote by which that amendment was adopted.

Mr. Henry Mr. Stinson now moves to reconsider the vote by which the amendment; to increase the size of committees—am I right, Mr. Stinson—was adopted.

Mr. Stinson Yes, sir. Members, as I said, it is an impossibility under the other rules; and also, as Mr. Nunon would like to explain, financially there’s an additional hardship.

We’re worrying about finances. We know that we can’t get by with the money that’s been allocated and, if we increase this, we’ve got the per diem and any other expenses that might come in connection with it. Also, one of the major things is that a thirty-member committee is too large. It’s too unwieldy. You can’t operate, I don’t think, in that much—especially if they said if we travel over the state for hearings and such as that. I think that we should be given another opportunity to consider this. I’d like to urge that we vote it down and leave it as it is—at twenty as the maximum number.

Point of Order

Mr. Fontenot Mr. Chairman, I don’t know if I got lost somewhere in all of the discussion, but it seems like the motion at hand is the motion to reconsider; we haven’t voted whether we want to reconsider or not. Mr. Stinson is talking about whether we should change twenty to thirty. I think, if I remember correctly, Robert’s Rules of Order states that the motion to reconsider is a two-thirds vote. I don’t really remember.

Mr. Henry You are incorrect, Mr. Fontenot, and the motion is debatable.

Mr. Fontenot Excuse me. Are we voting to reconsider—are we discussing reconsideration of it?

Mr. Henry The motion is to reconsider the vote by which part one of the amendment was adopted, Mr. Fontenot.

Mr. Fontenot I don’t remember voting on whether to reconsider or not.

Mr. Henry We have not voted on it, Mr. Fontenot. We are discussing that now. Thank you.

Questions

Mr. Bollinger Mr. Stinson, I appreciate your interest in the finances of this Convention; however, I fail to see how this Convention or the Committee on Committees could possibly, or would possibly, place thirty members on each of the eight committees. I think the purpose of Senator Brown’s amendment was to allow the Committee on Committees—in the case of a special instance on a special committee where it was deemed that twenty would not be an adequate number to carry on its business—the committee could expand the special committee past the point of twenty. I don’t think it’s at all possible or probable that the Committee on Committees would be necessary to help you; if you prepare your amendment, because I think we’re going to have an abundance of time to go ahead and reconsider them.

Mr. Bollinger Mr. Stinson, I appreciate your remarks, but I have seen some things that you thought would never happen do happen. And if there is an amendment, later on, saying that you can serve on any number of committees, on all eight, I’m afraid the people—you know, we give in to pressure sometime and, if everybody wants to serve on all the committees, and you can be thirty to a committee—I’m afraid it will get out of hand, financially and control, and also as to the results of other things. I’d like to urge that let’s reconsider this and leave it at twenty, as was drawn up originally by the Rules Committee. I think it would be the best results if this is done. Thank you.

Mr. Champagne I have a question here. I want to see if we understand this thing the same. In other words, and now, there’s no possibility of getting thirty on all, because it’s ten to thirty. Do you foresee in this some attempt to possibly further cloud the picture by saying that you can be on more than one committee?

Mr. Stinson Yes, sir, I think it’s going to be
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the next amendment that's going to be offered.

Mr. Champagne Fine.

Mr. Stinson I think that's the one that's being prepared now.

Mr. Schmitt At the present situation right now, assuming that there's one person per substantive committee, wouldn't this restrict it to being a hundred and thirty-two people on the total number of substantive committees. So how many does one person have on each one? Whether you've got ten or thirty, your total could not be any greater than a hundred and thirty-two. Is this correct?

Mr. Stinson It possibly would be worked out that way, unless there's an amendment later on, or some different interpretation. But, therefore, if what you say is correct, therefore, we don't need the thirty. It should be left at twenty as a maximum.

Mr. Schmitt Would you consider reconsidering at some later time, if this amendment is passed, the one of which you are speaking?

Mr. Stinson I still personally would be opposed to it, but if you don't reconsider it now, your right to reconsider might be taken away from you later on--parliamentary procedurally.

Mr. Schmitt Is it your opinion that the committee on education and welfare could not use thirty members to serve on various subcommittees on that committee?

Mr. Stinson Well, if I were on that committee--and I think it'll be my second choice, the importance of it--I think that you should not divide into subcommittees. I think the committee as a whole, the entire group, should be present. And I don't think there's going to be overburden if you have one just on education that's tied into the other. It may be, but I think that it would be important enough that we should serve on all--no delegation of subcommittees.

Mr. Schmitt In other words, you conceive of a group of twenty people traveling around the state at the state's expense to hear the various views throughout the state?

Mr. Stinson Not necessarily. But they would not have to travel in twenties, they could reduce it. But I can envision, if you increase it to thirty, you're going to have thirty traveling around.

Mr. Schmitt If they're reducing it, wouldn't that be to a certain extent a subcommittee? Is it your contention that the twenty people, a maximum, which could possibly serve on the Committee on Education and Welfare would be traveling around the state as the committee of the whole and have the hearings across the entire State of Louisiana, and it would not be broken down into subcommittees?

Mr. Stinson I don't envision too much traveling around. I think that the mountain should be brought to Mohammed. Let people travel here if they want to appear before the committee. But, it would be the same problem and more of a problem if we had thirty instead of twenty. It would be a third again as to the expense and cost.

Mr. Schmitt You mean with reference to an example...

Mr. Henry Gentlemen, we're just getting absolutely away from the motion to reconsider. Now, I've allowed as much latitude as I intend to allow. Confining your questions and your remarks to the motion to reconsider, please.

Mr. Schmitt Mr. Speaker, I had considered it to be confined to that area.

Mr. Henry Well, the chair seems to have found you're going a little astray, Mr. Schmitt. Do a better job, please.

Mr. Schmitt Assuming that the rules remain the same and that there's only one man per substantive committee, it wouldn't make any difference whether there were ten members on each substantive committee or up to a max of thirty.

Mr. Stinson Well in answer to that, therefore, we don't need thirty; twenty would be adequate.

Mr. Denney Mr. Stinson, don't you think that in view of Mr. Zervigon's amendment which provides that the Committee on Committees shall select, based primarily upon the preference of each delegate, would almost automatically require thirty on each committee?

Mr. Stinson No, sir, I don't think it would.

Mr. Womack Mr. Stinson, I'm going to ask you a question--and when I get through, you'll understand it--that by the time you put each member of this delegation on two committees, then at least half of the functioning committees can never get a quorum because, if they're going to meet at the same time, then you can't be two places, so you choose the one you want so you've got at least a fifty percent absenteeism at every quorum call, if they're balanced out. Now, if you have enough that choose the important committee, then the other one that they're on will never get a quorum. Don't you understand?

Mr. Stinson The answer to your question is yes.

Mr. Henry Now, gentlemen, it's alright with me on this. If you want to debate the merits or demerits of the amendment itself, I think that we would be much better off to proceed to determine whether or not we're going to reconsider it or not, before getting into the merits of the amendment itself. And I ask you to use your wise discretion in making your remarks accordingly.

The Chair recognizes Mr. Alphonse Jackson.

Further Discussion

Mr. A. Jackson Mr. Chairman, ladies and gentlemen of the Convention, I rise in opposition to the motion to reconsider the vote on Senator Brown's amendment... I think that this body was in order when it considered the amendment, and I think that we considered it long. And I think that we made a wise decision. I'd simply like to point out that the amendment is not imposing a requirement that there be thirty members on each committee. I think we're simply dealing with a serious problem that we have, and that is the problem of trying to provide broad representation for some of the considerations that we have in terms of writing this Constitution. I think it's important that we have the latitude to have the kind of expertise and broad representation that's needed, so I would ask you to vote down the motion to reconsider this amendment.

Further Discussion

Mr. DeBlieuX Mr. Chairman, Mr. Jackson made my point, so that's all I have to say.

Further Discussion

Mr. Riecke Mr. Chairman, you mentioned earlier that you would prefer that we not discuss the merit of the thing, when we consider reconsidering it, but since the man who made that motion discussed the demerits of what we passed before, I think I ought to be permitted to go into the merits of the one we passed before, if you don't mind. This resolution took us to task before--and I'm speaking against the motion to reconsider--this resolution we passed before simply permits
up to thirty. It does not restrict the Committee on Committees in their appointment of a committee. Now there's a lot of people who sent... everyone of us sent in preference sheets. There's a lot of us that might want to be on some particular committee because we feel we particularly are qualified for that. It's going to be—i'll tell you right now—with a limitation of twenty, there's going to be a lot of delegates that are going to be disappointed because they didn't get their preferences on these committees. This simply permits thirty. Now, I know you can't, you know you can't, appoint two hundred and forty people, when you only have a hundred and seventeen that are eligible. But some of these committees are so important, and some of them are going to require such extensive hearings. For example, one of the committees is the Committee on Education and Welfare. It's divided into six categories, and each and every one of those categories are going to take extensive hearings, in my judgment, and take an awful lot of time of our committee. For example, Education—can't you envision that when that comes up that you're going to have school teachers' delegations. You're going to have educators; you're going to have all kinds of hearings that are going to take committees' time. Welfare—you're going to have extensive hearings on Welfare. It's an important subject. Consumer affairs, civil service, labor, industry. Now if you only permit twenty on this committee, this means that if you divide it evenly in those seven categories, you can only appoint about three people who have a knowledge of the subject. So you divide it into subcommittees, and the rules provide that you can divide it into subcommittees. Is the whole committee going to sit in on every one of those hearings? I don't believe that it's physically possible for you to do this unless you give up your business and your home and spend the rest of your time for a year up here. I think we ought to remove the restriction of twenty and leave the Committee on Committees to handle it. They're not going to appoint two hundred and forty people because they aren't there. They are going to use good, common sense and appoint larger members, larger quantities, on committees that require them and less on the others. Thank you very much.

[Previous question ordered.]

Closing

Mr. Stinson, Mr. Chairman, I have no further argument. I'll leave it up to the committee.

[Motion rejected: viva voce. Adjournment to 9:30 o'clock a.m., Wednesday, January 17, 1973.]
ROLL CALL

[113 delegates present and 1 quorate.]

P R A Y E R

Mr. Burns: Let us pray.

Mr. Chairman: By order of the convention, who, for one reason or another, are very well qualified to be of great assistance to this convention in its work if they were permitted to serve on two of its substantive committees. I think that that is something that it is going to have to address itself to if the sound discretion of the Committee on Committees to determine, first, whether or not such individuals have the time and the willingness to serve on two such committees.

ROLL CALL to this convention in its work if they were permitted to serve on two of its substantive committees.

I think that that is something that we should not deprive ourselves and deprive the people of this state of the opportunity to receive the benefit of that contribution. That's simply the purpose of this amendment.

Questions

Mr. Velazquez: Mr. Avant, do you accept the premise that every substantive committee will have an extensive workload?

Mr. Avant: Yes sir.

Mr. Velazquez: Do you accept the premise that we don't just have a handful of people here... don't you accept the premise that we have a large number of people here who are knowledgeable enough to make a valuable contribution to several committees?

Mr. Avant: Yes.

Mr. Velazquez: Then, don't you have enough respect for the great number of delegates—all of whom are knowledgeable enough to serve on several committees and make a valuable contribution—but you are going to tell me here and set one or two people as the chiefs, the most knowledgeable people in the State of Louisiana, and say that they and they alone are the ones that should serve on two substantive committees?

Mr. Avant: Mr. Chairman, I am going to take an amendment. In page 17, line 4, delete the word "committee" and in line thereof substitute the word "committees".

Amendments

Mr. Avant: Amendments sent up by Mr. Avant, amending the original resolution as follows:

1. In page 17, line 4, delete the word "only" and in lieu thereof substitute "not more than two".

Explanations

Mr. Avant: Anybody?

Mr. Velazquez: The point I'm trying to make is that if you take a good man, even an extremely good man, and you try to bend him between two committees, you have only a half effective job on each committee, and, therefore, the committee and the convention is the loser and not the gainer by his vast experience.

Mr. Avant: That wasn't a question. I take it. That was a statement.

Further Discussion

Mr. Berson: Ladies and gentlemen of the convention, I speak in opposition to this amendment. The idea which apparently motivated the Rules Committee was that the one of us who was going to serve on a committee with which we would live and work during the next six months in the attempt to
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come up with an ideal draft proposal for a new constitution when we meet again in July. Now, all of us here at this convention have other duties: to our families, to our businesses, to our communities. It is going to be a great deal easier for anyone to serve as he should on one substantive committee. The ideal would be to really grapple with the problems of the particular area or committee that we're serving on. Anyone who has done legal writing—and there are many here—knows that it is harder to reduce a problem than to write a long and ramble all over the lot—than it is to boil the point down to something succinct, which is what is being done in the committee, it is a lot easier to write one brief, if you have the leisure or the other people in your law firm give you the time to really wear out a point. It is to try to write three briefs on three different legal questions at the same time. I think even the most exceptional person at this convention would find that he is spreading himself too thin if he tries to tackle, at one and the same time, for instance, the tremendous volume of material in the constitution on local and parochial government and the tremendous volume of material under the judiciary section. I don't believe it's humanly possible to do a good job on both. I'm afraid that we would go to one committee meeting and you wouldn't go to another. You can't serve two masters effectively. If the Chairman assigns you work on one committee, you have the obligation to do work that is completed by the next time that committee meets. He will not expect you to be absent from meeting. It is to the advantage of this convention, I agree there are people here that can make contributions to more than one committee. But, I submit that the way we're doing that is to distribute to anyone who might have the leisure to do it serving on two committees at one and the same time working, let us say, to aggrandize the power of the Executive Branch of government on the Executive Committee and to diminish the power of the Legislative Branch on the Legislative Committee, if he's serving on both committees at the same time. I think, in other words, that we may be giving an individual with legal talent more weight than we would want to in writing the total document of the constitution. Finally, I think that the point that the successful constitutional conventions in recent history, ingenious as they can be, can find rules that were given by G.S.R.I., has, in the main, permitted delegates to serve on one substantive committee. Thank you.

Question

Mr. Alario Mr. Burson, yesterday the delegates passed an amendment to Rule No. 53 which says that "committees shall not contain more than thirty members," so that don't you think that, hypothetically, that we might split the Committee on Committees in a bind if, for instance, we have enough delegates who are interested in three committees and we have a little more than thirty and that's ninety of them used up right there to be... which would leave five committees left and only forty-two delegates to split up, you see. The point I would like to bring up is that we might put this Committee on Committees in such a bind as not to be able to place people on the committee that are particularly interested in or in which their interests might lie in.

Mr. Burson Mr. Alario, as I understood the interpretation of that amendment when it was presented that amendment, it was to the effect that he was not suggesting that all the committees should have thirty members, that the minimum of ten might well apply to most committees, but that there might be a few committees that would require a larger number, and he wanted to leave a wider latitude.

Further Discussion

Mr. Arnette Mr. Chairman and delegates, I'm going to have to start off my talk, here, with an apology that I'll probably repeat some of the arguments that the delegates who had the same dilemma would quite bring up the same thing after day, I would not have to repeat my remarks. The first thing I have to say about this particular proposal is that in general when the Rules Committee met, they envisioned the idea of one hundred and thirty-one members of this convention, each serving on one committee. We left it up to the committee on committees to decide which committees would be more important and which ones would have more members. But, we did not envision at any time that there would be more than one hundred and thirty-one positions on the total of eight committees. If we accept this amendment proposed by Mr. Avant, as I said yesterday, we're on the horns of a dilemma. If we want to have everyone serve on two committees, then we have a definite problem because we're going to have to increase the size of our committees to forty-two or thirty-three members each. I think this is entirely unworkable. So, therefore, the other horn of the dilemma is that we have some people—some favored few—some people who are in with the powers that be, that are interested in the committees that are going to be serving on two committees and some other people that are not in with the powers on the Committee on Committees. If we split the Committee on Committees, now, to some of you this might be an equitable thing to do, but to me, it is entirely inequitable. We came here all equal as delegates. The disappointment of a great deal of this was all here equally. I think that we should go into these committees equally. I think that we should each serve on one. This would bring the size of the conventions down to a reasonable number—say, at the most, probably twenty-three or twenty-four in the largest committee and probably twelve or thirteen in the smallest. But, this is up to the Committee on Committees to decide which ones and how many people are on each committee. I don't think we're going to put them in any bind where they have the ability to say, in any any chance they can be put in a bind. If they want to be... If they want thirty members on one committee, they're just going to have to cut down the other ones. But, I think this is up to them to decide. But, the point I want to make very clear is: I don't want any delineate in here shortened. I don't want any delegate shortchanged in representing his district or his area of the state. I think everyone ought to have a right to be on as many committees as everyone else. Now, this is substantive committees. Now, we come up to another problem. If everyone is allowed, or if some people are allowed, to serve on two substantive committees, as been proposed, then we run into another problem because we have set no limit on the amount of procedural committees that a delegate may serve on. So, conceptually it's possible for one delegate to serve on two substantive committees and an additional... if it is passed, plus four procedural committees, plus, possibly be on the Executive Committee and the Committee on Committees, and I don't think we have possibly been a member of the temporary Rules Committee. So, this is quite a burden to put on someone. Of course, I don't envision this ever happening, but the point I want to make is: I don't want everyone to be equal going into these committees and everyone have equal representation on these committees. That's all I have to say.

Further Discussion

Mr. Juneau Mr. Chairman and fellow delegates, I,
too, don't want to get up here and be redundant, but I feel compelled to speak on this particular issue because this and similar opinion this is the most crucial issue that I have voted on in this very convention. I served on the Rules Committee. I went with the concept of expanding the large committees. I think we have to create a democracy, not just a diffusion or the possibility of a stacking situation in this convention. You can mathematically add it any way you want to add it. The end result is that you don't do that. I think we have theoretically created a situation which allows for a stacking problem. I submit to you that if you vote that way, I find that you will be hard pressed to say that your previous votes were consistent when you voted on the concept of diffusion and expanding of these various committees. I was against the thirty rule--expand to thirty--because I knew what was right behind it, and just exactly what was going to occur. The writing is on the wall. I'd like to make this one other point: the point is simply this. We want to do the job we have been hired to do, where, if you have someone that is expert in several areas, that he could appear and be useful in two committees. Well, nobody is precluding that. They specifically state that he can come and testify and afford whatever expertise advice you want to the committee. I'm not talking and that is a division issue. What we are talking about is the ability to vote, and that's where all the action is. When you put two people--conceivably two people--on a committee, you've created that position. And let's see where you run into problems. I think that we have gone to a great length to divide the division of powers amongst these eight committees. I think with you equitably distributed the power; you have equated, as Mr. Arnette said--let me speak of lack of a better way to vote concept; each delegate has one vote. So, in closing, I can't stress this enough; I haven't felt more strongly than this one issue. If you vote for this amendment, you might as well pitch out all of the other amendments because you've completely destroyed the thrust of what we are talking about, and you have allowed the situation to exist. When he has to go to that length of putting certain people in that category, and I don't mean...that's not doing what you say...but you have created a situation where certain select people can be on one committee--that might you're not, and there's where your vote is going to come up. Thank you very much.

Further Discussion

Mr. Roemer Well, I speak in total opposition to the amendment and its concept. I found in the last few days that many times I've bowed to the wisdom of the Rules Committee and I'm in the same position this morning. I think they had three things in mind when they limited us to one substantive committee. Those three things are: the fact that they felt a deep need to divide the responsibility for the one committee, and this division is necessary for us all. Secondly, I think that they were trying to reduce the chance of alliances that spill out of one committee and perhaps into another, if we all have one committee. Thirdly, I think they tried, and with good reason, to keep an eye on the fact that many of us overload ourselves by our own self-importance. There are times one delegate and perhaps even as many as any body in the state, not just with the affairs of one committee, but with the affairs of several. I believe myself, perhaps, of some, you who know little about anything in regard to these committee. But, for our protection as well as for those who seem to know everything. I think we need to limit our endeavors to one, and only one substantive committee. I might say that I have an amendment that will follow in a few minutes, which puts the same limitations on procedural committees that I speak now in favor of on substantive committees. My full comment would be more, I think, in this thirty numbers game per committee are totally in error. There is no requirement that we have thirty men and women per committee; we have that right. It is not that there is that argument that can be based on numbers in favor of this amendment. I hope we vote it down.

Further Discussion

Mr. Drew Mr. Chairman, ladies and gentlemen of the convention, I'll take just one minute of your time because I think there has been adequate argument presented to you to vote this amendment down. But, if I did not feel so strongly in opposition, I wouldn't be taking up your time today. I just want to bring up one thing, the general consensus of this entire convention from the first day through the Temporary Rules Committee, and through proceedings up until this morning, have been that we wanted authority spread out and diversified. Frankly, up to this point, we have done an excellent job of carrying that out. If you vote for this amendment, you will, in fact, do away with all of the good things you have done up until this time. I strongly urge you to defeat this amendment.

Further Discussion

Mr. De Bliex Mr. Chairman and ladies and gentlemen of the convention, I would like to suggest to Mr. Avant, if he would, if he would withdraw his amendment and let me propose which I think is somewhat of a compromise between what he has and what, in the rule that we presently have of not making any changes at all. I can see, if you are going to have some of the committees that are going to have membership in excess of, I would say, fifteen, you are necessarily going to have to have some of the committees in turn give you a total of a hundred and twenty-eight members on the substantive committees. When you very more than that, you're going to use more delegates, and somebody is going to have to serve on more than one committee. And so, you have some committees with less than that number if you use all of the delegates on the substantive committees, because if you consider, that sixteen delegates on each committee would give you a total of a hundred and twenty-eight members on the substantive committees. When you very more than that, you're going to use more delegates, and somebody is going to have to serve on more than one committee. And so, you have some committees with less than that number. Since yesterday we upped the number that could be a member of a substantive committee to thirty--we may not even have a substantive committee that number on it--that necessarily means you're going to have to have some committees with less. So, my proposal is that maybe there is in fact a very short business to let you know how it reads. I'd like for you to follow along with me and see if you don't like this a little bit better. That is, if you'll turn to page 17 and look at line 6, strike out the words "least one" and insert in lieu thereof--and also strike out the words any only one substantive committee--and substitute the following language: "Substantive committee, but not more than two committees of any kind," which means that each individual delegate would serve on at least one substantive committee. He may serve on as many as two, but if he serves on two substantive committees, he will not serve on a procedural committee. If he serves on one substantive committee that is an individual substantive or procedural committee. In other words, it limits the delegates to at least two committees. I tell you this, if you get more than two committees that you're serving on that you're finding yourself in difficulty in the handling of this convention. Now, as you well know, all the chairman will have to serve on the Coordinating Committee. I don't think a chairman should serve on any other Committee other than the Committee in which he's chairman of the Coordinating Committee. He's only think that that alone without trying to serve on any other committee. I do believe this would be a proper
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compromise between what Mr. Avant has suggested and what has been argued against his amendment. So, I'd like to prevail upon Mr. Avant, if he would, to accept my amendment in lieu of the one which he has proposed.

Further Discussion

Mr. Jack Mr. Chairman, and members of the committee, I'm sorry I've been absent; I've been a terrible case of the flu and I'm delighted I can be back with you now. I rise to talk against this amendment. I will not be as brief as one can. This Constitutional Convention is supposed to be completely devoid of politics. The governor in his talk the first day pointed that out. Now, sometimes I speak pretty rough and right to the point, but it's nothing personal—anything I say because I speak for or against bills and amendments, and things like that, and not individuals. This amendment is politics; I term it a voting power amendment. Now, I don't care how smart any delegate is here, if he is on two substantive committees, he is not going to render near as good services to the people of Louisiana as if he is on one committee. These committees can meet various places. For instance, he could be on two committees; one could be meeting in Shreveport, the same time the other one he's on is meeting in New Orleans. Now, I very much oppose this. I believe that under the theory of this amendment that I would probably be qualified as next person who serves on the committee in regard to the legislature. I served twenty-four years in the House. I'd be as qualified on the Executive because I've served more than that. Now, I would not be as effective in helping the people. Now, I learned this long ago. Before I came to the House in 1940 I was fortunate—being kin to Pete Cupit on the Senate and to Cecil Morgan—and I learned a lot. I was one of the few men that stated I wanted to serve on one committee and that was Judiciary A. I did serve on it for twenty-four years. They did; because legislatures are different from this convention, I was forced to serve on others. But, I found that by being on only one main committee, Judiciary, I attended more committee meetings of other House committees and Senate committees than anybody in the House of Representatives. I go to my knowledge number eight committee—substantive committees—happens to be exactly the one I had suggested—in meetings up in Shreveport. If you have those eight and others you want to speak, you should do it. You could speak before—if you're on one committee—you're knowledgeable and interested; you could go speak before seven different ones; be very effective helping the people. You'd be devoid of politics and you wouldn't have that two votes. Now, as to the suggestion by Senator DeBlieux's amendment, I'm not going to be in favor of amending this amendment. I say, let's stop this creeping politics that's trying to slither in the door. Now, I happen to be the one that coined that business "snake bills" in the legislature—Mr. Ford Stinson kids me a lot—but here is creeping politics, like the snake; kill him before he gets on the front porch. Thank you.

Further Discussion

Mr. Champagne I would have remained seated if I was really as convinced as I think I am that we don't intend to compromise this measure in the least. We intend to defeat it overwhelmingly. My reading for many years of that rule is written and as it has been written by the committee on Committees and has been amended to that effect. There is no problem whatsoever to the committee on Committees and has been amended to that effect. There was at one time a movement to do away with this Committee on Committees. They failed in that, and now they propose to you to water down those powers so that again the Committee on Committees—your committee—would amount to nothing. I see here that this is not a question on whether he's out on first or out on third; this is a question of due game, and you see it, if you don't defeat this amendment and these compromises, that you will have dealt indeed a mortal blow to this convention. As suggested by the gentleman who proposed this change, he asks...he said something about looking around and I have looked around and I have now found...I have indeed looked around; I have seen very, very much talent. I am very impressed with talent that is present; but I have not seen anyone when they walked in the room cause the lights to blink, or anybody to stop and scratch because they walked in. I want to tell you now that I am reminded simply in plain language of a little story I heard many years ago—and this man was not a very well educated man, but a good man—and he said, "You know you're a nice looking bird." He says—you have some fine new feathers, but always remember and never forget, you're not the only chicken in the coop.

Further Discussion

Mr. Alexander Mr. Chairman, Delegates, ladies and gentlemen, I have heard many discussions during this convention about defusing powers. This amendment, rather, would restrict power into the hands of a few. I feel just the opposite. For example, as I stated yesterday, if the Committee on Commerce is going to be restricted, if we're going to defeat this amendment, and take away from that committee the right to be inflexible enough to vary the numbers on the committees because as we will see compactly created in Rule No. 49, I think, we find that the subtopics vary greatly, to the extent that some of the committees, I think, could well serve with eight or ten members; whereas, others would need twenty or twenty-five. Now, I say to you that there are men in this convention who do possess some unusual expertise, but we give you that example—and I'm not saying this because this man is from the city of New Orleans—but I know a man by the name of Boise Denney, who has had considerable experience in developing material of this sort. He has worked on the Charter of the City of New Orleans. I know that there are others. These are not words out of our ears here. It means that a man like that could advise more than one committee. It means that he could serve on two of these committees, and I'm sure there are others, and these committee delegates here run from one end of the spectrum to the other. There are some of us here who have ideas, who are going to argue on principles. But, there are others who possess the expertise who are technicians. Now, when I say technicians, I mean those persons who have had experience along those lines. I call upon you, and beg of you to vote to this amendment and not restrict the Committee on Committees and put them in this kind of a legal straitjacket. Thank you.

Further Discussion

Mr. Gurisico Fellow delegate, I likewise rise in opposition to this proposed amendment. It reminds me of the George Orwell book on totalitarianism I think called Animal Farm and to paraphrase that particular book there was a section that said, "All delegates are equal, but some delegates are more equal than other." I think if we take that position, then we're going to chase out the intent of the Rules Committee's list, as it is written in the convention. If you can sit here and say that a person who wants to contribute, and who has talent, and able to contribute is going to take a little while to mature and it's an excellent contribution because he "can't vote" then he shouldn't be here. So, I likewise ask that you vote against the
Mr.rowse, Mr. Chairman, fellow delegates, this morning I seem to be somewhat confused as to what this Convention was about. From the beginning I thought this was supposed to be delegates representing people. Now, I see this morning that you're supposed to be qualified. I think the only thing the act says is that you would live in a certain area, and run from the area, and let your people decide whether you were qualified to be a delegate. I don't think I'm going to accept—Reverend Avery Alexander mentioned one person, I don't think anybody should be disqualified. But as a delegate, I think everybody here has some expertise and I'm not downing anybody. I am against the amendment because I think that everybody should have a fair share of being on a committee. When I ran I said to the people that I want to be your spokesman. You cannot speak for people unless you know what they want. One of the things that we're getting confused, when we become a representative of the people, we die to our own self-interest and become representatives of the people. This is something I'm seeing hard to believe. I heard Mr. Jenkins mention a little story—and I'm not going to try to tell it, because I think he's the only one—but that made me think again, and perhaps when people are trying to get what they want, it's all nice and glory, but when they get it, I'm sorry; we made it. So, I'll accept this amendment. I am a delegate. I want my fair share. I'm not going to stop for anything less.

Motion

Mr. Smith Mr. Chairman, fellow delegates—looks like I messed up things here— I think we've heard enough on this particular question. I served on this convention... that Rules Committee. We discussed this pro and con for several days. I was in the legislature, too, where we had no more than twenty people on a committee. I think if you serve on more than one committee you can't do it efficiently. I feel like that we've all heard about as much as we need to. I think they've made up our mind and we just keep going over and over the same thing. So, I'd like to now, Mr. Chairman, to move the previous question.

[Previous Question ordered.]

Closing

Mr. Avent Mr. Chairman and fellow delegates, comment was made by one of the speakers that this amendment, if it's adopted, would reduce the Committee on Committees to zero. I can't follow that logic. It certainly does not. Now, another statement was made about the powers that be. Well, you are the powers that be. You are going to elect this Committee on Committees. You are going to have to approve the final product of any substantive convention. You are the ones that be. The final product of this convention is going to be approved by you; and then, the people, hopefully. This is not only kind of a powers play. It's a very simple little proposition. I think Mr. Jack made my point better than I could make it. It's simply this: that if in the wisdom of this Committee on Committees that you are to elect with two people from each congressional district, there is an individual or individuals that that committee feels could make a contribution to our work by serving on two committees, they have the right to ask him to do so. He has the right to do so, if he is in agreement with the committee's idea. Now, they don't have to do it, they may not do it. But, far from being something that is going to strip the Committee on Committees down to zero, it is just the opposite. There are many, many less issues in the constitution that are highly technical, that ninety percent of the lawyers in the state don't have any idea what these provisions are in this present constitution that we have, all the ramifications of them. I say that if we cut this Committee on Committees in a straightjacket where they don't have any discretion, than I'm going to make a mistake. I close by saying that this is not a power play, and I'm not running for nothing, and won't accept nothing. I leave it to the wisdom of this body.

Amendments rejected: viva voce.

Amendments

Mr. Poynes Senator De Blieux sends up amendment as follows:

Amendment No. 1. On page 17, line 11 after the word "vote" and before the word "and" insert the word "therein".

Amendment No. 2. On page 17, line 12 after the word "quorum" and before the period, "insert the word "thereof".

Explanation

Mr. De Blieux Mr. Chairman, ladies and gentlemen of this convention, this is just one of those very technical, very technical technical amendments, for clarification, so to be sure that we're only talking about the chairman insofar as his attendance for the committee meeting and not otherwise—that he still has a vote otherwise.

[Amendment re-read. Previous question ordered. Amendment adopted: viva voce.]

Amendment

Mr. Poynes Amendment proposed by Mr. Roemer to the resolution as follows:

Amendment No. 1. On page 17, line 6, delete the period "and insert in its place the following: "and may serve on no more than one procedural committee".

Explanation

Mr. Roemer Yes, Mr. Chairman. My brief amendment is designed to put the same limitations on procedural committees that we just ratified as to substantive committees: that is, that no one delegate may serve on more than one procedural committee. Also, in an amendment to the Committee on Committees, to place each delegate on not one, but two procedural committees. There is a requirement, of course, in Rule No. 53 that we all are placed on at least one substantive committee. I make the point that I have no such requirement in my amendment as to procedural committees. The reason I don't have that requirement is for two. One: the procedural committees, by the nature of their activities, I think, can function, perhaps better, without a large number of people. With only four procedural committees, if we were each required to have a procedural committee assignment, four divided into a hundred and thirty -- John, your arithmetic might be better than mine—but that is in excess of thirty members per committee. I think that's too large. The second reason that I don't require that each delegate serve on just one procedural committee is that some of us do not wish to serve on a procedural committee. That is my amendment, Mr. Chairman.

[Previous Question starts.]

Amendment

Mr. Poynes Amendment proposed by Mr. Burson amending the original resolution as follows: On page 17, between lines 1 and 9, insert the following: "The Chairman of the convention shall designate the date and the place of the original meeting of
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Each committee, at which committee officers are to be elected, or at which a member is to be notified in person or by certified call of such designation.

Mr. Burson
First of all, may I ask the Clerk to add the work "meeting" after "at which committee"-"meeting"?

Mr. Poynter
Fine, Mr. Burson.

Mr. Burson
The purpose of this amendment is, really, just for housekeeping. I noted, in looking over the rules, apparently everyone is in agreement that the executive committee should elect their own chairmen. That being the case, somebody's got to call the first meeting at which the officers are to be elected; so that's the only reason for this amendment.

Previous Question ordered. Amendment adopted: viva voce.

Amendment

Mr. Poynter
[Amendment by Mr. Conroy]. In the same place, page 17, line 8, after the word "necessary." it would add the following: "No delegate serving on the Executive Committee shall serve as Chairman or Vice-Chairman of any substantive committee.

Mr. Conroy
Fellow delegates, our efforts to date have been to assure that control of this convention be effectively diffused and left with no group. An essential part of this diffusion is to have the Executive Committee and the Coordinating Committee as two separate committees. This amendment is to ensure that these two important committees of this convention--the Executive Committee and the Coordinating Committee--be retained as separate committees. If it was not apparent before, it was certainly apparent from yesterday's discussion that there will be two important permanent committees: the Executive Committee, the Coordinating Committee. The Coordinating Committee is comprised of the chairmen of the substantive committees, and the Coordinating Committee is the body which acts as the traffic cop between which committees studies which matter. There were a number of delegates here who were vitally concerned with which substantive committee studies which matter. The importance of the functions must be obvious from the debates yesterday when these questions were discussed at some length. When the Executive Committee was discussed earlier in this convention, it was described as purely an administrative or housekeeping committee; but, if you permit the members of the Executive Committee to serve as chairmen of a substantive committee and thereby serve as a Coordinating Committee, you will have fused into one the Coordinating Committee and the Executive Committee, and you will have placed real control of this convention--and, more importantly, real control of the product of this convention, of the substance of the constitution--in one small group. I think it vitally important that this fusion of the two entities not be permitted, and that's the purpose of this amendment. There are a hundred and thirty-two delegates to this convention. There are twenty-three on the Executive Committee, sixteen on the Committee on Committees, that's thirty-nine. That leaves ninety-three qualified delegates from whom we can pick sixteen to serve as chairmen of the substantive committees and vice-chairmen of the substantive committees.

Mr. Velazquez
Would you say that your amendment is basically an attempt to continue the balance that the Rules Committee attempted to write into the rules at their initial setting?

Mr. Conroy
Yes.

Mr. Velazquez
And, do you feel that, by your amendment, you are preventing the Executive Committee and the Coordinating Committee from being identical?

Mr. Conroy
Yes.

Mr. Velazquez
Thank you very much.

Further Discussion

Mr. Brown
Mr. Chairman, delegates to the convention, I rise to speak in favor of the amendment offered by Mr. Conroy. I think, as Mr. Warren said when she got up here yesterday, we have an awful lot of talent amongst the delegates to this convention. As Mr. Conroy just mentioned, we have some ninety-three delegates to choose from to be chairmen and vice-chairmen of these very important committees. Since we only have eight substantive committees, allowing a chairman of a committee of a substantive nature to serve on the Executive Committee, I would agree wholeheartedly with Mr. Conroy. it would concentrate way too much power. I think this is an excellent opportunity for us to diffuse and show real independence, and I wholeheartedly support the amendment of Mr. Conroy to eliminate a member from being on the Executive Committee and also being a chairman or a vice-chairman of this convention.

Further Discussion

Mr. Alario
Mr. Chairman, fellow delegates, I am appalled at some of the actions that we continue to do here, in that we say, "Well, we're going to diffuse the power. I don't know what power we're talking about. Since it has been brought up, at one time or another, I haven't seen a more independent-thinking body assembled anywhere, and I'm proud to be a part of that body. That's the way it should be. We're here to make up our own minds and then do what we think is right. But, every time there's an issue that comes up, somebody tries to make a how-man out of politics. Every time there's an argument or something, that's exactly what they say. Since politics it's power. I think if we keep passing these type of restrictions--where you tie yourself down and say that a man can't serve on the Executive Committee, so now let the chairman of this one or that one; if he serves on the Committee on Committees, he can't be chairman or vice-chairman--pretty soon, we're going to be down to where there are only five or six people in this whole convention hall that'll be able to serve as chairman on anything. I wonder what the next action will be to tie it down. You still have the power in the hands of the committees themselves to elect a chairman and vice-chairman. I don't see where your problem is going to come. I think there are many, many good, qualified people--or a hundred and thirty-two of them that I can think of--who could serve as chairman or vice-chairman of these committees. I don't think you ought to keep tying yourself down, as is being proposed here. Therefore, I oppose the amendment offered by my good friend from Metairie.

Further Discussion

Mr. Gauthier
Mr. Chairman, fellow delegates, as a member of the Rules Committee and speaking in the spirit in which the Rules Committee worked, I rise in support of this amendment. The Rules Committee tried to effectively diffuse the responsibility. I agree with Mr. Alario: That's this bit about power. Power to the people, power this, power that. I don't think that's the intention. We're trying to diffuse the responsibility. We have a hundred and thirty-two capable people. Let's spread out that responsibility. Let's give each delegate a chance to perform with a degree of...
responsibility and not overload any one delegate. Based on that principle, and if you think back on your words, you will see that my feeling is that you are giving on two substantive committees, then you're in that philosophy of spreading out the responsibility—giving each delegate an adequate chance to perform. Based on this, you'd ask me to vote for this amendment. Thank you.

Further Discussion

Mr. Cannon. Thank you, Mr. Speaker. I speak in opposition to this amendment, and I'd just like to point out—to the people here and to the very many times—but I did just like to say that, when you do a little simple mathematics, your odds of having your Executive Committee and your Coordinating Committee be the same is one out of two-fifty-six. That's having total similarity. The odds are only one out of one-twenty-eight that you're going to have half similarity. I think who I am speaking for is the substantive committees that are not yet formed. Give them the leeway, give them the right to choose whoever they want so as to have their own rules and their own business. That's where the independence and the real work of this convention is going to come from. I think it's the responsibility of this body to see to it these delegates make the right and the power to choose their own chairmen and vice-chairmen with no strings. Thank you.

Further Discussion

Mr. Burson. My mother told me many times in my life that too much of any particular thing is enough, and I think we've reached that point with this amendment. I have supported every movement that would diffuse the power of the convention up until this point, but I think that at this point that we have sufficient safeguards built-in that anybody who could take over or control this convention at this point would be a political genius of the first magnitude. We have just set about passing a rule, or are setting about passing a rule—where the committees will elect their own chairman. We have prohibited a member of the Committee on Committees from serving as chairman. And the rationale of that amendment—and I supported it—was we didn't want a member of the Committee on Committees to put his brothers-in-law or his close friends on the committee so they could elect him chairman. But, the members of the Executive Committee will have nothing whatsoever to say about who sits on or who serves on the committees. Therefore, there is no opportunity—and not the wildest chance that they could stack a committee to see to it that that committee would select a member of the Executive Committee chairman. Let's remember we're here to write a constitution like the U. S. Constitution, and the reason why the U. S. Constitution was necessary was because the Articles of Confederation, which it supplanted, had diffused power so much that nobody could make a decision. Let's not make that same mistake.

Further Discussion

Mr. Fontenot. Mr. Chairman and fellow delegates, I rise in support of this amendment, and I'm not going to talk about the power issue. I think we have diffused the power enough. The only point that I really contest, in this particular instance, is I am afraid that, if a member is on the Executive Committee, he can also be a member of a substantive committee; he can be a member of a procedural committee; and, if he is elected a chairman of one of these, then he is automatically a member of the Coordinating Committee. Now, I'm sure you realize what being a chairman of a substantive committee is probably going to be the most...the hardest job at this convention—keeping up. It's going to be the full-time job. I feel, and I feel that member of the Coordinating Committee—and then on two other committees and on the Coordinating Committee—I feel like a chairman will not have the opportunity to do his best at being a chairman. That's why I feel like there's too much work, so I feel like we should pick a member from the Executive Committee from being a chairman because he will not be able to devote his full time to being chairman of his committee. This is why I rise in support of this amendment. At this time, I would like to call the previous question.

[Prev. Q. called for at 4:11 p.m.]

Closing

Mr. Conroy. Very briefly, in reply to Mr. Alario, I simply say that this is designed to ensure the independence which he says he has found in the one substantive committee and substitute committee. I would like to remind him that two members of the Coordinating Committee are already members of the Executive Committee; that is, the Chairman of this convention and the Vice-Chairman of this convention are already members of the Coordinating Committee. You don't need very many more to be able to control that committee. In reply to Mr. Burson, I frankly do not follow his logic. This is the first time we get to the actual substance of the Constitution and the possible control of it through the substantive committees and Coordinating Committee. I think that this is vitally important to the independence of this convention to adopt this amendment, and I urge its adoption, and I request a roll-call vote.

[ROLL CALL VOTE ORDRED. Amendment referred. Amendment adopted. 15-49.]

Amendment

Mr. Poynter. Amendment proposed by Mr. De Blieux to the resolution as follows:

Amendment No. 1. On page 17, line 6, after the words "least one" strike out the words "and only one substantive committee and substitute Committee, in lieu thereof the following: substantive committee but not more than two committees of any kind.

Explanation

Mr. De Blieux. Mr. Chairman and ladies and gentlemen of the convention, this amendment, I want to give the Committee on Committees a little bit more authority. It seems as if we've taken away quite a bit of their authority in referring them to these two committees, etc., and, possible, the committees themselves in deciding who's going to be chairman and vice-chairman. Yesterday, we passed an amendment that allows our committees to be as many as thirty people. I have a feeling that there may be three or four—or maybe, as many as ten—delegates that might have to be assigned to more than one committee in order to make up the necessary numbers on the respective committees. If you don't do this, you will not be able to reach anything like thirty members of any committee; and, yet, that amendment was approved yesterday. Now, I don't want to spread it out to where everybody is serving on a lot of committees, and I want to be sure that members serve on no more than two committees of this kind. There are some of the committees which you will not need very many members, if I know it; but, so that the Committee on Committees can properly organize this convention into the proper committees it must have to perform the duties and responsibilities that we have been elected and appointed to do, I'm just asking for this leeway—that the Committee on Committees will be allowed to appoint some people on more than one substantive committee—but, in no case will any member of this convention serve on more than two committees. I think that that's in line with what we have previously adopted, and I just think that you're going to have some difficulty that might arise if you spread it back and suspend some of our rules in order to get the proper working committees, if we don't do that;
and it's going to be mighty late whenever we adjourn here and find out that we can't do that. Now, they don't have to, but this just give them so if they see fit to do that. So, I just ask you to concur in this amendment so that we won't find ourselves stymied and not be able to operate.

Questions

Mr. Juneau Senator De Blieux, we just had about an hour and a half of debate. Aren't we talking about the same thing? In essence, what you're saying--you want to come back and say we can have two substantive committees under your amendment; isn't that correct?

Mr. De Blieux This is a little bit different in, before, that you could serve on two substantive committees; you could serve on as many as procedural committees as you could get appointed to. This particular way, no member can serve on more than two committees of any kind.

Mr. Juneau Can you serve on two substantive committees according to your amendment? That's my question. Yes or no?

Mr. De Blieux You could; yes. I think it's going to be necessary that a few of the delegates do serve on more than one substantive committee, or else you will not be able to properly organize the convention. That's my point.

Mr. Velazquez With all due respect, Senator, I'm beginning to feel like I'm repeating myself again. Don't you feel that you've already inverted the point that one man can't serve two masters? Even the most original of us and the most talented of us can only do a certain amount of work. Since the substantive committees are where the greatest portion of the work...Since the substantive committees are where the great work is going to be done, don't you think it's unfair to force to have a person overwork himself on two committees and, therefore, not do an effective job on either one?

Mr. De Blieux Mr. Velazquez, I agree with you in that principle. I certainly don't want to see any delegate in this convention appointed to more committees can possibly serve on and do the job. That's why I had the limitation he could serve on only two committees of any kind. It wouldn't make any difference whether it's a procedural committee or what. It was a substantive committee--that he could not serve on more than two committees. But, so that the Committee on Committees could properly organize the committees, that they would be allowed to maybe appoint a very few delegates. They don't have to, but if they--in organizing these committees and getting the proper number of the committees, the number on each committee--they decide that they may have to appoint five or ten delegates or more than one committee, they would be able to do so. Under our present rules, as they are written now, they can't do that. As a result of that, you might find some of these committees being a whole lot smaller than what you want them to be, with a lot less representation on them from the areas which we are supposed to represent, if we're going to get representation from all over the state on the committees.

Mr. Velazquez Senator, I think that rules the representation in all the committees as they're already set up. I say, I wish I could go along with you on this, but I feel I'm going to have to go against it. Thank you anyway, though, for your explanation.

Mr. De Blieux Well, it's just something I think the Committee on Committees is going to have a problem whenever they start trying to fix it up; that's just pointed out to you for what it might be worth.
Committees will begin to appoint people based on the substance of this committee and reflect upon, if their participation on the Executive Committee, the Finance Committee, the Committee on Committees. Once they finished that, I would assume that most delegates will probably be assigned to two committees. Your language says very clearly that no person can serve on any more than any two committees which, in effect, means that the Committee on Committees is going to have a very serious problem in terms of manpower to one substantial committee. Here, let's take a hypothetical situation for let's say, Mr. Kean and Mr. Stagg, these would be excellent members on the Committee on Rules and Drafting. Here you would deny...this amendment would deny the convention their expertise in this area of style and drafting; I mean, is this the intent of your motion?

Mr. De Blieux Well, as I stated, probably if they want to be members of the executive Committee, and members of the substantive committees and members of the Committee on Rules and Drafting it will be because then they would be serving on three committees.

Mr. Cannon That's not my question. I'm talking about the Rules Committee which drew up the proposed set of rules, that's one committee, they serve on one substantial committee. Here, we would also deny the convention their expertise on such a committee such as Style and Drafting; I'm using these two examples, these two competent men.

Mr. De Blieux No, because the Committee on Rules would really...that's a temporary committee and would not have out of existence whenever we finished adopting the rules.

Mr. Anzalone Senator De Blieux, you have spoken for the possible difficulties that the Committee on Committees is going to have in the appointment of these delegates. Would you not think that it would be more proper that if the Committee on Committees should come up with this problem that it would be they who should come back to this convention with something that would resolve it, rather than us trying to resolve it here before the difficulty is actually presented?

Mr. De Blieux Mr. Anzalone, that's the very reason why I proposed this amendment at this particular time because whenever we get these rules adopted and we elect our officers, we are going to adjourn until July 9, 1973. There is no way that I know how to bring this convention back into being to change any rules until that date, and it will be entirely too late to re-form these committees after that time.

Mr. Florey Mr. De Blieux, I'm not clear on your amendment and I have two questions. One is a matter of mathematics, if the Committee on Committees decided that two committees...substantive committees needed thirty members on each committee and the rules already provide a minimum of ten members on each committee, if I figure it correctly, that means that the other six committees could have no more than twelve members per committee; is that correct?

Mr. De Blieux That's absolutely correct. That is one of the points I'm talking about.

Mr. Florey All right. Now, the second question. In your amendment, and I haven't seen it. Do you include in the not more than two committees the Executive Committee, the Committee on Committees, or the Coordinating Committee as a limitation insofar as allowing a delegate to serve on more than two committees?

Mr. De Blieux That's right. I included all the committees, all the committees of the convention, of course, this will not include the Rules Committee could take those out of existence whenever we finish adopting the rules. That's the reason for that because if you had more...if you only have two or three committees that have more than twenty members on it, you are not going to have...you are going to have other committees that are not going to have as many as ten on them sometimes; I just point that out to you now for what your...you all can handle it as you want.

Mr. Wonack Senator De Blieux, I'm trying to figure out what good it would do me to be on two committees, one of which in New Orleans this morning at 10:00 and one meeting in Baton Rouge at 10:00 this morning. Would not, that in effect, make it pretty hard some times to have a quorum on these committees?

Mr. De Blieux Mr. Wonack, this amendment will not force you to serve on two committees unless probably you wanted to serve on two committees. I don't think we would have that many. But, I don't think that somebody is going to have to serve on more than one committee in order to have the reasonable representation on all of these committees if you have any committee that has an excess of twenty members. I'm just trying to point that out to you from a mathematical standpoint. I have served on committees that don't have more than eight members on them.

Mr. Wonack Senator, I'm not going to get into mathematics because when you get into counting that high, you kind of leave me. But, isn't this the very same thing as one front door and this delegahion. They took out the side doors; it was brought back in at the side door and they threw it out at the back door?

Mr. De Blieux Mr. Wonack, Mr. Avant amendment. I thought, gave too much leeway; this one doesn't give that much leeway I think it will help the Committee on Committees, that is all.
Point of Order

Mr. Abraham. I just want to be sure that the way that this particular sentence would read...This rule would read now is that each delegate except the Convention Chairman shall serve on at least one, but not more than two substantive committees and may serve on no more than one procedural committee.

Mr. Leitham. Let me interrupt you there, Mr. Clerk, would you read it one more time please?

Mr. Poynter. That would be correct because of the previous amendment offered by Mr. Rosen and adopted by this convention today that additional language would follow.


Chairman Henry in the Chair

Point of Information

Mr. Weiss. I understand that the Chairman on one of the amendments was to call the first meeting of the Committee on Committees, was that under Rule No. 53; it was not reported by the Clerk?

Mr. Poynter. Correct as read, I believe.

Reading of the Rule

Mr. Poynter. "Rule No. 54. Coordinating Committee. The Coordinating Committee shall be composed of the Chairman and First Vice-Chairman of the Convention, and the 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 committee for the purpose of discussing any omissions, overlap and/or conflict which might arise and make recommendations to the respective substantive committees as to possible resolution thereof."

Explanations

Mr. Kean. Mr. Chairman, members of the convention, this Committee has been referred to as a "Traffic Cop Committee" and it would be designed to consider and resolve...or assist in resolving overlaps and conflicts. I believe Mr. Juneau has an amendment which he proposes to offer which would delete the word "omissions" in lines 17 and 21 so that Rule No. 54, as thus amended, would be more consistent with the provisions of [Rule No.] 49-B on page 15 in which same committee is authorized to assign material which has not been covered by the areas of responsibility under the respective substantive committee. It was the feeling of the Rules Committee that the "Traffic Cop Committee" would be essential to assist in ironing out overlaps and conflicts between and among the substantive committees to provide a means by which they could call joint meetings of those committees to discuss the issues. In general, to try to bring about an orderly consideration of the material assigned to each of the substantive committees. I move the adoption of the rule.

Mr. Bergeron. Mr. Chairman, delegations, Mr. Kean, on page 17, line 19 by the words "any subject matter," do the temporary rule Committee mean substantive committees or was it the intent of the temporary Rule Committee to allow the Coordinating Committee to consider subject matter pertaining to the procedural committees also?

Mr. Kean. No. As I appreciate the action of the Rules Committee with respect to the Coordinating Committees, the work of that committee related directly to the substantive committees in areas of responsibility assigned to those committees.

Amendments

Mr. Poynter. Amendments proposed by Mr. Juneau to the resolution.

Amendment No. 1. On page 17, line 17 after the word "regarding" and before the word "overlap" delete the word and punctuation "omissions."

Amendment No. 2—a is the same amendment. On page 17, line 21 deleting the word and punctuation "omissions."

Explanations

Mr. Juneau. Mr. Kean adequately covered the point. Mr. Chairman. Again, the only point is that it just resolves the conflict between the section we just previously passed. In that connection, I move for the adoption of the amendment.

Questions

Mr. Perez. Mr. Juneau, your suggested change gives me one problem and that is the question as who decides whether or not there is, in fact, an omission in the designation of the various categories in which the respective committees can undertake and write the provisions of the constitution? Does the Coordinating Committee decide or does the particular substantive committee decide whether there is, in fact, an omission?

Mr. Juneau. According to the language, Mr. Perez, that I think we have here on page 15, line 21 through line 23, it would be my interpretation that that would indicate that the Coordinating Committee would have the authority under that language to assign those areas not previously... or covered in the previous language.

Mr. Perez. Well, don't you think that that could create a dangerous precedent by giving the Coordinating Committee the determination over each of the various committees as to whether they may or may not take up a particular subject matter?

Mr. Juneau. I think if...we had this discussed at length, as you well know in the Rules Committee, I think we arrived at the conclusion. Again, we got to the problems of how much importance or emphasis you wanted to put on any particular committee. We decided to defuse some extent the responsibility of the Coordinating Committee, that does, not give them the power to take away from any particular group...consideration of any item. I would, therefore, think that the language would not preclude necessarily the consideration by any other committee of something even though it was assigned; I don't read it that way.

Mr. Perez. Well, don't you think if you omit these two words there is a possibility that these rules might be interpreted to give the Coordinating Committee the total authority over these other committees with respect to what their omissions may be and you might run into a difference of opinion between the particular substantive committee and the Coordinating Committee as to whether it is or is not, in fact, omitted?

Mr. Juneau. Well, my answer to that, Mr. Perez, is I think the greater danger is being in the obvious conflict that in Rule No. 54 if we leave it as it is now, that the only thing that
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the substantive committee on the one hand could do would be to recommend regarding omissions which would be, in my opinion, in direct contrast with what we have on page 15 which says, "they can assign those areas not covered." I don't know how else to resolve the problem.

Mr. Perez Well, my suggestion to you, sir, if you leave it like it is, we have solved the problem from the standpoint that the respective committees would not be precluded from taking up a matter if they felt it was within their jurisdiction. But, if you omit these words, there is a possibility of an interpretation that these particular committees may not be able to take up such matters as would be assigned by the Coordinating Committee to another committee.

Mr. Juneau I have no quarrel with the thrust of what you are saying, Mr. Perez. May be that might address itself to some other language. I see the point that you're making. I don't know if the animal may not be greater than the... or the problem greater that it started with. I personally don't view that as a problem. I just wanted to resolve the conflict which does exist.

Mr. Duval Mr. Juneau, don't you feel that the only way that really an omission would come up if there were no proposal, perhaps, covering some area in the constitution not covered in the committees and the titles on the committees? If there were a delegate proposal it had to be referred, wouldn't that be the way it would basically come up by a delegate proposal?

Mr. Juneau Basically, but I could conceive of an area that could come up, I'm sure there are thousands of them that we haven't listed here that could come up in committees but probably would come up in the delegate proposal. I want to emphasize and answer that question. The intent of the Rules Committee, and I know for me personally, was not to have anything really resting on the part of the Coordinating Committee; it was purely as a "Traffic Cop" to direct these things as a forum for discussion of these various items of committee and make an interpretation and subsequently in this convention to that regard.

Mr. Singleton Pat, could this thing be resolved by changing the word "recommendations" in line 22 to "assignments"?

Mr. Juneau I'll answer that question personally by an unequivocal note because what you have then done, if you do that language, you have created the most powerful committee in this convention. You have then determined that that very committee can shelf whatever it wants to shelf any particular piece of proposed legislation; this we discussed at length. My own personal theory was that the idea was to give it a forum so these people could discuss. Let's don't give them the authority to pull and take away, that was the thrust of why we didn't want to do that.

Mr. Burns As I read this Rule No. 54, Coordinating Committee, they have no actual power to do anything; do they?

Mr. Juneau That's right, sir; we just wanted to create a forum, that's correct.

Mr. Burns I noticed first that they "shall consider" and lower down in the article "recommend;" but, they have no power whatsoever.

Mr. Juneau That's correct, isn't it, Mr.

Kelly? That's correct, Mr. Burns.

[Previous question debated. Amendment adopted: revise page 17, line 15.]

Amendment

Mr. Poynter Amendment proposed by Mrs. Zervigon to the resolution as follows:

On page 17, beginning with line 13 and following through to line 16, delete the first sentence and substitute in lieu thereof the following:

"The Coordinating Committee shall be composed of the Chairman of the Convention, or in his absence a Vice-Chairman designated by him and the Chairmen and Vice-Chairmen of all substantive committees."

Explanation

Mrs. Zervigon I suggested this amendment in the Rules Committee when they were meeting. They had objection to it because they thought that it made the Coordinating Committee too large to be workable and that's the reason that I put language in here that meant that the Vice-Chairman of the Convention didn't have to attend every meeting of the Coordinating Committee. But, I did think it was important to open the Coordinating Committee to the chairman and vice-chairmen of all substantive committees for several reasons. In the first place, the thrust of many of our amendments to the rules and of the rules that we have adopted has been to open the convention floor participation by all. It seems to me that to have chairman and vice-chairman gives us a better chance of having representation of all different categories and geographic areas that are represented at this convention. In addition to that, it means that when the Coordinating Committee discusses and makes its recommendations considering assignment of subject matter, there will always be someone there from each substantive committee who has heard all the deliberations of the substantive committee as well as all the deliberations of the Coordinating Committee. Should the chairman of a substantive committee not be able to attend one of the Coordinating Committee meetings, his or her vice-chairman will have heard all of the deliberations of both committees and not need to be filled in on anything.

That's all I have to say, Mr. Chairman.

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

Amendment

Mr. Poynter Mr. Shannon sends up the following amendment:

Amendment No. 1. On page 17, line 15, immediately after the word "Chairmen" and before the words "of the" insert the words "and Vice-Chairmen."

Explanation

Mr. Shannon Mr. Chairman and fellow delegates, this amendment is very simple. It is in some ways like the one that we just defeated here, but I feel that we have been talking in the past here about representation, and I feel that this will give us more representation on this committee. This is a most important committee, and it will refer as committees those things that are not covered specifically in the outline as we have already approved. This would increase the committee from ten members to eighteen members. I believe in our past discussion here on previous committees that it came up on this floor, the fact that
six would be a quorum of this ten-man committee, ten-man or woman committee, and four people could direct anything. This would increase the committee to eighteen, which would require a quorum of ten people and would move up to where six: we would have the advantage of four or six people. The potential dangers there that things could be referred to other committees on a very minor vote. So, I ask your adoption of this amendment.

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

Mr. Poynter A single amendment proposed by Mr. Conroy as follows:

Amendment No. 1. On page 17, at the end of line 23, delete the period "," and insert the following: "and shall assure that each provision of the Constitution of 1921, as amended, shall have been considered by at least one substantive committee."

Explanation

Mr. Conroy Our ultimate purpose is to write a new constitution, but we cannot forget that we do have a constitution at the present time, and regardless of how some of us may feel about the manner in which that constitution is put together, everything in it was put there for some purpose, some of the people in this state, many of your constituents are concerned about preserving some of the rights and protections that exist in that constitution. The provisions that exist in that constitution were put there deliberately. They were put there either by a convention of this sort, or by a vote of the two-thirds of the legislature, and passed by a vote of the majority of the people. The purpose of this amendment is simply to make certain that somebody, namely, the Coordinating Committee, makes sure that everything in the present constitution is at least considered by, at least one substantive committee, and that something that's in there doesn't somehow drop through the slot.

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

Amendment

Mr. Poynter Amendment proposed by Mr. Bergeron to the resolution as follows:

Amendment No. 1. On page 17, line 9, immediately after the word "matter" and before the word "call" insert the following: "pertaining to substantive committees."

Explanation

Mr. Bergeron Mr. Chairman, delegates, before when I asked the question of Mr. Keen, if it was the job of the coordinating committee to consider issues only on the substantive committee he said that was correct. That was the intent of the Temporary Rules Committee. By inserting this I feel it would just clarify the issue and state clearly that the Coordinating Committee concerns issues pertaining to the substantive committees.

Questions

Mr. Perez It was impossible for me to understand the amendment because of the fact that the way the Clerks read the amendment was on line 9, and line 9 is in Rule 53, which has already been adopted.

Mr. Poynter Nineteen, Mr. Perez. If I said 9, I was incorrect.

Mr. Perez Could you give it to us again, then, please so we can know what it says?

Mr. Poynter Certainly.

On page 17, line 19, immediately after the word "matter" and before the word "call" insert the following: "pertaining to the substantive committees."
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may by a majority vote of its members have sub-committees? Wouldn't this solve the problem?

Mr. Dennery  Well, this was done merely to remove the conflict which apparently existed because this one limited it to substantive committee, this particular rule, 55; therefore, it was in conflict with the rule to which you referred, and I think this would clarify the conflict. Mr. Chairman, in view of Mr. Flory's question, may I withdraw that amendment and substitute another one?

Mr. Henry  You may withdraw your amendment at this time.

Amendment withdrawn.

Recess

[Quorum Call: 106 members present and a quorum.]

Personal Privilege

Mr. Womack  Mr. Chairman, fellow delegates, I would like to say that Mr. Riecke come up just a minute, if you please. Mr. Riecke, would you come up here?

Mr. Riecke  I just want to say that there was some question last night as to whether the delegates at this convention were intellectuals or nitwits. Since you voted the way I asked you to last night, I want you to know that I think you're all intellectuals. Thank you.

Mr. Henry  I think it should be pointed out that that is a flag of hunter orange, a color which is very close to the heart of Mr. Womack.

Amendment

Mr. Poynter  Amendment No. 1 [by Mr. J. Jackson]. On page 17, line 24, after the words "the convention" and before the word "shall" insert the following: ", by a majority vote of the delegates present in voting".

Explanation

Mr. J. Jackson  Mr. Chairman and fellow delegates, this is basically a technical amendment. In Rule No. 55 it provides that a majority vote of the creating body as it relates to subcommittees, although I think it's assumed that any additional committees would be created by a majority vote of the convention, I wanted to insert this for clarification.

[Previous Question ordered. Amendment read and adopted: Viva voce.]

Point of Order

Mr. Rayburn  Mr. Chairman, as I understood the amendment, that applies to all committees, and if you have a committee meeting that decided they wanted a subcommittee, would we have to call the entire membership of this convention back in order to get their approval?

Mr. Henry  It's the appreciation of the Chairman that that would not be necessary under the rules as amended, Senator. I don't believe that would be necessary under the rule as amended.

Mr. Rayburn  May I ask the Clerk to read it very slowly. If you remember in the beginning of the amendment, it applies to the convention, but it later specifies what the various committees can do by dividing into subcommittees.

Mr. Henry  We'll ask the Clerk, then, to reread it. The rule as amended.

Mr. Poynter  As amended by Mr. Jackson's amendment, Rule No. 55 would now read as follows: Rule No. 55. Other Committees. The Convention, by a majority vote of the delegates present and voting, shall have the authority to create other committees, including special advisory committees, as it deems necessary, and all substantive committees may create such subcommittees as each deems necessary, provided that all such substantive committees shall be created only by a majority vote of the creating body.

Mr. Henry  Senator, does that resolve your problem, answer your question? Why do you rise, Mr. Abraham? Read it again, Mr. Poynter.

Mr. Poynter  Well, it's all one sentence. Do you mean the last clause, Mr. Stagg, is that what I misread?

...provided that all such subcommittees shall be created only by a majority vote of the creating body.

Amendment

Mr. Poynter  Amendment No. 1 [by Mr. Flory and Mr. Avent]. On page 17, line 27, immediately after the portion of the word, "stantive" end the word "substantive" insert the words "and procedural".

Explanation

Mr. Flory  Mr. Chairman, delegates, as you recall, I questioned Mr. Dennery on his motion prior to lunch. It was my feeling at that time by taking out the word "substantive" you were getting back into an issue that had already been decided by the convention as a whole, and I didn't want to see any extended debate again on that particular issue. The reason I have included, I should say, instead of deleting the word "substantive" add the words "or procedural."

I do that for two reasons: one, not to get into the previous question already decided by this convention; secondly, that I don't believe that this convention ought to let the Committee on Committees divide into subcommittees because I think it was the sense of the creation of the Committee on Committees for broad representation as a deliberative group to come up with the committee appointments, the numbers on that committee, etc. By deleting "substantive" I think that's what you'd be doing also is allowing the Committee on Committees to dissolve into subcommittees. I ask for the adoption of the amendment.

Questions

Mr. Dennery  Mr. Flory, would you be satisfied if the word "advisory" were inserted between the words "such" and "subcommittees" on line 27 of page 17, and the deletion of the word "substantive" as I have originally suggested?
Mr. Flory. Mr. Denney, I would prefer what I have proposed here for the reasons that I have stated in that I would not want to see the Committee on Committees break down in to subcommittees, and I would prefer, for example, to take up the appointment of, let's say, the Committee on Bills of Rights, just as an example. I just think it would be better if we hold it to substantive or parochial...I mean, or procedural.

Mr. Stagg. Mr. Flory, if your amendment were adopted would that preclude the Executive Committee of the Senate from having, for instance, a subcommittee of six or eight people, charged with interviewing some of the hundreds of people who've applied for work to reduce it down to a usable number, to be considered by the whole Executive Committee, would your proposal prevent the Executive Committee of this convention from using a subcommittee for the purpose of interviewing applicants?

Mr. Flory. My amendment would not, Mr. Stagg, and particularly in light of the rule on page 20, Rule No. 6, where a committee by the affirmative vote of the majority of its members may provide for the appointment by the Committee Chairman of subcommittee composed of members of the committee. They could have those subcommittees, but I think they would have to come back to the overall Executive Committee for any final action. I do not believe that my amendment precludes advisory committees as such on the Executive Committee.

Mr. Stagg. Thank you very much.

[Amendment reread. Previous Question ordered. Amendment adopted: viva voce. Previous Question ordered on the Rule.]

Mr. Henry. You have the right to close, Mr. Kean, and would you yield to a question from Senator De Bieux?

Mr. Kean. Yes, sir.

Questions

Mr. De Bieux. Mr. Kean, I think this question was touched on before, but I'm not exactly clear about it. I notice at the end of the sentence, you use the words "creating body." Now, all of these committees are created by the convention itself. I'm just wondering whether or not that you could say that no subcommittee, even though the previous clause says that the substantive committee and the procedural committees may create subcommittees, then you go and say, "provided that all" and usually my interpretation of provided, takes care of this situation wherein it refers back. "Provided that all such subcommittees shall be created only by a majority vote of the creating body." Now, I think that possibly that word "body" may need clarification there as whether or not you're going to need the active support of the convention as to whether or not the committee itself can create it because as it stands right now, since all these committees are created by the convention itself, we might run into that question there as to whether or not a subcommittee can be created by anything other than the convention itself. I'd just like to have that stated clearly in the record as to how you mean that.

Mr. Kean. Mr. De Bieux, as I understand this rule, divided into two parts, separated by the comma after "proceedings." The first part is talking about the convention, and I think Mr. Jackson's amendment is clarified what it would take in order to create a special committee, advisory committee of the convention. The second part is talking about the right of substantive and procedural committees to create subcommittees, and I take the word "creating body" in the last part of the sentence to refer to such substantive or procedural committee as may be creating a subcommittee.

Mr. De Bieux. Now, I was...just like they asked, wouldn't it be much clearer to give the interpretation which you mean if we change the word "creating body" to "creating committee"?

Mr. Kean. In line with Mr. De Bieux's suggestion, I offer as a technical amendment the change of the word "body" in line 29.

Mr. Henry. Well, now, Mr. Kean, gentlemen, I'm not trying to be impossible, but we're to the point now that we all ought to begin learning--and Mr. Kean, I'm not criticizing you; I know you understand this--when we need to amend these bills or these resolutions we ought to try to begin to start using some form of procedure, because when we get here this summer, we're going to have to use procedure. Now, Mr. Kean...

Mr. Kean. I withdraw the amendment.

Mr. Henry. You understand, but let me explain this for the edification and enjoyment of maybe some of the other delegates who don't understand it. A gentleman has a right to present a motion, an amendment. That gentleman or lady has the right to explain what is in the proposal. We then allow a period of debate if the delegates want to debate it. The proposer, or the mover does not have the obligation to speak again and cannot be questioned at just your leisure. You understand this, please. The only time after the mover has explained the question that the mover can speak again is if the previous question has been moved. Then, the mover has the opportunity to close on the debate. Once he's closing, we cannot offer amendments. We cannot make technical amendments. We must proceed orderly. I know that this is all new to you, but we've gone through it and I would request that you give it your very particular attention.

Pardon me, Mr. Kean, for that little lecture. I know you understood it, though, and I'm doing it for your benefit.

Closing

[Rule adopted: viva voce.]

Reading of the Rule

Mr. Poynter. Rule No. 56. Proposals. The various articles of the proposed draft of a constitution shall be prepared under the direction and supervision of the respective substantive committees. The research staff shall be assigned to the respective committees by the Chairman of the convention after consultation with the chairman of the committee to which the staff will be assigned.

I have no amendments at this time to this rule, Mr. Chairman.

Explanation

Mr. Kean. Mr. Chairman, members of the convention, it was the considered opinion of the Rules Committee that the drafts or the proposals with respect to the various sections of the new constitution should be prepared under the direction and supervision of the respective substantive committees with the aid of an assigned staff, research staff, to each such substantive committee. It was the Rules Committee that this was essential insofar as the new constitution was concerned, and the work that would be required to bring it into
being. It is contrary to the assumption that the constitution, or the proposed constitution, would be drafted by our staff and then presented to us for consideration on July 5. The thrust of this proposal is that the substantivte committees will work between now and July 5 together with the research staff and with their assistants to bring about the proposals that would be presented to the convention in due course.

I move the adoption of the rule.

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

Reading of the Rule

Mr. Paynter "Rule No. 57. Quorum and Rules of Committees. A majority of any committee constitutes a quorum, but the question of the presence of a quorum of a committee may not be raised on the consideration of a proposal before the convention unless the question has been raised before the committee. The rules of the convention shall be observed in all committees as far as may be applicable, and if applicable, may not be suspended."

Mr. Henry Mr. Stagg, you have a technical amendment to offer?

Mr. Stagg Yes, Mr. Chairman, that in line 2 instead of just "committee hearings," the title properly ought to read "committee meetings and hearings."

[Technical Amendment adopted without objection.]

Amendment

Mr. Paynter The amendment [by Mr. Stagg] would read as follows: "On page 18, line 10, after the period ". add the following: "Any committee may adopt its own rules of procedure. No committee rule shall conflict with the rules of the convention, except that any committee may establish a different rule with respect to limits on debate."

Explanations

Mr. Stagg Mr. Chairman, in further rules that we will be getting to this afternoon, it is stated that all rules applicable to committees shall be applicable to subcommittees. It was felt that in our adoption of Rule No. 30, yesterday, we made a fifteen minute limit on statements and speeches, and that perhaps in the operation of the committee system that would be, perhaps, considered an inordinate amount of time for subcommittee hearings and subcommittee testimony and that if a conference wished to adopt a rule for lesser speech length, it would be in violation of the rules of the convention. Therefore, this rule was offered--this amendment was offered--in order to permit a committee or subcommittee to have a different rule on the limits of debate should it desire to do so. That's the purpose of the amendment.

[Amendment re-read. Previous Question ordered. Amendment adopted: viva voce.]

Amendments

Mr. Paynter Amendments sent up by Mr. Flory as follows:

On page 18, line 4, insert a period "." following the word "quorum" and delete the remainder of line 4.

Amendment No. 2. On page 18, delete lines 5 and 6 in their entirety.

Amendment No. 3. On page 18, line 7, delete the language "the question has been raised be-

fore the committee."

Explanations

Mr. Flory Mr. Chairman, delegates, I raise this question in the way of an amendment, and let me explain to you the problem, as I see it. I don't believe that this was the intent of the Rules Committee in any way, but there is a strong possibility that, let's say, that a committee had thirteen members; six people were present, which is not a quorum. The public was there to be heard, left because of the lack of a quorum, and then some action was taken by the committee, after that, in a minority. Unless someone was present at that moment and raised the question of a quorum, that question could not be raised any further down the road. In other words, it could come before this convention and have been reported by a minority of the committee and the question of a quorum present at the committee meeting could not be raised on the floor of the convention. I just suggest to you that we delete this language. I've discussed it with Mr. Stagg, and I don't intend to speak for him, but I do believe that he recognises that there is no possibility. I would ask that in your wisdom you consider the deletion of that language to prevent that from happening.

Questions

Mr. Stagg Mr. Flory, I believe that in your presentation of this amendment you suggested that it would be possible under ordinary proceedings before committees, as in the legislature that when the committee assembled according to its schedule and its notices, that not a quorum would be present. Do you consider that this amendment may possibly have committees that would operate without a quorum and do present to this floor matters adopted by less than a quorum when I think you yourself, proposed a rule earlier in these proceedings where every proposal from a committee have to be signed by at least a majority of that committee before it could come back to the convention?

Mr. Flory Let me take your question in parts, Mr. Stagg. First, I don't suggest that any delegate here would want to deal with the lack of a quorum present. That's not the purpose of my discussion at all. The amendment offered the other day that you refer to was for the introduction of committee proposals, that committee proposals would require the signatures of a majority of the committee members so that it would protect, when it reaches the floor of the convention, the views of the majority of that committee. I don't believe there's any contradiction.

Mr. Stagg Well, I can't see the distinction here that the presence of a quorum would not be... in other words, what we seek in this rule to do, Mr. Flory, is to cause the matters which are brought to the floor of the convention to be debatable upon their merits and not that the committee's action which sent it to the floor would be open to debate in the merits of the committee itself. In other words, this rule makes the lack of a quorum be brought up only in the presence of the committee at the committee hearing, else the work of the committee presented to the floor would not be open to that charge. I believe it to be a good rule.

Mr. Flory Mr. Stagg, perhaps we're not communicating; I thought we were. A committee, once it's heard a proposal, makes a recommendation to this convention for its action in the form of favorable, or unfavorable, without action with a recommendation. All I'm saying to you is that the question of a quorum
being present at the time that that decision was made we want to... I'm trying to assure the con-
vention that we will know that a quorum was pres-
ent, and that if we find out when the measure is
before us with a report favorably recommended
by that committee, and we find out when it hits
the floor that there was not a quorum, I think
any delegate here who has that knowledge ought
to be able to rise and say there was not a
quorum present when this was considered by
that committee and ask that it be recommitted
to that committee for consideration by a quorum
being present at that time. That's the
purpose of my discussion, solely. I have no
other motive in mind whatsoever.

Mr. Abraham Mr. Flory, this is primarily for
my education, but if I understand you correctly,
if there is not a quorum at a committee meeting,
do you mean that a member of the committee can-
not come back later before the committee and
say, "Look, you all took action at this last
meeting and there was not a quorum present," and
could not declare that action null and
void?

Mr. Flory If you leave the language in there,
that's exactly what it says.

Mr. Velazquez Mr. Flory, do you envision that
any committee of this convention would dare
take action before the public and before the
media without having a quorum present?

Mr. Flory Mr. Velazquez, I think I've already
answered that. I don't suggest that anyone
here would do it deliberately. I just know
from experience this has happened in legisla-
tive deliberative bodies where a quorum was
present on occasion and--let's say the thirteen
member committee; seven members were present--for
whatever reason, one of the members left
during the time of the discussion, action was
taken not realizing that a quorum did not exist
at that moment. I only say to you that if that
should be the case at a later time, you, as a
delegate, find that out, you ought to be able
to raise the question that a quorum was not
present when that issue was decided and ask
that it be recommitted for further discussion.
That's the sole purpose.

Mr. Velazquez Then, shouldn't you be making a
motion to the effect that a quorum call be made
prior to the action of the delegate rather than
the form that your present amendment is taking,
the complete deletion of this statement?

Mr. Flory No. I think there are further rules in
here, Mr. Velazquez, that require a majority
vote, once a quorum is present. That's no
problem as far as I'm concerned.

Mr. Velazquez Well, doesn't that answer that you
just gave take care of this problem without the
need for this amendment?

Mr. Flory Personally, I don't believe so.

Mr. Keen Mr. Flory, I just want to see if
we're thinking alike on this. It would be un-
usual if we did.

Mr. Flory I'm not opposed to it.

Mr. Keen Because I don't want to unduly com-
plieate the deliberations of the convention.
But, suppose we had a situation where a quorum
was present to start the committee meeting. Then,
some left so that at the time the committee con-
sidered the matter there was not a quorum pre-
sent. But, before that proposal was reported
to the convention, a majority of the committee
members signed that proposal, as your prior rule
would require them to do so. Under those cir-
cumstances, even with the majority of the com-
mittee members having signed the proposal, could
an objection be made on the floor that at the
time the proposal was considered by the commit-
tee a quorum was not present?

Mr. Flory No sir, Mr. Keen, I think there's
perhaps, some misunderstanding about the amend-
ment that was placed on earlier. It referred
solely to committee proposals. It did not
refer to committee actions. As you know from
your experience, "the round robin has been outlawed,"
so to speak, in our legislative body. It does
not refer... I do not believe that you could have
a quorum and a member leave and then a roll call
vote be taken and be less than a quorum present
and then report action on that. Now, if they
came back and there was a quorum present at
that time, certainly, they could do that. I
don't want to complicate the rules either. I
thought I was trying to clear it up.

Mr. Jenkins Mr. Flory, without your amendment,
Isn't it true that under this rule the very peo-
ple who might want to raise an objection, namely,
the absent committee members, would not be able
to object once the proposal came to the floor?

Mr. Flory Absolutely correct.

Mr. Schmitt Without this amendment, doesn't
this effectively allow a proxy voting for the per-
son who had left?

Mr. Flory No, sir, and if it does, I'll tell
you one thing, I'll pull it down real quick.

Mr. Schmitt No, I don't mean your amendment.
I mean the way it is right now.

Mr. Flory No. I don't believe that it recog-
nizes proxy voting.

Mr. Schmitt Well, if one person left, wouldn't
it be true if less than a majority voted on it
and yet a quorum is necessary, then wouldn't
that person be voting even though he wasn't
there? He'd have to sign it subsequently.

Mr. Flory Someone would. Let me place it... But
it in that... Well, it would be the secretary or
reported in that fashion, through error or
whatever.
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to the rules of that committee.

C. Committees and subcommittees may take testimony or present questions, and the
chairman of any committee or subcommittee is authorized to administer the oath."

Explanation

Mr. Stagg: Mr. Chairman, as a first matter, in
Subsection C, beginning on page 26, a matter of
style and a technical amendment. The other two
subsections have titles. We wish to suggest as
an amendment the word "Testimony" be inserted
after the letter "C" in order that this section
also will have a title, mainly that it is on the
subject of testimony.

[Technical Amendment adopted without
objection.]

Questions

Mr. Rayburn: Mr. Stagg, do the rules make any
provision for subpoenaing subcommittee
witnesses to appear before the various committees?

Mr. Stagg: No, Senator Rayburn, we did not
provide for subpoena power principally because
that power was not given to this convention in
the statute which brought it into existence.

Mr. Rayburn: If it does not prohibit a committee
from contacting some person that they might
like and ask them to appear before the committee?
I notice it only spells out those wishing to
appear. Suppose a committee would like for
someone to appear. Does it prohibit them from
asking them to appear?

Mr. Stagg: No, sir. I think everything in
the rules and the conversations that have
been met at this stand encourage a committee
chairman to bring to the committee all facets
of thought and belief on the subject matter
under discussion, and that all witnesses giving
or having valuable testimony to give would
be encouraged by the chairman to come and
present his views. I would hope that's the way
these committees would operate.

Mr. Fontenot: Mr. Stagg, there has been
previous discussion on considering recording verbatim
the proceedings of this...of the convention
and the committees. Now, I want to clear some-
thing up. If I'm on a substantive committee
and there's testimony being given and I
want recorded and maybe somebody else doesn't
want it recorded, the word here, "may be re-
corded verbatim," what was the intent of the
committee? Would you explain that? Who has the
final say-so whether something is going to be
recorded or not?

Mr. Stagg: I would think it would be the prov-
ince of the members of the committee or subcom-
mittee before which the testimony was being
given could, in advance of the meeting, by
arrangements with the members of the committee,
have a recording machine placed in the hall,
similar to the one we have at this side table
over here, so that a tape recording would be
available of what was said in the subcommittee
or the committee. If a delegate...if the com-
mittee did not choose to follow that procedure,
I don't think it would be amiss for the delegate
who wanted to do so to furnish his own machine.

Mr. Burns: Mr. Stagg, on line 18 it reads:
"All committees shall..." Don't you
think those first three..."shall" should be
eliminated--"All committees are hereby authorized
to..." That word being mandatory, it gives the
impression that these committees have to hold
public hearings whether it is the occasion or
not.

Mr. Stagg: Well, Mr. Burns, that's exactly
what the committee felt it was saying when it
drew that rule that way.

Mr. Burns: But, don't you think that it would
be a little clearer that "All committees are
hereby authorized to hold public hearings?"

Mr. Stagg: The rule directs the committees to
hold public hearings. It does not leave it dis-
cretionary with the committee.

Mr. Burns: In other words, even though there's no
necessity for a public hearing?

Mr. Stagg: That's correct, sir.

Mr. Burns: What would they take up if there was
not necessity for a public hearing for what purpose?

Mr. Stagg: The drawing of the constitution has
been said to be the most important work afoot
in this state at this time. As the committees
are appointed and go to work, it is the feeling
of the Rules Committee, and I think of the con-
vention, that the committees of this convention
will hold public hearings to get the public's
input into their committee sessions before they
do any extensive drafting of the constitution.
That's why we passed at a previous rule that
the committees and their research staffs would
work together before July 8. It was the feeling
of the Rules Committee, Mr. Burns, that the
only way the public is going to feel that it
had a part in writing this constitution would
be through the method of holding public hearings,
and these rules mandate that the committees
shall hold public hearings" to get the public's
views on everything that's in the committees
purview.

Mr. Burns: I'm whole-heartedly in accord with
that. Then, as I understand it, this has in mind
the holding of public hearings throughout the
state even before the proposals are worked up
by the research staff.

Mr. Stagg: Exactly.

Delegate Leithman in the Chair

Mr. Anzalone: Mr. Stagg, did you give us the
benefit of the thinking of the temporary Rule
Committee as regards the power of subpoena.
And, should this convention desire said power,
how would we go about getting it?

Mr. Stagg: The committee, when it got to this
portion of its work, looked to see if, perhaps,
the committees would have the power to subpoena
a witness, and we felt that if that power was not
specified in Act 2 of 1972, then, the Com-
mittee would be without power to do so. To
answer your question, it would be necessary that
the legislature, in its next session, consider
matters concerning perfecting Act 2 of 1973;
and, if the legislature, in its wisdom, thought
that the committees of the constitutional con-
vention should have subpoena power, then the
legislature would have to pass an act which
would permit us to do so.

Mr. Anzalone: Then, if we were to introduce a
proposal to the convention at this time, asking
that the rules that authorize said power, it would be something that would have to be
ratified by the legislature and, at the
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present time, be useless?

Mr. Stagg Yes, sir, it would. The better pro-
cedure, perhaps, would be to have the legislature
work its will on the question; and then, if per-
mitted by the legislature, that then when the con-
vention come back into session in July, the conven-
tion could then amend these rules by adopting the
subpoena power if the legislature sees fit to
furnish it.

Mr. Anzalone Thank you, sir.

Mr. Roy Mr. Stagg, I'm in favor of this rule, but I noticed under Rule No. 62 that we're talking
about public meetings, that the only way that the
public, actually, can be notified is if a person files
with the secretary a request that he be in-
formed. I'm worried about the public like you are,
and it just appears to me that we ought to maybe
have a quib that would be put in the local news-
paper or something like that. Wouldn't you agree?

Mr. Stagg Mr. Roy, I agree with you wholeheartedly,
and I note that, in the pending amendments to Rule
No. 60, there will be an amendment proposed by Mr.
De Blieux that the news media of the area where
the committee meeting is being held—the news media
of that area shall be notified of pendency of a com-
mittee meeting, and I believe that will cure it.

[Amendment adopted without objection.]

Amendment

Mr. Peynier Amendments proposed by Mr. Kean to
Committee Resolution No. 1 by Mr. Stagg:

Amendment No. 1...this actually affects two
rules, doesn't it, Mr. Kean?

Amendment No. 1. On page 18, line 15, delete the
word "meetings" and insert the words "meet-
ings and hearings".

Explanation

Mr. Kean Mr. Chairman, the language on page 15
originally read "all committee hearings shall be
publicized, shall be open to the public," etc. In
our earlier discussion, it was brought out that we
wanted not only the hearings, but the meetings,
to be publicized and open to the public, and this
amendment would provide for that and is in keeping
with the amendment that we made to the subtitle
on line 2, which now reads "committee meetings and
hearings." That does not affect the right that we
gave the Executive Committee to consider personnel
matters in session, so if they desired to
so in their discretion, because, if you recall,
the language with respect to the Executive Committee
said that any other provision of the rules to the
contrary notwithstanding, so that this requirement
with respect to "all committee meetings and hearings
shall be publicized and shall be open to the public"
would apply to all other committees, other than the
Executive Committee acting under the specific au-
thority in personnel matters.

[Previous question ordered. Amendment
readed.]

Mr. Peynier On page 18, line 15...Correct the
amendment to delete the word "hearings" rather than the
word "meetings".

Now, on page 18, line 15, delete the word "hear-
ings"—rather that the word "meetings"—and insert
the words "meetings and hearings".

[Amendment adopted: viva voce.]

Chairman Henry in the Chair

Amendment

Mr. Peynier Amendment proposed by Ms. Zervigon:

On page 18, after line 28 and before line 29,
add the following: "D. Any person not a delegate
appearing before a committee or subcommittee shall
identify himself by name and address and shall
state whether or not he is representing any other
person or interest."

Mr. Henry Is it "himself" in Ms. Zervigon's
amendment?

Ms. Zervigon That's a misprint. It should be
"himself or herself."

Explanation

Mr. Zervigon I think the amendment is self-ex-
planatory. I think it's just easier for us when we're
sitting in this committee to know exactly to whom we are
listening and whether this person is speaking for a group of people or only for him or
herself.

Further Discussion

Mr. Hernandez Mr. Chairman and ladies and gentle-
men of this convention, I rise in support of this
amendment. Like so many others have stated, I
think the Rules Committee has done a most commend-
able job on these rules, and I think this Rule No.
58 is no exception to that. However, I think a
good rule can be improved some by assuring the
members of these committees that they will know
what is appearing before this committee and what
connection he has; and they can determine whether or
not, by these questions, that this person is know-
ledgeable on the subject. They have a right to know
that; they have a right to know whether or not his testimony can influence their judgment. I
urge you to consider this amendment.

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

Amendments

Mr. Peynier Amendments proposed by Mr. Champagne
to the resolution:

On page 18, line 18, immediately after the
period "," and before the word "All" insert the
following: "It shall be the responsibility of these
committees to translate to the English language all
expressions of fact made other than in the
English language at no additional cost to the
convention."

Amendment No. 2. On page 18, line 22, at the
end of the line, add the following: "This shall
not be interpreted as to prevent a dele-ate from
meeting with his district at no additional cost
to the convention. Mr. Chairman, the expression of
speaking and expressing views or opinions of any
portion of the constitution."

Explanation

Mr. Champagne There's a typographical error on
Amendment No. 2. That's "meeting within his dis-
trict." I have--and, perhaps, you have in your
district—many people who, because of reasons
within or beyond their control, are not fluent
in the English language. I have in my district
many French-speaking people and some Italians who
speak very little English. Since we are selling
this constitution to the people, I don't want to
miss one het and secondly the feel that, though they
may not exercise this privilege, that they are
free and welcome indeed to come before these hear-
ings and to express fluently, in their own language,
their wishes because it's needless for me to point
out to you they most certainly will vote on the
issue, and we want to have all the friends we
can voting on this new constitution. "At no addi-
tional cost to the convention"—I simply add that
so that no free spender comes along and says, "Now,
we need an interpreter. On the second amendment,
I want to give you an example to illustrate my
point: Just this last Saturday, we had an election in
St. Landry Parish in which many of the local or-
izations endorsed three proposals for a new
law. It was endorsed by many of the bodies of
the parish, including the police jury—and whatever
you have. The things were certainly needed; the
improvements were needed; but, on Saturday, they were defeated 3-1, or two-to-one, and somewhere in between. So, obviously, we hadn't reached all the people and convinced them. If you think— or, if I think—that we are going to have some few hearings within the state or any hearings at all in larger places—and we shall have, in most cases, those same people who supported this tax coming up here, in any kind of a hearing, we should have this constitution and sell it to the people, this is beyond our understanding. If we are to sell this constitution to the people, it must be done at a grass roots level because there simply are not enough intellectuals in this state to adopt a new constitution. Those are the people who we must sell this thing to, in every barbershop, every bar, every store, everywhere. That men and women and children will listen to us to understand why we need a new constitution. We must make a concerted effort to convey to these people that, if Louisiana is to progress as it should—if we, as men, women, and children, are to blossom to our full anticipation of greatness—that there is something in it. I am saying that the state must sell it not as something for a small group of people, but you must convince these people at the grass roots level that, indeed, if they do this profoundly, this is the way to do it, and we shall have more a reason and an explanation why these people are included in this voting for this constitution. I am sure that all of you here were deputized that you would not be here if you were not interested in a new constitution. I simply point this out and put it and emphasize it just a little more because I feel that is necessary, to convince all people, that we must show an interest in their adoption of this constitution, and I urge you to support these amendments.

Questions

Mr. Shannon Mr. Champagne, if I understand your proposal correctly, you are advocating—that cannot speak English—that it will be interpreted, and they pay for this themselves?

Mr. Champagne No, sir. If I'm on that committee, I'll take care of that, sir. There'll be people on these committees that'll take care of that. We will have the state pay for it. I'm saying that the people on these committees will take care of it; or, if these people wish to speak, then they would come forth, and we will have these interpreters—it will be their responsibilities to get someone who will explain their views to the committee, if he wants to be recorded in other words, if they wish it to be recorded.

Mr. Shannon Are these their voters, talking about?

Mr. Champagne They most certainly are, sir. You don't have to read and write, in this state, to vote.

Mr. Shannon But, you want someone to pay to interpret their views?

Mr. Champagne I don't want anybody to pay, sir. I say that nobody pays to interpret their views. I just say that it's the responsibility of the committee to arrange for the interpretation of this, said, in talking about it to a person who had written the constitution, that this is normal, that, in other words, in a court, if the person doesn't understand English, the judge does the interpretation for him. I don't think any of these people will come in great numbers, but it's simply a question that as we were pointed out by Mr. Triche—Mr. Triche, we are politicians, and, if you're a politician selling this thing, you want to be sure that you don't leave any possibilities of anybody saying the big shots wet, and they didn't include me.

Mr. Shannon I understand that, but the point I'm trying to make is: Are we going to have an interpreter on every committee, whereas it would not cost the state or someone else some money?

Mr. Champagne I specifically put that in there—that an interpreter was not necessary; that I feel that in localities in which people speak Italian—for instance, in one section of my district that I have to deal with or speaks it fluently, and I'll arrange for that if I was there or, if not, be available and will interpret the views of these people. He'll gladly do this because he is also a politician.

Mrs. Warren Mr. Chairman and members of the delegation, on page 35, administrative details. ’We're talking about the state, and now I'm thinking about a little story, once, said: 'Well, who is the state? Who is Uncle Sam?' We are Uncle Sam, or we are the State of Louisiana. Since we have an executive board, I feel that the executive board should take care of having these people—interpret their language so we can understand what they mean. After all, they're citizens of Louisiana, too. I think the executive board should take care of that in their administrative staff. Do you feel that way?

Mr. Champagne I really have no argument on that point. The point that I was trying to bring out is that I was very concerned for the people, because I had many of them vote for me, and that's why I'm here—because they sent me. The thing is I don't feel that, necessarily, you have to have people pay for interpreters because in very few instances you're going to have to have this happen. I just wanted to save the state some money, I think, and say that we wouldn't arrange it—the committee would arrange it. I feel that, if it becomes a problem, that we can take it up with the Executive Committee, and they'll be liberal enough to take it if it is necessary to want to raise the question. In other words, I am in favor of labor, ladies and gentlemen, and I don't want to raise the question of cutting some- thing out of the job, but all he says is that didn't know that I was going to create this problem, but I want to take care of those people, very definitely.

Mr. Hayes Mr. Champagne, do you think we have enough French-speaking people to have extra copies of the constitution reproduced for your section, in particular?

Mr. Champagne I don't think so, Mr. Hayes. I think that most of the time I'm concerned about friends who can read the English language, and they'd be glad to interpret it. I don't think they want to get too involved, but I can give you an example, for instance, that many, many, many of these people...and since I ran for office, I'm concerned, for instance, that every elector in this state be given a number from here on out because I had too many people complain, 'I just can't read that name'—if you had a number. So, this is the kind of things that I want to give them the opportunity if they want to express themselves, to come forth and express themselves.

Mr. Hayes Mr. Champagne, why is it you want the people to pay for this material and not the state?

Mr. Champagne No, I don't want the people to pay for it.

Mr. Hayes Why is it you want the state to... I mean...you said you wanted to pay for it yourself. Why?

Mr. Champagne Well, really, it doesn't matter to me, except that I think this will be very limited, there will be very few of them. In other words, I was simply saying: not those people, but the committee as a group. In other words, if this committee appears anywhere in St.
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Landry Parish or neighborhood, I'd be glad to act as their interpreter. You see?

Mr. Hayes Well, don't you think it would be better to put it in a language that they can read themselves?

Mr. Champagne I don't think these people are capable of reading the French language. They're only capable of speaking it.

Mr. Hayes Well, isn't it true that you have people who can't even read the English language, or any kind of language as far as that's concerned?

Mr. Champagne Well, that's true.

Mr. Velazquez Mr. Champagne, I'm substantially in agreement with you. My only problem is one of mechanism. Would you consider withdrawing your amendment and, when we get to No. 62, try to do it in the form of differences in languages in committee meetings, using other media other than the English language media? Could you make your proposal that way instead of this particular way, which doesn't seem to be structuring us as far as getting a supply of free interpreters?

Mr. Champagne Well, sir, I thought at the time this was the right place to put it, and I would like to let it stand here. I think that, in other words, this is the place for it. I think that this is the point because I just wanted to get this before the convention. It was probably the last opportunity I had to express the need for us to get to the grass roots of the people.

Mr. Arnette Mr. Champagne, wouldn't it be a little bit better, possibly, if these people that want to present their views—and I have a great portion of French-speaking people in my area also—would it possibly be better if they would supply their own interpreter, and this would solve quite a few problems. Say, if, besides French, some Italians or any other group of people that don't speak the English language would supply their own interpreter, wouldn't this possibly be better?

Mr. Champagne Really, I'm sure they would be willing to. The main thing I wanted to get to them is I don't want to have them feel left out. I heard so many times, in the case of businesses, they think they're going to push someone on us in that center or this center, or that; but they want to remember that I'm going to vote when I get home.

Further Discussion

Mr. Kean Mr. Chairman, members of the convention, I'm in accord with the intent of Mr. Champagne's amendment, but the thing that disturbs me is, the way it reads, it says: "It shall be the responsibility of these committees to translate to English all expressions of fact made other than in the English language at no additional cost to the convention." As I read this, we're putting a responsibility on the committee that affords them no means by which they can discharge this responsibility. I don't have any objection to the basic intent that he has of giving these persons an opportunity to appear and have their langue or their facts translated, but to leave it this way is to put a responsibility on the committees that they have no way of discharging. I think, as written, it's not a good amendment. It might be possible to withdraw it and take it up later and give some thought to a better way of expressing it, but the way it's written, it just puts an impossible task on the committees and makes it their responsibility with no means of doing it. As it stands, I think I would object to it in the form in which it's written.

Mr. Toovall Mr. Kean, isn't it true that any committee would be able to do the thing that Mr. Champagne wants accomplished here, even though it were not written into the rules of procedure?

Mr. Kean It would certainly be my understanding that a committee could do that and would have a right to apply to the Executive Committee for funds with which to employ an interpreter. But, as I read the amendment, it would say that it's "at no additional cost to the convention," so you don't even have the opportunity to do that under this amendment.

Mr. Stovall Isn't it the purpose of rules of procedure to lay down guidelines, rather than to give complete details as to how everything shall be accomplished?

Mr. Kean That's my understanding of the rules, and that was the guideline that the Rules Committee used in discussing it.

Mr. Stovall Should we not then proceed, recognizing that these committees and other groups will have the reasonable approach to take care of situations like Mr. Champagne is trying to accomplish here, rather than trying to detail every item?

Mr. Kean I would like to see us do that very much, Reverend Stovall.

[Prev. Questions ordered.]

Closing

Mr. Champagne I just want to straighten out one little thing. Reverend Stovall said—and I agree with him—that in most instances—in fact, many, many times I've been up here—and let's not spell it out, and so forth and so on, but I thought that this was the law in Florida. Since I had heard so much expressions, so much concern of being on this committee or on this committee and this committee and how many we can get in there, it occurred to me, primarily, that many of us were losing sight of the fact that we were indeed forgetting the people back home that sent us here to write this constitution. It was just one means of refreshing our memory that that is the purpose we're here. Now, I didn't want to make a big deal over this "at no additional cost," etc. I'm conservative of our amendment and I think it's coming out of the issue, but I think that it's worthwhile; I think that, if you vote for this thing, you're simply putting a few more words; and I think that I'm entitled to a dollar and a dime of the state's money to speak just a little longer for all of those many, many people sitting out there who sent you and I as delegates to this convention. Thank you.

Questions

Mr. Arnette I'd just like to make this quick, and maybe this could solve a few problems. In the same place of your amendment, would you be willing, possibly, to withdraw your amendment and change it to the following language: "Anyone wishing to be heard in a language other than the English language shall supply his own interpreter"?

Mr. Champagne I don't think so. Let's vote on this one, and then let's make another one. It won't hurt me if you kill it.

[Prev. Questions ordered.]

Amendment

Mr. Faynter Amendment proposed by Mr. Schatz to the resolution as follows: Amendment No. 1. Amendment No. 1. On May 18, line 16, delete the word "may be recorded verbatim and insert in lieu thereof the following: shall keep a sound recording and may keep a verbatim written record."
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Explanation

Mr. Schmitt: This amendment requires a tape recording of all meetings and hearings, and the cost of these tape recordings will be quite minimal when compared to the costs of the salaries of the members of the committee meetings at that time. The cost could, perhaps, run a dollar or two dollars per hour, which would be quite miniscule. Secondly, it allows the committees to review testimony of subcommittees and, also, allows them to hear the testimony as spoken by the witnesses at that time. The cost of this is not as great as some one else's interpretation of that testimony. Third, it allows many members of the convention to review the testimony of experts who have spoken before any committee or subcommittee. Fourth, it provides a source of materials for research of any issue by the convention at some later time and, if necessary, can be transcribed in written form at some future point in time.

I feel that the cost of this will be very small. The amount of benefit will be very large. Mr. McNulty: I wish you would stipulate in which we attempted to learn what the convention business was going to be all about, out of his own personal expense, maintained a tape recording of all sessions. The cost of this is extremely small, but the benefit to us during our sessions beginning in July and subsequent to that would be astronomical. Assuming that there was an expert witness who spoke upon an area which was of some importance, that information would be lost to the convention unless it was in some form of a permanent form. That this be kept in the form of tapes. I'm also suggesting that the committees and subcommittees have the right to keep a verbatim record which is presently allowed under the rule as it is presently stated.

Further Discussion

Mr. Burns: Mr. Chairman, ladies and gentlemen of the convention, I rise to oppose this amendment. As you recall, I think on yesterday, when we debated this very issue at length and it was during that discussion that it was distinctly understood, and I'm sure it was on the basis of eliminating the committee meetings and subcommittee meetings from the requirement that the proceedings be recorded and preserved verbatim, that that amendment passed by a very narrow vote. Now, I don't know whether you realize it or not, as to the magnitude of the cost, I would assume that committees going around the state and possibly many subcommittees growing out of that eight committees going around the state holding public hearings and taking testimony and witnesses, if we are going to bring that back in and provide that all of those hearings be recorded verbatim, the cost would just be unbearable. I certainly hope that the delegates to this convention will stand by their vote of yesterday and just confine the recordings and the preservation of the proceedings and testimony of this convention to the convention meetings itself and not add the additional requirement, and more cost than I would say recording the proceedings of the convention itself would be caused by the amendment that is now before the convention.

Further Discussion

Mr. Burson: I want to speak against the amendment. It's been observed that if this country perishes, it will perish not from defeat by an enemy on the field of battle but because we will be buried in paper. I think that this is what is anticipated in this amendment. If we record verbatim every statement of everyone that appears before every one of our eight committees, then certainly we will be setting up a situation where we will have to record the countless sets of sound recordings with a mike for each committee member and a mike for each witness to speak into and supposedly a secretary to type up the results of all of this. Now, I realize that he says, keep a verbatim recording of everything kept a verbatim record. The rule as it's proposed leaves the question open that you can record what you think is worth recording and, what may not be worth recording, you don't have to record anything at all. The purpose of the committee system is to separate and divide the labors of this convention. I don't want to go back and review everything that everyone else on all of the other seven committees had to hear to arrive at the committee reports that they will give to this convention. Someone else's testimony.

The question is, what ultimate value would this verbatim recording be? It can't be used as evidence in court because it's of no ultimate import. For instance, if somebody comes before the Committee on Education and says that they think that we ought to abolish two or three state universities, and the committee rejects this, and it never comes to the floor of the convention, so even though the person that proposes this might have a nice eight or nine page prepared statement to show why we ought to do it, wouldn't it be a great waste of the taxpayers money and a great waste of time on the part of secretarial help and even a great waste of some tape recordings going down? There is no reason to preserve that kind of information that's superfluous and unnecessary.

Closing

Mr. Schmitt: The cost of the recording equipment and so forth when amortized over the number of hours in which it was used would not be that large. I do feel that it would be very important that we have the right to go back and to review certain testimony. Perhaps, those who are sitting on the committee at the time when they are hearing the testimony might not be interested in those particular points. They might not feel that those are relevant to the issues or germane to their subject area. But, perhaps, there is someone else who's been denied the right to be on that committee who might feel differently. Why can't he call upon this body of information? Why can't he utilize those sources of information to help prepare his position? I don't believe that anyone's views should be excluded. I don't think that the costs are going to astronomical, as others have said. If you take one piece of tape recording, the cost of your tape might run six dollars; you might have heard forty or fifty people speak on that time. As anyone who is familiar with this type of equipment knows, can be worked off as to what section this person has spoken on and it can be easily gotten to by anyone who's interested in what that person has said. This information will be very vital. I believe we will save the time of the convention as a whole if it is preserved. I move for its adoption.

Amendment rejected by voice vote.

Amendment

Mr. Pointer: Amendment No. 1 [as printed].

On page 18, line 17, after the word and punctuation "heard," and before the word "minutes" insert the following:

"Anyone wishing to be heard in a language other than the English language shall supply his own interpreter.

Explanation

Mr. Arnette: This is basically the same thing that Mr. Champagne offered a while ago. But, I think it's phrased a little bit better and doesn't put the burden on the convention or the interpreter. I also agree that we need to make it clear that people are welcome to be heard in an language other than the English language and it
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Mr. Poynter 

Amendment No. 1 [by Mr. Roy]. On Page 18, Line 17, immediately after the word "heard," and before the word "Minutes," insert the following: "Provided, however, that any delegate shall have the right to have his views recorded."

Explaination

Mr. Roy: This just clearly allows you as a delegate on a committee to have your views on any matter before it recorded without having to get a majority of the committee agree to it. It goes not further than the recodardation; there is no problem about having to transcribe to think it may be essential in a few cases and maybe that you may have some people who have seen you about a particular matter and that you may want to be able to show them at a later time that you, in fact, brought up that problem, that you expressed yourself, and it may be interesting to other people anyway. So, that's all it is for.

Questions

Mr. Avant: Mr. Roy, is it the intent of your amendment that the committee shall have the responsibility of supplying the recording equipment so that any delegate who speaks may be recorded or is it the intent that the delegate if he wishes to be recorded has the responsibility of seeing to it that there is something there to record it?

Mr. Roy: Well, that's a pretty tough question, Jack. I read Rule No. 58, generally, and it can mean that apparently the committee will have available recording equipment because it provides that the committee may do so on its own. I don't think the delegate should have to supply it, but if he would, if it takes that, I think that a person ought to be able to stand on what he believes and have it recorded if he chooses, and that's all it's for.

Mr. Avant: Well, I know I have asked that question, it says that they "may be recorded verbatim," and a particular committee may decide that they don't want to do that and they are not going to have any facilities to record it. Is it your intention that then, under those circumstances, you could bring your own?

Mr. Roy: Yes.

Mr. Avant: But, it's not your intent to require the committee to supply the recording equipment for you?

Mr. Poynter: Wait a second. No, I have to take that back. I'm assuming that since this rule reads like it does that each committee will have recording equipment; am I wrong on that?

Mr. Avant: Well, how...

Mr. Henry: Wait just a minute, gentlemen.

Mr. Roy, you are in the process—you have the floor and you answer the questions; please, don't ask any.

Mr. Roy: My answer to that is that I believe the committee...each committee should have recording equipment because it's nonsensical to have Rule No. 58 if, at the time a majority of the committee says they want this committee hearing recorded, somebody says "Well, we don't have recording equipment." It doesn't make any sense. So I think that the sense of Rule No. 58 is that each committee will have recording equipment and any one delegate will have the right to have his views recorded for whatever reason he chooses.

Mr. Avant: I see. So, it's your interpretation of that sentence in Rule No. 58 "All committee meetings and hearings shall be publicized, shall be open to the public and may be recorded verbatim" is a mandate to every committee to have the equip-
Mr. Roy  Should a delegate want it or should the majority of the committee vote to record the entire proceedings.

Mr. Kelly  Chris, I think I understand your...the purpose of this amendment. But, however, if I understand the rules completely, it says "Minutes of the committee meetings shall be recorded."

Now, if you want a particular position shown by yourself within that committee hearing or meeting, could you not just have an entry of your feelings which would also give you a permanent record at that time in proceeding?

Mr. Roy  I don't know the answer to that; maybe some other person does. I thought of minutes as being that the secretary of the committee would subsequently write or record what occurred that day. Now, if it can be done like that, that's fine. All I'm wanting is the right of the delegate to be able to have his views recorded. If you want to call it a minute entry and have it done that way, that's fine with me. I just want...but the rest of the content doesn't indicate that. It looks like that the only way you can have anything recorded verbatim is a majority of the committee votes to do so. I'm just worried about whether your suggestion would work. If it works, it's fine. I just think we ought to be in a position to be able to defend what position we took either for ourselves or for somebody else, some special interest group that wanted something brought up and wanted to know how you voted on it, what you said about it.

Mr. Stagg  Mr. Roy, I don't think too highly of your amendment right. I'm asking you, if you feel very strongly that the views you have brought to that committee should be recorded somewhere, why is it that you could not hand to the chairman of the committee a typed out text of your remarks fully documented and ask that committee chairman to have your remarks placed in the minutes of the committee? Theonus would then be upon you to go to the trouble to have your statement typed up and presented to the committee in that orderly fashion.

Mr. Roy  Well, I think that begs the question. There would be a lot of times that something that I would think and write about prior to attending the committee meeting would not be a result of questions and things that were brought up. I'm going to be...when I express myself at a committee meeting, I want that expression at that time to be able to be recorded and not requiring that I may have typed up that may not be relevant at the time. I don't think we, as delegates, should have the onus of going to so much trouble to get our views expressed. I don't see where it can amount to much in money or anything else to say "Flick on the recorder, I want to..." Well, I've answered Mr. Stagg's question. 'I don't think that we, as delegates, should have the onus of going around and typing up a bunch of stuff; some people don't have secretaries, and I don't see the utility in that.

[Previous question ordered. Amendment rejected: viva voce. Previous question ordered on the Rule.]

Mr. Henry  You have the right to close, Mr. Stagg.

Mr. Stagg  Would you yield to a question from Reverend Landrum?

Mr. Stagg  Yes, sir, Mr. Chairman, I will.

Questions

Mr. Landrum  Tell me something. Do you think, to the best of your knowledge, that there are citizens and there are people in the State of Louisiana that do not understand the English language? What I want to know from you: In the best of your ability, are there people in Louisiana that do not understand the English language when it is heard?

Mr. Stagg  Yes, sir. There are people in Louisiana who native tongue is other than English.

Mr. Landrum  And they are citizens of this state?

Mr. Stagg  That is correct, sir.

Mr. Landrum  Now, don't you think as taxing people in the State of Louisiana, then they should have a right to know what is in their constitution?

Mr. Stagg  Yes, sir, I do think that.

Mr. Landrum  Well, why is it that you find... Mr. Stagg  I have no proposed any such amendment, Reverend Landrum. There were gentlemen here who proposed such amendments and they were resoundingly defeated on the floor, I did not take the floor to object to them; I don't think I can be called upon to answer your question since I'm not responsible for the votes of this body.

[Rule adopted: viva voce.]

Reading of the Rule

Mr. Poynter  "Rule No. 55. Calling of Committees and Agenda. Each committee shall meet at the call of its chairman, who shall also set its agenda. One-third of the members of a committee may in writing request the chairman to call a meeting of that committee, and, upon his failure to do so within forty-eight hours not including Saturdays, Sundays, and legal holidays, a majority of the members of the committee shall have the right to call a meeting of the committee and set its agenda and place of meeting under the appropriate notice requirements. Each proposal referred to a committee must appear on the committee's agenda at least once."

Explanation

Mr. Stagg  Mr. Chairman, the purpose of this rule is simply to further the work of this convention. If members of the committee think that a meeting is required under any circumstances and the chairman does not agree that a meeting is required or necessary, then members of the committee itself may after having requested the chairman to call it, if he does not do so, then the members of the committee can call the committee into hearing...into session over the opposition of its chairman.

Amendment

Mr. Poynter  Amendment proposed by Mr. Avant to the resolution as follows: Amendment No. 1. On page 16, line 31, following the word "agenda" delete the period . and insert the following: "; subject to the approval of a majority of the committee."

Explanation

Mr. Avant  The purpose of...Mr. Chairman and fellow delegates, the purpose of this amendment is to give a majority of the committee control over the agenda. Now, the way I read this rule, if the chairman set an agenda and it wasn't agreeable with the majority of the committee, there is nothing they could do about it. Furthermore, if he didn't call a meeting and he didn't call the meeting, that then they can call it and set the agenda. The purpose of this amendment is to simply give
the majority of the committee control over the agenda if the chairman is not operating the committee, as to its agenda, in accordance with the wishes of the majority of the committee.

Reading of the Rule

Mr. Poynter "Rule No. 60. Reports. All proposals submitted to a substantive committee shall be reported from the committee indicating committee action provided that a majority of the committee membership present and voting must approve the committee report; a minority report may also be made by any member of a substantive committee."

Explanation

Mr. Stagg Mr. Chairman, I think the rule is self-explanatory; I move its adoption.

Amendments

Mr. Poynter Amendment as follows: [Amendment No. 1 [by Mr. Flory]. On page 19, line 6, after the word "substantive" add the words "or procedural"]

Amendment No. 2. On page 19, between lines 10 and 11, add the following: "No resolution, petition, memorial or proposal shall be reported by a committee unless a public hearing on the measure first has been held by the committee. No committee shall report a measure to the Convention pursuant to a procedure, referred to as a "round robin."

Explanation

Mr. Flory Mr. Chairman and delegates, you will recall on two different occasions upon amendments that have been adopted, the question has arisen whether or not the mere signature of a majority of the committee would constitute that committee's report. There was some confusion as to whether or not the prior amendment adopted referred only to committee proposals as such, which I'm sure that it did. But, I was asked by a number of you to clarify the point as far as "round robins" are concerned. Those of you familiar with the legislative process, this has been taken word for word, and adapted to the Constitution, from the rules of the Senate. What it does is basically this: Many times in the past it's been possible toward the end of a session to come down and circularize a petition to the committee just asking them to sign that, reporting a measure out favorably; it's been done and it's been called a "round robin." This prohibits that and just says that you have to have a public hearing and that "round robins" are prohibited. I don't believe there is any objection to it.

Questions

Mr. Burson Do I understand you to mean that each and every constitutional provision, section, or article that would come out of a committee would have to have a separate public hearing thereon, giving, for example, that we shall have a governor heading the Executive Department? Is that really necessary?

Mr. Flory Mr. Burson, it is my understanding that the purpose of the convention was to let the public participate in a drafting of the new constitution, and I believe it's provided that for public hearings that all committee meetings shall be open to the public, etc. Yes, I would say that every measure heard by a substantive hearing procedure which is committee and Convention floor would have to have a public hearing.

[i think that's inherent in the rules, so] the way through.

Mr. Burson You're saying "public hearing" as distinguished from "public committee meeting" for consideration.

Mr. Flory No. That's one and the same thing. The hearing constitutes the meeting because you have to have the quorum before you can have the hearing.

Mr. Burson What I want to understand is that you're saying you've got to have a hearing where you take testimony on that particular item as distinguished from just a public committee meeting where maybe nobody wants to give testimony on it. That's what I'm trying to find out.

Mr. Flory No, sir. All this says is that if a committee's considering a proposal, the public has the right to be heard. They don't have to be heard if no one appears. But, if they have the hearing, the public has a right to be heard.

Mr. Burson That's what I wanted to know.

Reading of the Rule

Mr. Poynter Rule No. 61. Form of Reports. The chairman of a substantive committee shall write after each proposal or resolution only the words "reported favorably," "reported unfavorably," "reported with amendments," "reported without action," "reported without action with recommendation that it be referred to a committee," "reported by substitute," as the case may be, which report shall be signed by the chairman. Should amendments be proposed, such amendment or amendments shall be written on a separate paper, original and two copies, numbered consecutively, and attached to the proposal or resolution, and under no circumstances shall words or sentences be interlined on the body of the measure, and the same be marked while in possession of committee.

Explanation

Mr. Stagg Mr. Chairman, I move the adoption of the amendment.

Questions

Mr. Triche Mr. Stagg, I notice in Rule No. 60, as the reference to a minority report, then in Rule No. 61 which sets out what the committee report shall be, there's no reference to minority report. What I'd like to know is, what significance will a minority report have, and can you illustrate for us how it would work? I'm concerned with the mechanics of it. If a proposal comes out of the committee and is reported favorably, then we move and so advance it to third reading and so forth, when we do consider a minority report which may report it unfavorably, when would the minority report be considered, and which reports would take preference? How would the minority report reach the floor of the Convention?

Mr. Stagg Mr. Triche, don't go away. On usual parliamentary procedures when a committee report is rendered, and a minority report is rendered at the same time as the majority report, the Chair would consider that the minority report is a substitute to the committee report and handle it in that fashion. That is my understanding of the way deliberative bodies such as this one operate.

Mr. Abraham Mr. Stagg, this deals with proposals that are reported out of committee. Where we say on here, "should amendments be proposed, such amend-
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ments and so forth, shall be attached," I assume, I take it to mean that this means amendments that are approved by the committee, and not just any amendment that might be submitted to the committee. Is that correct?

Mr. Stagg That's correct, sir.

Mr. Drew Mr. Stagg, I questioned your explanation awhile ago that a minority report would be considered a substitute report.

Mr. Stagg Mr. Drew, it was my understanding that in the Louisiana House of Representatives, when the committee's minority report accompanies the majority report to the floor, that it is considered as a substitute to the majority report.

Mr. Drew I was under the impression you said it would be handled by the committee. Did you mean by the convention?

Mr. Stagg By the convention, sir.

Mr. Drew Another question, Mr. Stagg. I believe we adopted an amendment requiring the majority of the committee to sign committee reports; in this case, we say only "Chairman." Should we not amend it to comply with the other amendments?

Mr. Stagg Mr. Drew, it's possible that we should. Would you find that for me, and we'll look at it together?

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

Reading of the Rule

Mr. Poynter Rule No. 62. Notice of Committee Meetings. A. No committee meetings may be held unless notice thereof is given in the following manner: The chairman of the committee or the members of the committee calling the meeting shall notify the Secretary of the Convention of the time, date, and place of the committee meeting. Within twenty-four hours thereafter the Secretary shall mail notices of such meeting to all members of the committee, all persons who have filed written requests for notice with the Secretary, and to all members of the Convention who have introduced proposals on the subject matter to be considered. The committee hearing shall not be scheduled less than four days from the date of notice to the Secretary. This rule applies only when the convention is not in session.

B. Committee and subcommittee meetings while the Convention is in session may be called by the chairman or by a majority of the convention members upon twenty-four hour notice given by announcement from the floor of the Convention and by posting the notice thereof on a designated bulletin board in the vicinity of the floor of the Convention at least twenty-four hours before such meeting.

Explanation

Mr. Stagg Mr. Chairman, in reviewing these rules by the committee during the recesses, a member of the committee suggested an amendment in the way of a technical amendment in that we have in line 4, it was suggested that the word "call"...

Mr. Henry Mr. Stagg, do you have the technical amendment drawn?

Mr. Stagg Yes, sir, in my hand.

Mr. Henry Well, would you hand it up to the Clerk, please, sir?

Amendments

Mr. Poynter Amendment No. 1 [by Mr. Stagg]. On page 19, line 28, immediately after the word "members" strike out the word "Convention" and insert in lieu thereof "committee".

Explanation

Mr. Stagg Mr. Chairman, it's a technical amendment to cure an oversight by the Rules Committee ... the language was unclear about what meetings, and it simply says, "the meetings called while the convention is in session" and it was an error to say "by the majority of the members of the convention." It was erroneous. It should have said "committee members" and those are the corrections that are attempted to be supplied by the technical amendment.

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

Amendments

Mr. Poynter Amendment No. 1 [by Mr. Stagg]. On page 19, line 28, immediately after the word "or" and before the words "the members"—line 19, After the word "the word "and before the words the members" insert the words "one of". Amendment No. 2. On page 19, line 28, immediately after the word "meeting" and before the word "shall" insert the following: "under the authority of Rule 59".

Explanation

Mr. Stagg Mr. Chairman, this simply ties the language down as to the calling of those meetings, and we did in No. 59 allow members of the committee, when the chairman wouldn't call it, or didn't call it, the members of the committee could call the meeting, and the sentence would now read "The chairman of the committee or one of the members of the committee calling the meeting under the authority of Rule 59 shall notify the Secretary of the Convention," etc. It merely strengthens the language and tightens it down.

[Previous question ordered. Technical amendments adopted: viva voce.]

Amendment

Mr. Poynter Amendment proposed by Mr. De Bieux. Amendment No. 1. On page 19, line 33 after the comma "," following the word "Secretary" and before the word "and" add the following: "the news media of the area where the committee meeting is being held."

Explanation

Mr. De Bieux Mr. Chairman, ladies and gentlemen of the committee, I think we have already agreed that we wanted to give as much public notice and publicity to these committees as possible. This just assures that everyone is notified by the news media so that they will know that this meeting is being held. I think it's good public relations that we let the news media know when we're having a meeting.

Questions

Mr. Keen Senator, I understand the purport of your amendment, and I'm in accord with giving the news media as much notice as we can concerning our meetings. But, suppose we go into an area, and for any reason or another, the committee doesn't have full information about all of the news media, and we overlook one of the members of the news media, do you consider that the failure to give notice to that particular member of the news media would have some effect upon the validity of the committee action?
Mr. De Blieux. I don't anticipate that, Mr. Kean. Of course, I think that it's going to be, we're going to have to have the cooperation of the news media in letting us know who's operating in any particular area, and we might want notice. They can do that under our question because the question notice is entitled to receive it. I think that they'll give us the cooperation in letting us know who should be notified in any area where the committee's going to meet.

Mr. Womack. Senator De Blieux, my question is that if I understood the amendment, it's the news media in the area where the committee meeting would be heard; is that right, or would be held?


Mr. Womack. Suppose, then, you having a committee meeting in Baton Rouge, in the area that would most likely be affected, would be affected most would be southwest Louisiana or Lafayette and Lake Charles area, and giving it to the news media in Baton Rouge might not necessarily serve the purpose. I just wonder if we've given a broad enough definition to the news media, or maybe we should define "news media" as the capital press, and assuming then that when you give it to the capital press, that it will cover, that releases will cover the state.

Mr. De Blieux. As I understand it, the Associated Press and the United Press all have wires to each of the news agencies throughout the state, and I think if they give it to both of those, it'd be sufficient because they would get publicity throughout the state.

Mr. Womack. By the same token, Senator, if you were holding a meeting in Winnboro, you would be required to give it to the Franklin Sun which might not come out and be printed until three or four days after the meeting was held. This is the question I raise.

Mr. De Blieux. Well, that's true, but that's the situation. We'll be glad when you all get daily papers up there.

Mr. Tobias. Senator De Blieux, is it not true that the Committee on Public Information is charged with this? I refer specifically to Jule No. 50, which provides that the Committee on Public Information is charged to inform the public with the activities of the convention, and is not the meeting of the committees one of those activities? In other words, isn't your proposal nothing but redundancy?

Mr. De Blieux. I don't anticipate that because the chairman is the one that's going to be responsible for calling the meetings, and I think that either he can notify the committee who in turn is going to notify the newspapers, or else he should notify the newspapers and the other news media in the area. Now, I think that the Committee on Publicity would be of great assistance to the secretary of the convention or the secretary of the committee by furnishing him the list of all the news media in the particular area where a committee's going to be held.

Mr. Tobias. Is not the proper procedure to have the chairman of the committee inform the committee on public information, and proceed by that method rather than any other?

Mr. De Blieux. Well, I think it might be advisable to do that in addition to what I have requested, but we just want to be sure that nobody's left out because they didn't get notice of the meeting.

Mr. Silverberg. Perhaps I misunderstood you, Senator, but did I understand you to mean that sufficient notice would be accepted if you were giving these news releases to the Associated Press and the United Press in Baton Rouge?

Mr. De Blieux. No, what I was saying, Mr. Silverberg, that if you give notice to the Associated Press, and the United Press, most likely it would reach all of the news media. I believe that practically everything that disseminates, is that every kind of a vehicle you have that disseminates news has a subscription to one or the other or both of those outlets.

Mr. Silverberg. Well, Senator De Blieux, I don't think...are you familiar with the makeup of the press in the State of Louisiana, if we're going to limit ourselves to the press? Let me tell you that...are you familiar with the fact there are a hundred and twenty some odd newspapers in the State of Louisiana, and only a small handful have a lease wire such as Associated Press and United Press?

Mr. De Blieux. I'm not in the newspaper field, but I am acquainted with some of the reporters that give me trouble every once in a while whenever I say something wrong, but I think that...that is, I don't know how you would do it otherwise in giving notice that way to, maybe, the capital press or something of that sort.

That's where the Committee on Publicity can come in handy by letting the chairman know or the secretary know in which area that they have papers that may not have wires to other news media in the state as to where they can get these notices. I think that if they would file their notices or addresses, or wires or whatever they want with the secretary that then they could be assured of getting notices of these meetings that would be held in their area.

Mr. Silverberg. Are you familiar with the fact that Louisiana Press Association is domiciled in Baton Rouge out at the University?

Mr. De Blieux. Yes, I am.

Mr. Silverberg. Are you familiar with the fact that the press of this state is very, very anxious to cooperate with this convention, and would be delighted to have the Press Association facilities used for notices of this type?

Mr. De Blieux. Yes, I am, and that's the reason for my amendment because I know the press wants to cooperate with us and therefore, we want to cooperate with the press by being assured that they get these notices of these meetings.

Mr. Silverberg. My whole point in asking this question is: Would you think that we can do a better job by using a facility that's statewide for notification, than just using the press as an area?

Mr. De Blieux. Well, I don't know, Mr. Silverberg. I could not say that, but I do think that the people in the particular area where the committee's being held most likely would be those that would attend the committee hearing and, for that particular reason, they would be the last of all the local news media.

Point of Order

Mr. Weiss. Mr. Chairman, is this not out of order? As I read this, this amendment by Senator De Blieux should be taken care of under the Committee on Public Information which is a procedural committee and this particular rule is directed toward delegates. So, I would ask that you consider that this is out of order and ask that you rescind that, Senator De Blieux. Your request, it will be taken care of under the...

Mr. Henry. I think that the amendment's in order. I can't guarantee that it'll pass, Dr. Weiss. But, I don't think there's anything wrong with the
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of the amendment at this time.

Further Discussion

Mr. Kean Mr. Chairman, I hesitate to rise in
opposition to the amendment because it is somewhat
like the one Mr. Champagne had up here. If you
vote against it, you’re against people making
their views known in a language other than
English language. If you vote against this, you’re
against the news media, and that’s not good these
days. My point is that if you weighed the pros
and cons of the rule, you will find that the secre-
tary has an obligation under the rule to mail no-
tices of such meetings to all members of the com-
mmittee, and all those who have written requests
for notice with the secretary and all members of
the convention who have introduced proposals on
the subject matter to be considered. Now, that’s
an affirmative obligation on the secretary that I
think he can discharge. He knows who the members
of the committee are. He knows the persons who
have filed written requests for notice, and he
knows who those who have introduced pro-
posals on the same subject matter. But, for the
secretary to have the obligation of notifying all
the news media in the area in which the hearing
is going to be held is an impossible responsibility
because I don’t even know what the news media con-
sists of in many areas. We are simply imposing
again upon an officer of the convention, just as
we would again with the committee of the conven-
tion, an impossible responsibility. Now, if the
news media in an area wants to be notified or
if the Press Association wants to be notified, all
they’ve got to do is file a request with the secre-
tary, and they get the notice. The failure to get that notice, in my opinion, would
invalidate the committee action. But, when you
give the secretary some responsibility to give
notice to the news media, I think we’re giving
him a responsibility again that’s impossible to
discharge, and I would oppose the amendment for
that reason and no other.

Questions

Mr. Anzalone Mr. Kean, is it your understanding
of this rule that any portion of the news media
that would request notification of these committee
meetings would have to file one and only one re-
quest of that notice with the Secretary of the
Convention?

Mr. Kean That would be my opinion, Mr. Anzalone,
and all that the AP or whoever the United Press
is, if they want to know about this, for instance,
would file a request with the Secretary,
saying that we wish to be notified of all committee
meetings and I think then, the Secretary has the
information that he can use in discharging the
duty that’s imposed on him under this particular
rule. Otherwise, he’s at a loss as to how to
comply, so I think we put at issue the validity
of our hearing.

Mr. Anzalone Mr. Kean, would you yield to one
more question?

So, that conceivably speaking on the first
day, after these rules were adopted, any news media
that wants notice of any committee meeting sub-
sequent to that day would only have to file one
and one request only.

Mr. Kean That’s my understanding of the rule;
yes, Sir.

[Previous Question ordered.]

Closing

Mr. De Bieux Mr. Chairman, ladies and gentlemen of
the convention, I don’t think it’s going to be
such a difficult job, and I think that we want the
full cooperation of the press—and I know they want
to cooperate with us—we should attempt to coop-
erate with them. All the members of the news
media throughout the state are available; they
are available to us; they’re available to the
chairman or the secretary of these committees,
and that’s not hard for us if we learn who they are
and where they are, and what area they cover. So,
I just ask for your little cooperation in trying
to help them in doing their job that we expect
them to do. That’s all this amendment would do.

[Amendment rejected: viva voce.]

Amendments

Mr. Poynter Amendments proposed by Mrs. Zervigon
to the resolution as follows:

Amendment No. 1. On page 19, line 30, after the
word “and” insert the word “place.”

Amendment No. 2. On page 19, line 30, before the
words “of the committee meeting,” delete the
word “place” and insert in lieu thereof the word
“agenda.”

Explaination

Mrs. Zervigon The effect of this amendment is
that when the notices are sent out giving day,
time, and place, they also include the agenda.
Then, anyone wishing to testify before the com-
mmittee will know what the committee is consid-
ering, and can better decide whether or not he or she
wants to appear.

[Amendments reread. Previous Question
ordered. Amendments adopted: viva
voce.]

Amendment

Mr. Poynter Amendment proposed by Mrs. Zervigon
to the resolution as follows:

Amendment No. 1. On page 20, delete lines 2
through 10 in their entirety and insert in lieu therof,
the following:

Mrs. Zervigon has another amendment she’d
prefer at this time. Also on page 20, line 1,
before the words “four days” in line 1, delete the
remainder of the line and insert in lieu therof
"11, not counting Saturdays, Sundays and holidays,
after the mailing of the notices by the secretary."

Explaination

Mrs. Zervigon I just didn’t want you all to get
tired of seeing me, and have my further amendment
just... jeopardize this amendment. The effect of
this amendment would be that anyone who’s taken
the time to notify the secretary that he or she
is interested in being informed of committee meet-
ings would receive a timely notice. I was a little
worried that four days after the notice had been
handed to the secretary including Sundays, holi-
days, and Saturdays, would not be adequate notice
to those who had expressed enough interest to
request that their names be given to the secretary.

Questions

Mr. Rayburn If you place a notice on a Thursday
or a Friday in the post office, and that means
we’ve got till four days, excluding Saturday and
Sunday, we’ve got Monday and Tuesday. So, it
would be six or seven days we have to get the
notice. In my area, the mail comes to your des-
patchation on a Saturday. It might not be delivered
Monday, but all the mail you receive Saturday or
Sunday is delivered Monday morning. Now, you
are preventing a committee from meeting for a
period of six days, if this amendment is adopted;
is that not true?

Mrs. Zervigon That’s true. Since we have from
now until July for committee meetings without the
convention being in session and five months there-
after for committee meetings when the convention

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Mr. Rayburn. Would a telephone message relieve the questions you have?

Ms. Zervigon. I've filed their names on the list.

Mr. Rayburn. Yes.

Ms. Zervigon. I think it would not burden the Committee, I'd be glad to withdraw and send up and [an] amendment to that effect. The problem with that is we don't know how many people whose names are going to be on the list.

Mr. Rayburn. Well, I still object, I want the floor.

Further Discussion

Mr. Rayburn. Mr. Chairman and fellow delegates, this is a Timber Bill. We've had it in mind since we've been here, primarily the cost of this convention. The reason I'm deeply concerned, I'm Chairman of the Finance Committee and the Budget Committee. If we continue in the pace that we've been going, we're going to spend the initial allocation trying to adopt some rules to operate under. We've got to take all this. Everything everybody says that we don't charter; we've got to take it verbatim. We've got to send out special notices; we've got to send them out. Now, a forty-hour period is unknown to me as a member of the legislature. All the provisions I know about is a twenty-four-hour notice. Now, if you exclude Saturdays and Sundays, you're talking about a sixty-day period. If we are going to do everything that some of you said we're going to do--and it might be good to keep you away six days--you won't have time to perform your duties. Every notice we send out you've got to wait six days if you send it out on a Friday before you convene. I think you should think of that. I think you should think of what you're going to extend the cost of this convention meeting. You're looking at one that's going to provide the money, and I guess I'm a politician. I've been in office forty-four years, if I live out this term. Thanks to the Lord I've been successful. I don't know how you people got appointed; I think I know, but I can't want to embarrass you. I've served under about five or six governors. They get elected in a political arena just like you came here. They come up to this mike and say they're non-political--Oh no, that's a dirty word, a "politician." Well, I guess I'm a politician. I guess Representative Triche is a politician. I don't know how you got out here; you qualified and you can just like I ran for the office I got unless you got appointed. Now, if you got appointed, I know you had to know a little about politics or you wouldn't be here. I love being governor from time to time. He's a fine man. But, he got to be governor of this state by a majority vote of the people of this state. You can call him a politician or statesman or anything, but to me he's a good man. But, if we're going a little too far in this convention with technicalities, I think we're going a little too far in this convention with technicalities. I think we're going a little too far with committees and that I'm no educated man. What little education I got, I got through the hard knocks of life. I got it with the snuff dippers and tobacco chewers and those people. Mr. Champagne, you were talking about: think we're going a little too far. We're trying to streamline this commission or this committee over and above the average thoughts of the people that are going to have to approve what we do. Let me say this, if I wanted to defect, I'd do here, all I'd have to do is get up and say it costs two hundred thousand dollars for you to adopt some rules. You ever thought of that? Fifty dollars a day for everybody--we've been here how many days now young lady? I don't know I'm so confused; I really don't know. I think we've been here for thirty or forty. Would you believe that we have spent the dollars that we have spent trying to operate or adopt some procedures or rules to operate under? This could have all been mailed to us so we don't do the legislature. Come over there and you either adopt it or reject it in one day and you've had it or not had it. You know you win or lose.

Now, you nonpoliticians don't know what I'm talking about. If we continue at the rate we're going, Brother Stovall,--and I admire you, don't always agree with you--and you too, Mr. Perez, we're going to use at least half the money we've got to make our studies and our deliberations trying to figure out what kind of rules we're going to operate under. Now, we've got to send out a notice--could be six days before you can meet. Well, if grandma gets in trouble she calls a doctor, immediately. We've got a law in this state that says a twenty-four hour notice. I think that's adequate; I've heard no complaint. I've been in public office for twenty-eight years. The only trouble we get is if we send this out--I don't want to wonder what you're going to do to them next. There ain't nobody worried about when you meet or get them notified. They would rather you wouldn't meet if you wanted to. I think that's because everyone you meet you do a little something. Now, you've got to have a six day notice before you meet--six days, believe me--if we adopt this amendment. I just think that if we don't do it, the line we'll stop--like them railroad signs, STOP, LOOK, AND LISTEN--if you don't don't that a train might hit you. But if we don't do that, people are going to hit us, and you can believe what I'm telling you. Here we are; we came here as a bunch of people that knew what we wanted to do when we ran. If you don't agree; if you didn't get appointed--might be asked to do something I didn't want to do, you know. So, I decided to run, and I'm here. But, I want to say this, and I thought to close, we'd better look back and look over what we're doing.

We've done some things here that's unheard of to be as far as procedure, as far as reporting, as far as committee meetings, and I've had it. I'm not looking for nothing. A lot of you eager beavers that have to have the ball at your feet; you can have it for me. I want you to have some of the things I've had. I've won and I've lost. I've had it upside down, upside down in the middle and without knowing it from any angle you can talk about it. Served under about six governors--been with some of them, been against a lot of them. So, there's nothing you can do for me, there's no glory you can put on my head because I've had a little of all of it. If some of you people that want to be on two or three committees, I'll give you my proxy, if we can get the amendment passed when you can have a proxy, because I'm looking for something.

I want to do a good job for the people of this state. I want to submit a constitution that's simple people where they understand it. I don't think he's a fine man. But, he got to be governor of this state by a majority vote of the people of this state. You can call him a politician or statesman or anything, but to me he's a good man.

Mr. Henry. Senator, you've about exceeded your time, sir.
Mr. Rayburn. Okay. Well, I'm fixing... I'm closing... but, I'm going to say this, and I hadn't been to this microphone many times, I believe this is the second time I've been here to say something, I've asked a few questions, and my grandmother told me when I was a young boy, says, "son, in your endeavors in life don't talk too much, somebody might ask you to explain what you're talking about." This is why I don't want to talk too much; somebody might ask you to explain what you're doing because I've got to carry your fight in the legislature, and little neatly three hundred or something thousand dollars we've got to carry. I think I adopted that because every amendment I see it costs money. Then everybody that runs for office says we don't want to spend no more money; we're going to economize, we're going to save you money. I just...In closing, let me leave that one thought with you, and listen: I've got nothing against this fine lady. I think I voted for every proposal that she's here. She's won most of her proposals, but I don't think it's right to say that you have got to give people at least six-days' notice before you meet. Listen: I get engaged on less than a six-days' notice. Thank you very much.

Further Discussion
Mr. Hayes. I agree that we probably don't need the six days. We could use a faster method like the telephone or the state police like we did before to get something... to get out a notice, if we have to get out one. But, I would suppose that we... that the hundred and five delegates probably spent more money campaign to get down here to write the constitution... I would suppose that the delegates who are here to write the constitution spent more than the legislature allowed us after we got here for it. So, I'm in hopes that no one will use the fact that we don't have any money to write the constitution as a threat for not doing or for not giving people the opportunity to express themselves like they have come here to do. Everyone has probably spent more money than the state would probably reimburse them to get here to write it. It is my hopes that they'll have the freedom to do that without the threat of funds. It's often heard that there is a threat... there is a shortage... that the hundred and fifty thousand won't be enough to write the constitution--we'll go until it runs out, and if there is no more, I guess we'll have to close and go in. But, I'm in hopes that the same time everybody do the very best job they can, if it takes it all to write the rules, so we just do that. We'll write the rules and we can stop it there. Sure thank you.

Further Discussion
Mr. Perez. Mr. Chairman and fellow delegates, as a nonpolitician I want to stand here and help support Senator "Sixty" Rayburn in his objection to this amendment. We discussed this--the Rules Committee quite at length and we discussed particularly the hampering of the committees in calling their various meetings. Keep in mind the fact that generally when we propose that we will no longer be committee meetings, but subcommittee meetings all over the state and we wanted to provide a procedure where the people will have an opportunity to be given to people, but at the same time, not provide such a long period of time from the time that you decide to have a meeting until the time that the meeting is actually put up to the twenty-four limit because when you find out at four o'clock that you need to be in Baton Rouge for eight in the morning to appear before a committee hearing or your views won't be heard. It's very difficult to get a babysitter for the morning and get up here. I hope you'll favorably consider this proposition.

[Amendments rejected: viva voce.]

Amendment
Mr. Poynter. [Amendment by Ms. Zervigon.] On page 20, delete lines 2 through 10 in their entirety and insert the following:

"When the Convention is in session there shall be, in addition to the above notice, further notice given by announcement of date, time, place, and agenda of the committee meeting from the floor of the Convention and by posting of same on a designated bulletin board in the vicinity of the Convention floor. The committee may call an emergency meeting obtaining consent of the Convention by a majority vote of those present and by giving forty-eight hours notice as described above."

Explanation
Ms. Zervigon. This amendment speaks to my same...
concern. I want us to be able to hear the citizen lobbyists and citizens who have expressed an interest in coming to speak to us. There are several citizen groups that I know of that are doing research right now that will be of value to us; the League of Women Voters, the Greater Baton Rouge Chamber of Commerce—just to name two. It's very difficult to get your affairs in order and get up here on twenty-four hour's notice. There is no provision as I understand it for all of the things that we're in session. I'd just like to be able for us to hear all of these folks while we're in session as well as before we convene in July.

Mr. Henry Lady sends up amendments and moves the adoption of the same.

Now, I'd just like for you to read that one more time, Mr. Clerk, because I'm not sure I understand it. If I appreciate what it said, and I know I'm not supposed to comment like this, but it appears to me we're going to have to give about four days' notice on this one, Ms. Zervigon, before we can have a committee hearing while we're in session. I may misunderstand it... I just... I think we should read it again.

[Amendment reread.]

Mr. Henry Now, Ms. Zervigon, if you will allow me the opportunity to comment here, and I'm not trying to kill your amendment, but we're going to assure that that's an absolute notice of notice, and I think that you really might hamstring the working of the Convention when you put that forty-eight hour proposition. Now, the Clerk and I just looked at this a minute ago, and then the possibility it would even require four days when you read all of the rules together on calling such a meeting. I'm not trying to take advantage of you, but I don't think that's what you want to do, is it? You want...

Ms. Zervigon What I want to accomplish is when the committees are working smoothly and logically and have their work planned out, they may give four days' notice. If they find an emergency arises, by a majority of the Convention they could give forty-eight hours. If you want me to withdraw it, submit it...

Mr. Henry No, ma'am, Ms. Zervigon. I have exceeded my latitude, and I apologize to you for it. But, I just wanted to make sure that I understood it.

Further Discussion

Mr. Kilpatrick Mr. Chairman, members of this committee, this is in essence the same thing that the previous amendment said; this is a bad amendment. It would take four days to get all of us here. In the legislature we post these bills on the bulletin board; the press, the T.V. picks it up, and we only have twenty-four hours for a lot of people to come to Baton Rouge to talk about certain things that they are interested in. We don't need all this time. The Rules Committee has adequately gone over this. I've heard the word 'nit-picking' and other words here in this auditorium. I feel like it's time for us to move on with these rules that the temporary Rules Committee has placed before us. If we spent a lot of time here; you are all capable men and women; otherwise, you wouldn't be here. Now, each man here could come up here and through a technicality could challenge any sentence, or paragraph, or rule, that has been presented to this body by this temporary Rules Committee. I think that we're doing some things here that would hurt this convention; we don't need all this time. I ask you to defeat this bill and let's go on with this adoption of these rules and regulations and let's move a lot of discussion on all the people's fine points here. I now think it's time for us to start really reading these and, when we do have our amendments to come up here, let's have them so that we won't be challenging something that's not going to be workable in this Constitutional Convention. We're going to have to sell this to the people—and as Senator Rayburn said—this convention is drawing out here into a long, lengthy, expensive session because of these sorts of rules here that we have to make and take a lot of time. I've been up here the first time. I could have been up here like many of you, a hundred times to challenge different things that were said in those temporary rules. Most of them were defeated. But, let's get on with sowing and let's defeat this one. I thank you.

[Previous Question ordered.]

Closing

Ms. Zervigon The point I wanted to make is that this is not a legislative session; this is a Constitutional Convention. We have more time to plan out our work, more time to consider things. The document that we're supposed to write is supposed to last a hundred years. We want to make certain that the people who we have invited to speak have time to get their affairs in order and come and address us. If anyone has a substitute proposal that would accomplish this, I would be glad to withdraw it and submit their proposals, but I'm afraid that twenty-four hours' notice is not adequate for people who are not paid lobbyists or delagates to the convention. Thank you, Mr. Chairman.

[Amendment reread and rejected; viva voce.]

Amendment

Mr. Poynter Amendment No. 1 [by Mr. De Blieux].

On page 20, line 8, after the word "thereof" add the following: "together with an agenda of the matters to be heard,"

Explanations

Mr. De Blieux Mr. Chairman, ladies and gentlemen, this is just to let the people and the members of the committee and others to know what's going to come up before the committee when the Convention is in session, and post a notice of the meeting. I don't see much reason for posting a notice that a committee is going to meet unless you can tell the people who's going to meet about. I've been in Legislative Committee meetings in which a committee meeting was held, and somebody wants to be heard on a bill and then after you call a bill the chairman dismisses them, and elsewhere they're going to be heard on that bill next week; we won't hear it today. You attend the meeting; people outside the convention will be attending meetings without knowing what's going to come before the committee. This is just to let the chairman and the committee members post their agenda whenever they post a notice of the meeting. That's all it's about, so the public can be informed. I think we've got to take the public into confidence.

Questions

Mr. Rayburn Senator De Blieux, would this apply to any amendment or anything that might come up that some member of the committee might offer to something that had been advertised? If there was an amendment, it might change the structure of the original procedure or the original act? Would your amendment apply to that?

Mr. De Blieux No, Senator Rayburn, this is just a subject matter that's going to be heard at that particular time. As you well know, that these committees will be hearing various proposals on a lot of subject matters, and this just allows the committee or requires the committee to post the subject matter which will be taken up at the
committee meeting. We certainly can't take into consideration every amendment which might be offered.

Mr. Rayburn. It does not prevent the committee from taking up any amendment that might change the subject matter?

Mr. DeBlieux. Not at all.

Mr. LeBreton. Senator, with reference to details of your amendment, would it be possible to discuss something that was not on the agenda?

Mr. DeBlieux. Representative LeBreton, I don't believe in hiding things from the people. I think you ought to let them know what you're going to discuss. That's the only purpose of it. If you're going to not post your agenda and not let them know what it is, yes, it's possible for you to take up matters that wouldn't be listed that way. But, I don't think we ought to do it.

Mr. LeBreton. What do you conceive that we'll have? Subject matters—like we'll take up something with reference to Judiciary or would it pin point the matter? I'm a little lost as to what you mean by putting on your agenda.

Mr. DeBlieux. Well, at this particular time you're going to have various proposals. You're going to have resolutions that they're going to be referred to the committee for action and hearing. This is the convention that's actually in hearing; this is not the committees outside of the convention we're speaking about. So, therefore, you have a proposal; you'll list on your agenda Proposal No. so-and-so by the committee will be heard. Or Proposal No. so-and-so by Representative LeBreton will be heard. Resolution No. so-and-so will be heard. That's the only thing you have to be required to do is just post your agenda that the matters that are going to come up.

Mr. LeBreton. Well, I don't know whether you Idea is good or bad, but the only thought that occurred to me that it could be hamstringing the committee so much that they couldn't get their work done, or we will be putting so much on the agenda that maybe we wouldn't get to it. In other words, I could conceive of a committee chairman—saying well, gee, I don't know whether this bill is going to take thirty minutes or two hours, so I'll just put twenty matters on just to be sure and get my work done. I think this is just another matter of hamstringing the committee. Let the committees run, you know, the way a good committee should be run.

Mr. Henry. Mr. LeBreton, please sir, ask your questions rather than making a statement please.

Mr. LeBreton. My question is that I think that we're just going to hamstring the committee by making them put an agenda.

Mr. DeBlieux. Mr. LeBreton, one of the things we have to be assured of that we're not running this convention for the benefit of the delegates. We're going to have to run this convention for the benefit of the public. I'm thinking about giving the public a chance to be heard.


Reading of the Rule

Mr. Poynter. "Rule No. 63. Subcommittees. A committee, by the affirmative vote of the majority of its members, may provide for the appointment by the committee chairman of subcommittees composed of members of the committee. Reports of subcommittees shall be considered by the entire committee before any committee recommends any action thereon by the convention. All rules applicable to committees shall be applicable to subcommittees."

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

Reading of the Rule

Mr. Poynter. "Rule No. 64. Records. All written records and reports of committees of the convention shall be subject to the provisions of the Public Records Act."

Question

Mr. Weiss. May we embryonic delegates have a copy of the Public Records Act?

Mr. Stegg. Yes. The secretary of state's office will be asked to furnish you with one. I'll do it myself.

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

Reading of the Rule

Mr. Poynter. Committee of the Whole.

"Rule No. 65. Procedure. The convention by a majority vote of the delegates present and voting may resolve itself into a Committee of the Whole for a specified time and purpose. The motion of the Committee of the Whole shall specify the maximum time during which the Committee shall sit."

(a) The chairman shall designate a delegate to serve as chairman of the Committee of the Whole. The rules of procedure of the convention shall apply insofar as applicable, except that the chairman may speak more than once unless the chairman imposes limits on debate, actions will be governed by a majority of those present and voting, matters cannot be referred to other committees, no question may be laid on the table, the previous question cannot be ordered, and motions to adjourn will not be entertained.

(b) Proposals in the Committee of the Whole shall be read through, debated and acted upon by sections. All amendments shall be in writing and reported to the convention by the chairman.

(c) A motion that the Committee of the Whole rise shall always be in order unless a delegate is speaking or a vote is being taken. The motion is not debatable and shall be decided by a majority vote of those present and voting."

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

Reading of the Rule


"Rule No. 66. Order. The daily business of the convention shall proceed as follows:"

Morning Hour

1. Roll call.
2. Prayer.
3. Reading and adoption of Journal.
4. Petitions, Memorials, and Communications.
5. Introduction of resolutions.
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 Orders.
14. Resolutions on Third Reading and Final Passage.
15. Proposals on Third Reading and Final Passage.
5th Days Proceedings—January 17, 1973

16. Proposals on Calendar for Approval of Final Styling.

Amendment

Mr. Poynter Mr. Tocci sends up the following amendment:

Amendment No. 1. On page 21, between lines 18 and 19 insert the following:

"2A. Pledge of Allegiance."

[Previous question ordered. Technical Amendment was ordered on the rule. Previous question ordered on the Rule.]

Reading of the Rule

Mr. Poynter "Rule 67. Change in Daily Order. The order of daily business set forth in the above rule shall be adhered to unless the consent of the convention shall be otherwise given by majority vote of the delegates present."

[Previous question ordered. Rule adopted; nia voce.]

Reading of the Rule

Mr. Poynter "Rule 68. Time of Committee Reference. Where appropriate, all petitions and memorials shall be referred to the proper committee by the chairman as soon as read, where reference may be necessary or is requested by a delegate."

[Previous question ordered. Rule adopted; nia voce.]

Reading of the Rule

Mr. Poynter "Rule 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 take a recess.
3. To call for the Orders of the Day.
4. To lay on the table.
5. To call of the Convention.
6. To limit debate.
7. To move the previous question on the entire subject matter.
8. To move the previous question.
9. To postpone to a day certain.
10. To commit, refer, or recommit.
11. To amend.
12. To postpone indefinitely.

The motions listed in this rule shall take precedence in the order in which they stand arranged. All of them shall be decided by the affirmative vote of a majority of those present and voting, except that a motion for the previous question and the previous question on the entire subject matter shall require a vote of two-thirds of the delegates present and voting, and a motion to postpone indefinitely requires the affirmative vote of a majority of the delegates to the convention. When a recess is taken while a question is pending, consideration of such question shall be resumed when the convention reassembles, unless it determines otherwise. No motion to postpone to a day certain, or to commit, having been decided by the convention, shall again be in order on the same day or at the same stage of the question. When a previous question is being considered and a motion is then made, either to postpone indefinitely or to commit, any pending amendments to the proposal shall first be in order before any vote is taken on any such motion."

Amendments

Mr. Poynter Amendment proposed by Mr. Rayburn and Mr. Glenn to the resolution.

Amendment No. 1. On page 22, line 28, after the word "voting," and before the words "a motion" strike out the words "except that.

Amendment No. 2. On page 22, line 28, after the words "vote of" strike out the words "two-thirds" and insert in lieu thereof the words a majority.

Explanation

Mr. Rayburn Mr. Chair-an and fellow delegates, you've just heard some thirteen procedural suggestions made by the Rules Committee. My amendments simply say in a few of the suggestions that we scratch the "two-thirds vote" for a previous question motion and leave that to a majority vote. That's the only instance I see where they require a two-thirds vote when many of you got a two-thirds vote to come here, but I wasn't quite that fortunate. I almost made it, but it wasn't quite two-thirds. I believe in the democratic form of government. I believe in the majority rule. I think you believe in that.

That's the democratic process that I have known from babyhood, childhood, to manhood. I can see with all the commotion that we have here where a minority group could keep us here time and time again when we didn't need to be here. I think that we should strike the "two-thirds" out and insert in lieu thereof--and that's what this amendment does--that a "majority" vote shall prevail. Maybe you don't agree with me, I don't know. But, I know how you got here--all you that ran--and I know how I got here. If they would have had a two-thirds vote, some of you might not have made it--some of us, let me say, might not have made it. I have heard no valid reasons from the Rules Committee as to why with thirteen rules they propose that on the previous question we had to have a two-thirds vote. We've been here several days and that rule has not been in order, and the previous question has been offered most often. I'm a great believer in a majority rule. I know a few two-thirds rules that we've got in this state that's got us in trouble. If we're going to go by a two-thirds rule, let's say you've got to get two-thirds of the votes to come here--which I know is not right, and you know is not right. I'm not trying to cut off debate, and anytime I'm up here, if I can't convince you--a majority of you--I'll never ask for two-thirds or one-third or minority to let me continue to speak, 'cause if I can't convince a majority, I need to sit down anyway. I move the adoption of the amendment.

Question

Mr. Burson Senator Rayburn, am I correct in understanding the purpose of your amendment's to prevent one more than one-third of this convention from filibustering and continuing debate?

Mr. Rayburn That is the purpose of my amendment, Mr. Burson. You are exactly right.

Further Discussion

Mr. Arnette Mr. Chairman and delegates, I just have a few points I'd like to make on this particular motion, this particular amendment. I'd like to point out that I'm emphatically opposed to this amendment for a variety of reasons. These motions were brought out at the Rules Committee meeting, and we decided to accept this two-thirds vote of the delegates to require that, two-thirds vote required to call a vote. Some of these reasons--of course, I can't put my reasons as well as Senator Rayburn. I'm one of those here-before a nonpolitician; I guess I'm a politician now, so maybe it'd better learn how to put myself a little bit better. But, one of the main things that we need to consider here is this constitution is intended to last. But, before we have a constitution that's going to last a long time, we need to have this thing passed at the polls. The way we can pass this particular con-
To cut off debate, perhaps if debate were not cut off this majority would have voted the other way or would decide to vote the other way if they would hear the other side. But, I'm sure it will be conducted this way at the convention is that people will have their say. So, we might not end up with that some particular rule on suspending the rules.

Mr. Schmitt Isn't it true that Robert's Rules of Order, under which we've been acting up to the present time, uses the two-thirds vote in this particular instance and not the one-half as the amendment?

Mr. Arnette Mr. Schmitt, you're exactly right on that, and that's one point I forgot to bring out in my initial address, that we haven't had any trouble with having a two-thirds vote. We've cut off debate, we haven't had any problem getting a two-thirds vote. The previous question has only failed, said, two or three times out of ten or twelve times it's been proposed, so I think we've been doing all right with a two-thirds vote, and I think we need to keep it.

Further Discussion

Mr. J. Jackson Mr. Chairman, fellow delegates, I would want to caution you about the amendment as proposed by Senator Rayburn. I think that if we require a two-thirds vote required to cut off debate, perhaps if debate were not cut off this majority would have voted the other way or would decide to vote the other way if they would hear the other side. But, I'm sure it will be conducted this way at the convention is that people will have their say. So, we might not end up with that some particular rule on suspending the rules.

Mr. Arnette It's possible that you could go this route. Of course, there are some people that want to amend that particular rule on suspending the rules. So, we might not end up with that some particular rule on suspending the rules.

Mr. Schmitt Isn't it true that Robert's Rules of Order, under which we've been acting up to the present time, uses the two-thirds vote in this particular instance and not the one-half as the amendment?

Mr. Arnette Mr. Schmitt, you're exactly right on that, and that's one point I forgot to bring out in my initial address, that we haven't had any trouble with having a two-thirds vote. We've cut off debate, we haven't had any problem getting a two-thirds vote. The previous question has only failed, said, two or three times out of ten or twelve times it's been proposed, so I think we've been doing all right with a two-thirds vote, and I think we need to keep it.
Further Discussion

Mr. Womack Mr. Chairman, fellow delegates, I want to explain how the Subcommittee on Committees happened to so wisely adopt this rule. The Subcommittee voted by a majority vote against the two-thirds. I guess I'm the culprit. About the time we had everything done—all the work done—and it was just a matter of wrapping up and putting the final touch to it, I left when probably I shouldn't have and went on to a prior commitment—I don't remember now, I believe late Sunday night or whenever it might have been, but anytime, it was at a late hour—assuming that the final touch was going to be put. If you had had a two-thirds rule for reconsideration, it would never have been reconsidered. One of the young men who pushed so hard for it, that was convinced that you needed by all means a two-thirds, came and told me, he said, "I have completely changed my position and my idea." After having served not quite as long as Senator Rayburn, but in my fifth administration in the House, I have found that about twenty or twenty-five percent of the people are against shutting off debate. I don't care what you're debating. Just say that basically I have a philosophy that everybody ought to be able to talk as long as they want to talk. So, if you get a simple majority to cut off debate, there is a good odds that you've got at least an eighty percent majority of those that have made up their mind. I think nothing in the world could be more convincing that maybe a simple majority is all you need to cut off debate, than the process we've gone through here in the adoption of these rules. We've only used—or will have used within the next few minutes—roughly eight hundred and sixty-five thousand feet of tape. I remember very well that the Mafia Committee used roughly five million feet of tape. Like this, it was very important because the judges, the Supreme Court, the Pope, Chairman of the Baptist Convention, everybody else was going to have to look at that tape in the future. That tape has been locked up in the legislative auditor's office—that some five million feet—since the day of the adjournment of the Mafia Committee. Until this time, nobody has ever looked at it yet. So, I'm just telling you that some of the things that we are convinced are so holy may not be quite as important. I think in the essence of moving on, that if you get a simple majority, you've already got a two-thirds or a three fourths, and there's a number of times when the delegates to a committee, a subcommittee, or convention are going to be convinced that their mind is made up beyond any question. They are going to be ready to vote 'cause there's going to be enough people to say that, what he said a while ago, "I'm not going to shut off debate, because if I shut off debate on him, I'll be the victim of shutting off debate tomorrow." There's a fair chance if you get twenty-five percent to shut off debate you've got enough to overwhelmingly carry the side that the shutting off debate was on. This not being able to shut off debate has cost us many, many hours of work in the House that we wouldn't have had. It's cost, to a great extent, two or three hundred bills not to get final action in the last regular session of the legislature. What I'm saying to you now, I don't want to shut off anything that's worthwhile; nobody else wants to. I go back to what I mentioned to the speaker a while ago, it's his job to maintain order. It's your job as a speaker to maintain attention. In your debating, if you're offering something that you can capture the action of the delegates, and you're contributing something to the issue at hand, I don't think you'll ever have a problem with the simple majority in an attempt to cut off debate. Thank you.

[Adjointment to 10:30 a.m., Thursday, January 18, 1973.]
6th Days Proceedings — January 18, 1973

Thursday, January 18, 1973

ROLL CALL

[11th Members present and a quorum.]

PRA?ER

Mrs. Warren Let us all bow our heads; each in his own way pray. Father in heaven, as we come today, a long day that appears to be hectic, I spent many hours with the Lord last night and I didn’t know I was going to be called to pray ... I’m asking you, Heavenly Father, that to touch each and every one of us here so that our hearts might deal with each other as we would have each other deal with us. Let us be brothers and sisters in love. Let us think about the unborn generations that will have to live with this constitution. Let no man, no woman come in here and believe that he should stop anyone from having a vote. I’m going to pray and ask you, Heavenly Father, to guide us and keep us; these and many other blessings I ask in the name of Jesus and for his sake. Amen.

PLEDGE OF ALLEGIANCE

RESOLUTIONS ON FINAL PASSAGE

Amendments

Mr. Poynter Amendments sent up by Mr. Rayburn and Mr. Glenn to Rule No. 60 Amendment No. 1. On page 22, line 26, after the word “voting” and before the words “a motion” strike out the words “except that” Amendment No. 2. On page 22, line 28, after the words “vote of” strike out the word “two-thirds” and insert in lieu thereof the words “a majority.”

Explanation

Mr. Rayburn Mr. Chairman and fellow delegates, these amendments simply strike out the two-thirds vote and insert in lieu thereof “a majority.” I believe the Rules Committee came up with some thirteen motions that could be made if we adopt the rules. This is the only one that I noticed that requires a two-thirds vote. Personally, I cannot see any need for a two-thirds vote; maybe you can. I cannot. I see, however, where a two-thirds if it’s left in the rules could cause us to stay here hour after hour when we really ... it really wouldn’t be necessary. So, that’s my purpose of the amendment. I think they are good amendments; you may differ with me. But, certain that’s why we are here. I can see where if I wanted to prolong this I would try to get five or five people to name the list and we’d just keep on talking. I’ve seen that done before, knowing all the time we didn’t have a chance and we were going to get beat, but just trying to confuse the matter. I think a majority vote is a democratic way of doing things and that’s why I offered the amendments.

Further Discussion

Mr. De Blieux Mr. Chairman, ladies and gentlemen of the convention, I oppose this amendment and I would like to tell you the reasons why I’m opposed to it. There is a difference between the rules we adopted here and the rules we have in the legislature. In the Senate, which Senator Rayburn and I served in, we do not have any limitation on debate; you have 45 minutes, and then you could ask for another 45. A delegate is limited to fifteen minutes and that can only be extended by a vote of this convention. Therefore, there is no possibility of absolutely free discussion to the Rules Committee. But, I can certainly see this, that if you get three or four delegates on one side of an issue with the last one green to talk for the previous question and the other side not having been heard, you can certainly cut off your opposition. We should have a free convention. We should have a convention in which everyone is allowed to speak his piece. Let me tell you one of the things I long for is this: if you want to get the floor to offer an amendment. If somebody calls for the previous question before you have had a chance to offer your amendment, which may make a lot of difference may make a lot of difference whether or not it’s approved or rejected, you will not have a chance if somebody asks for the previous question previously you have had the chance you wanted the floor. Now, I’ve been serving in this legislature a long, long time. I don’t believe I’ve ever tried to keep somebody from having their say. I might not agree with them but I never tried to hold the floor. But, certainly I think they have as much right to be heard as I do. I’ll fight as long as I possibly can for their right to say it. I just think if we are going to have a free, open convention and after all let’s remember this, ladies and gentlemen, in the legislature we can correct the errors and mistakes we make from year to year. But, if we adopt the type of constitution which I think that we will adopt, it may be a long, long time, much longer than this fifty years, before we have another constitutional convention. So, let’s be careful and try to not make waste with haste but put down something that will last us a long, long time by carefully considering and hearing everybody’s viewpoints on it before we vote to a conclusion that some two-thirds vote necessary to cut off debate is too much to ask of the convention delegates. So, I ask you, let’s reject this amendment and keep the effective rule. We are not going to kill anything with a two-thirds rule, I can tell you that right now.

Further Discussion

Mr. Fulk Mr. Chairman and fellow delegates, if I had been called yesterday before adjournment to speak on this subject, I would have passed because I thought maybe it might have made us all spend time to hear somebody say “pass,” and not come up and take up unnecessarily so, the valuable time of this convention. I think everyone should come before this microphone and say anything that is effective and in the feelings concerning any rule that we are considering at this time. But, I think like some of the other speakers before me have expressed, that a lot of us come up unnecessarily and sometimes too often. We have kept score on the appearance of some of the delegates before this microphone in some of the days that have passed. We have four, the score may be no times in one day. I think that is all right. I think they have a perfect right to. But, I think we should also consider the other delegates of this convention. This convention was called because of the fact that they too have a sincere and genuine interest in this convention. They, too, would like to come to the mike but they don’t feel that they have anything that is effective and in the feelings as far as the rule is concerned and, therefore, prefer not to come up. Now, I don’t intend to take up too much of your time but I have wanted to say that regarding this rule in particular that we don’t want to cut off anybody from debate. But, if we allow what has existed thus far in this convention to continue in the future, there is no telling how long it will take to write a constitution for the people of this state. We have had long sessions and none necessarily so. But, if we didn’t have a rule that would allow us to do this, the people probably, if there is a possibility that there is no telling how long it would take us to conclude the work of this convention. So, I, therefore, appeal to you to strike out, forget the rule and let’s get with the single majority. Let’s consider each of other. Let’s realize that the Rules Committee prepared this amendment several days ago and here we are in the third week and we are not yet completed with our work in the rules. In, let’s be considerate of each other. Let’s realize that the Rules Committee prepared this amendment several days ago and here we are in the third week and we are not yet completed with our work in the rules. In, let’s be considerate of each other’s legitimate interest in the work that we are doing. We should try to confine ourselves to the necessity of having to use this microphone to discuss the rule. Let me write for a majority of all delegates thank you.

Further Discussion
Mr. Drew. Mr. Chairman, ladies and gentlemen, in the convention, there is much merit in the argument of the proponents of this amendment to reduce the will of a minority vote. I find there is much merit in that. I have one point to make though in opposition to this amendment. First, I think that we are entering into a fundamental question. The basic reason that I was the major proponent of this in committee, and it was by a divided vote in that committee, is the public image that we may give; we are not returning the way they have been established in the beginning of this convention. If this gag rule is permitted to operate with a simple majority and not allow the public of Louisiana the full discussion on both sides of the question, it could be the fact that would reject the entire proposal. I urge you to defeat it. Let's show the public that we are going to give them the benefit of everybody's opinion. Thank you.

Delegate Leithman in the Chair

Further Discussion

Mr. Burson. I'm sure in that box score that Mr. Fulco has been keeping, I'm probably one of the leaders. So, you may be surprised that I'm up here to speak in favor of the limitation on debate. So, if this were to proceed the way they have been established, I would probably be getting cut off more than just about anybody. My reasons are basically that if this were the best of all possible worlds and there were a five-day week on which we could afford to talk until everybody was out of breath. But, we have got a year's time in which to do this work. We've got many processes of learning and discussion which will be going on other than the floor of the convention. We should all be doing homework, reading in the areas of interest. I have not given complete recognition to the 14 hours a day in which the delegates did not have to work in their own office, to say we've had many, many informal discussions in the hotel over dinner and these will continue. So, the floor of the convention and the debate process is not the only means for exchanging information. It's been brought out that we do have a limitation on debate of fifteen minutes per person. But, do you realize that an interest group that wanted to stall this convention, if it would organize only thirty-two people with fifteen minutes apiece, that would take eight hours of debate. Do you realize we've gone in Rule 25 the right given--and I have an amendment which I hope will change that, but I don't know whether it will yet--under Rule 45 we allow anybody to bring any consideration of any kind. Even if he voted on the losing side so that theoretically if the measure were defeated, let's say, by a vote of ninety to thirty that as soon as it was defeated, we could conclude the losing side--one of the thirty--could get up here and move for reconsideration. You'll remember when Mr. Stinson moved for reconsideration the other day the Chairman pointed out to us that the motion for reconsideration is debatable. You can debate the merits of the matter that's under reconsideration. So, the theoretically and very possibly, we could be debating an issue that the overwhelming majority of this convention had already decided two or three different times: at fifteen minutes a man. The only way we could cut off debate would discuss a two-to-one vote. I submit to you that it may not be the down in the dog days in September, November and December make it impossible for that. After all, this is not a debating society; it is a constitutional convention. I think that the public is likely to be as concerned about those of us that take too much time as it is about those of us that have too little time. Full discussion and debate. I think a lot of that full public discussion is going to occur in our committee. I'll just close by referring to the argument of Mr. Fulco which I think is the argument that's been advanced on keeping this thing at fifteen minutes. But, I would remind you that you will have to go through a great deal of work, a lot of work, to get the public in the United States, as many that managed to thwart the will of the overwhelming majority of the House of Representatives and of the Senate for years on the question of the passage of civil rights act by filibustering. Please, let's not have that same kind of thwarting of the will of the majority to go on in this convention, by interminable debate.

Further Discussion

Mr. Ginn. Ladies and gentlemen, purpose of this amendment is not necessarily to suppress debate or prevent amendments at all because I feel our Chairman has been exerting leadership and he's been very cooperative. He's been very cooperative in having our discussions, and I don't think we have that fear of ignoring someone's amendment. We have been using the majority vote in this very convention; we've been using it. You put there have been voting for it. Robert's Rules of Order, page 111, says Congress uses it. Mason's Manual, page 235, says that legislative bodies and governmental bodies use it. The Louisiana House uses the majority, you that are representatives have voted for it. Senators here have voted for it in the Louisiana Senate. So, I feel we ought to use it here in this convention. One comment was that there is a difference between the previous question on pending matter and on the entire subject matter. So, if you'll read your rule, you don't have to do that. We've had an entire article because Rule No. 45, pages 13 and 14 provide for a section by section consideration. I would like to concur with Mr. Burson; I believe in rights for everyone. But, do you also think it's right for a minority to thwart the wishes of the majority of this convention? Do you think that a handful of men can stop the purposes of the rest of the gentlemen and ladies here? I would think that the majority are losing some of their rights. One of the main reasons is that after we deliberate for a long time, you hear both sides two or three times, we waste time; we're wasting the taxpayers money down there--you've heard a lot of talk about money--our minds are already made up, we know how we're using it, so why waste time? I appreciate your consideration.

Questions

Mr. Velazquez. Don't you feel that the best method for what is initially a minority opinion to become a majority opinion is through open debate and through consideration of the issues rather than having a shutoff in debate?

Mr. Ginn. Well, considering the shut off, a majority can also prevent it--the previous question--not only pass it. But, everyone is getting their chance to speak. Bubba is calling on them; the Clerk is keeping the list up there; I don't think we have that fear.

Mr. Velazquez. Do you really think that we have a concrete majority here or do we have a changing majority? I've noticed many of these votes and it seems to me that the majority isn't always the same people.

Mr. Ginn. Well, that's true; that proves that we have an independent convention.

Mr. Velazquez. Wouldn't you say that if you want to keep it independent, then you have to continue to keep the two-thirds rule?

Mr. Ginn. No, I don't.

Mr. Velazquez. I can't see how you say you want to keep it independent, you say you want to cut off debate when you reach a certain number of people have spoken, you want to cut off debate entirely.

Mr. Ginn. Well, there you go again. If the majority wishes to have the previous question, they can vote accordingly.

Mr. Velazquez. Then you don't believe then that a
Mr. Glenn: That may be true.

Mr. Velazquez: Haven't you noticed a trend that we tend to either vote yes or no here in hopes that when a series of questions are brought before the body, the body will vote yes for a period of time? Then, there will be a break and the body will vote no. Then, there will be a break and the body will vote yes. But, the body very seldom alternates between yes and no.

Mr. Velazquez: It seems to me... wouldn't you say that the issue point is somewhat different from the concrete majority point?

Mr. Glenn: Well, that's one of the main purposes that I'm supporting the previous question. If you follow my line of thinking.

Mr. Velazquez: I believe... do you believe that following your line of thinking you should necessarily come to the conclusion that you've come to?

Mr. Glenn: Well, I'd appreciate your support.

Chairman Henry in the Chair

Further Discussion

Mr. Jack: Mr. Chairman and members of the convention, I want to bring out one or two points. First, I want to mention that I'm for this amendment. I don't think we need a two-thirds rule in this instance. Now, this is not like a legislature. We are going to have the constitution work and the body is going to have the results before... beginning July 5, the convention is going to take all the material from the eight committees. Now, if any place you need the two-thirds, it would be a legislature, not here. In the legislature unless you are on a committee, you don't see that bill till it hits the floor, couple of days after it comes out of the committee. But, here, all the constitutional work is going to be finished by the committees before July 5 when the convention really gets under way. If you're under the impression that you're going to be familiar with this material that the convention is going to finally pass on, you are not going to listen to as many speakers. You are going to have your conclusions probably in the mind, because you have heard the experts at these meetings of the committees because we're just eight committees in all. If you do your homework, you should know of all the material that's passed on; you're in an entirely different position. Now, if it was just the opposite, that this work would come out of the committees and two days later this convention took up that work, I would want a two-thirds because I would not have had time to study it. I would immediately say, we can't correct our errors like where you have two Houses in the legislature. But, we are not in that position. So, let's consider the position that we are in. I hope you've followed the argument. Eight committees will do all the work for the simple new constitution and prior to July 5th, when the whole constitutional convention gets to work, you are going to have plenty of time to do your homework to go into all the questions that we're talking about. That is a majority is somewhat different from the concrete majority point.

Mr. Jackson: Mr. Chairman, delegates of the convention, again today I rise on opposition to the amendment as proposed. I still believe it's a serious question whether we vote yes or no, that it is not going to be a simple question. The question is one that the majority are concerned with. It is not a question that would be brought to the body and I hope that it will be put in a way that it will be brought to the body. I think that it is a question that if you vote yes, it will be moved and the majority will have to vote no. I think that the majority are concerned with the question that if it is not going to be a simple question and the matter of moving the previous question is often known as a device to really, to a large extent, to cut off debate. Thank you.

Further Discussion

Mr. J. Jackson: Mr. Chairman, delegates of the convention, again today I rise on opposition to the amendment as proposed. I still believe that the majority is not concerned about the question that the people who comprise the majority on a point today will necessarily be a majority on the point ten minutes from now.
constructive debate on any particular issue.

Mr. Leithman. Representative Jackson, it's difficult to put this in a question form, but you mentioned about a to-day and with the minority--I certainly believe that, when that word was used here previously, there's no doubt in my mind that a minority reflected upon a small group of people opposing an issue. I don't think it was a black-white... 

Mr. J. Jackson. Right, I'm not suggesting that it was. But I really feel that when we talk about a minority, we're talking about viewpoints.

Mr. Leithman. So, my question is this: Do you realize that we could get thirty people on a minority stand and put these thirty people on the stand to be heard, and with each going his full period of time, do you realize we could be talking about as much as one hundred and twenty-five hours? I think just a few thirty people wouldn't be difficult to come by, and I think a hundred and twenty-five hours could literally kill any and all items that come up. Do you realize this?

Mr. J. Jackson. I realize that, but I only suggest to you that that's like a, you know, like a two-edge sword. You know, I recognize that. It's like a two-edge sword. So, I'm suggesting that I would rather sit down if it was some sort of motion, that you have--at least once the previous question is raised--at least allow the number of people--a limited number of people--to speak after the previous question, then that'll be O.K. But, as it stands right now, that a simple majority--and I guess it's a fear I have. Representative Leithman; and, if the will of the convention is so that we, that we stick with the simple majority, then as a member of this convention, you know, I'm bound to go along with those rules. But, I want everyone to be very cognizant of the fact that this is a--a crucial issue. It addresses itself, primarily, to the heart of what we're all about, in the terms of discussion--constructive and positive discussion. I think that, when we vote on this, that we should look at it in that light, rather than looking at it in the sake of that a minority can stop it. I'm particularly interested in the opportunity for all viewpoints to be heard.

Mr. Duval. Representative Jackson, isn't it true that, by a motion to limit debate, you can limit debate on any important issue? Is that a specific rule--a half an hour or an hour--so that, actually, the points made by thirty-some-odd people controlling this is actually quite fallacious; isn't that true?

Mr. J. Jackson. That's right because, in order of precedence set up under Rule No. 69, you do have a right to make your point of view by a question by debate so that, you know, when its opponents talk about it's going to provide for excessive discussion, I got to disagree with it.

Further Discussion

Mr. Sengar. Mr. Chairman, ladies and gentlemen, the thing that has impressed me most of this entire convention is the sincerity of the delegates. I don't think, from the judgment I've made of everybody here, that there is one person who doesn't want to do a good job. We've taken this set of rules; it's a very small book, double-spaced; it is prepared by a very excellent committee that did an excellent job. I think this book could have been taken; we could have adopted these rules as they were; and we could have worked with them. They were workable. But we've spent five days and we're still not through with these rules--on something that we're already good. Now, I don't know if you've ever seen the volume of the constitution as it stands today. It's a lot more than this small book; there are a lot more proposals. If you take all the proposals that will be submitted--only the proposals that were adopted--if you take all of these proposals, you could fill a whole book. You can't see the forest for the trees. We could spend so much time on one issue that is not going to pass, that is not going to pass, that is not going to pass, that we could spend on some good issues. I appeal to the ones who spoke against this because I know they were sincere, and if you are sincere please let us vote on the rules we have ever been willing to be proposed to this Constitutional Convention a chance to pass. I ask you to please vote favorable on this amendment.

Further Discussion

Mr. Weiss. Delegate Chairman Henry and fellow delegates, I don't want to discuss the minor issues raised in the previous question. It seems that the best minds in this convention are split on the matter. Those favoring the one-half vote point out matters of expediency--savings of time and money--as reflected by their distinguished and articulate Delegate Rayburn. That we not limit debate is one of the desires of the convention as a whole, but by limiting it to some degree would be helpful, and we should have no fear that it would be limited too much, they say. That great son of Louisiana from Jonesboro, Delegate Chairman Henry, is and will be very patient. Even now, I'd consider him saintly, but, later, he will have to produce and abide by the decision of this body and stick to the rules. Committee meetings again at the state's expense and money--as reflected by their investigation. There seems little doubt about that. Minority reports will accomplish these full committee reports. Apparently, all will be made to do why the issue? Surely, this is a procedural line, and the stake is simply one-half or two-thirds. I propose that the real confusion at this issue, as being created, in the comparison of these being-adopted procedural rules with legislative procedural rules. Let us clearly set forth that legislators, state; we ourselves will constitute the state. We need to be reminded that we must separate the basic constitutional law from statutory or legislative law. It seems the rules of this game--the conventional procedural rules--are states, and huge influence the state through us and demand change. This mandate to change, to me, goes particularly to all of us delegates. It's time we removed the old simplistic concept--working in a specific legislative, political arena--and recognize all of us are here, elected or appointed, city or state officials, legislators or nonlegislators, professional politicians or nonprofessional politicians, and are here on one equal footing and want to remain so. Let us address one another as delegates, to meet our responsibilities to the people of our state. Governor Edwards, in addressing us, has asked we reflect faith, not fear. Faith comes from security. The safeguard to that security, that we have the best rules to try to use; the most widely used American procedural rules, Roberts's Rules of Order, requires two-thirds vote be approved to move the previous question. One-half vote can stop a debate. We can vote, by a majority, to limit the debate. It is up to us to adopt these rules, not necessarily of expediency--and, particularly, legislative expediency--but those that this convention will go by. Perhaps, Delegate Rayburn and his supporters and I are, as the weather forecaster would say, not too far apart--just two percent. We might favor expediency fifty-one percent and reason forty-nine percent. In favor reason fifty-one percent and expediency forty-nine percent. The compromise of the political process--this could be close enough. But I have faith--the God-given reason will prevail and the convention will vote to favor the two-thirds requirement. Delegate Chairman Henry, in closing, I move the previous question on a two-thirds vote.

Mr. Henry. That's in itself, a rare opportunity that an individual gets to move the previous question on the previous question.

Is there a second to the motion?

Mr. Silverberg seconds the motion on the previous question.

Therefore, as many of you in favor of the previous question say aye; opposed, no.

The motion fails.

Why do you rise, Mrs. Warren?
6th Days Proceedings—January 18, 1973

Point of Order

Mrs. Warren Mr. Chairman and delegates, I'd like to apologize to the Chairman for standing back there screaming, but I've learned one thing since I've been here: that you gotta scream or else you're going to get left. I wanted to speak...

Mr. Henry State your point, please.

Mrs. Warren My point was I wanted to speak against the amendment.

Mr. Henry All right, Mrs. Warren, I have your name on the list, and the motion was defeated. But, when these motions are made, there's nothing that the Chair can do except allow the delegates to vote on them. I have Mr. Roy on the list, Mr. Stagg on the list, Mrs. Warren on the list, Mr. Roemer on the list, Mr. Arnette on the list, and Mr. Schmitt on the list, and they will be recognized if the previous question is not ordered, but can't be people on their normal order of recognition. Thank you.

Proceed, Mr. Roy.

Mr. Roy In the spirit of ecumenism, I have a motion coming up—a resolution—to make Chairman Henry a Catholic so that we might make him a saint. But, in any event...

Mr. Henry Let's proceed orderly, Mr. Roy.

Further Discussion

Mr. Roy I'd like to speak for the amendment of Senator Rayburn. Robert's Rules of Order, incidentally, is the best set of orders to govern frat houses, Masonic lodges, K.C. lodges, and things like that. It is not the prescribed set of rules to govern legislative bodies—be they a state legislature or a constitutional convention. If it were, and if they were used, you'd never have any constitutions and, probably, never any legislation. I was opposed to the concept of the substantive committees, as you so wisely designated, writing most of the provisions in the constitution. My opinion was that the professional staff should be an integrated unit, and the substantive committees should give it some direction, but you chose to have the substantive committees write the constitution. This means that there will be innumerable bills on the agenda of the substantive committees, with what the people of this state feel should go into the constitution. That is an essential difference then and now, from what we're doing here today, where we have a temporary Rules Committee write some rules; and, yet, with this two-thirds vote that we have, we've been here for five days, and we still haven't got our rules. Now, you can just imagine, after all of these various substantive hearings throughout the State of Louisiana, us getting involved, from July 5 on, in a discussion about something that the Chairman and Vice Chairman and, maybe, the entire committee—substantive committee—may have endorsed unanimously, and, as a result of some fellows in the minority deciding that they want to speak ad nauseam on the proposition, us never getting a two-thirds vote to go ahead and vote on the substantive matter. That's one of the main reasons I'm for the amendment. My record here so far indicates that I should be on the other side. I'm apparently in the minority in everything that I say, so I should be one of the folks who's for protecting the windjammers; but I don't think I was elected to come down here and require everyone else to come down here and do that.

Mr. Stagg Mr. Chairman, I hope all of you realize that this is one of the crunch points that we will be debating throughout this whole convention. I rise to speak, not as Chairman of the Rules Committee, but as a delegate who came to Baton Rouge with a firm conviction that this convention should have a full, free, and unlimited debate—giving all of the views of all of the people an opportunity to be heard—would be more appropriate; so it is with some trepidation in the rise of order in the resolution or an amendment offered by Senator Rayburn and by Mr. Glenn. As the rule will read, if it is adopted, it will state that a majority of the delegates present and voting on the previous question would be the rule. I'd like to point out to you that we adopted, earlier, a rule that stated that sixty-seven people constitute a quorum for the conduct of the business of this convention. If a quorum was present, then thirty-four delegates—thirty-four delegates—could cut off debate. The Rules Committee itself was closely divided on the question of the previous question. We used the two-thirds vote very sparingly; we employed it in the previous question to the end that unlimited debate would be the order; we used it in Rule No. 85 concerning the suspension of the rules; and we used it in Rule No. 82 where consent is given for changes in the rules of the convention. So, it does appear, in these rules, in a number of places where it was felt by the Rules Committee that two-thirds was the appropriate figure. In others of these rules, particularly in Rule No. 85, we used a slightly different formula. In Rule No. 85, we said that it should take a vote to suspend the rules for a specified purpose, two-thirds of the delegates present and voting, or a majority of the delegates to the convention, whichever constitutes the lesser number. That's a less stringent rule than the two-thirds and, probably, a more workable idea on behalf of those of you who think it should be less than a two-thirds vote. If the Chairman would permit it, I would ask the Speaker to put the force on the other side of the hall to prepare a substitute motion—and I considered that the floor would be available for a substitute motion and the purpose of my substitute motion would be to strike out the language in line 28 and line 9, where the words appear: shall require a vote of two-thirds of the delegates present and voting. Having stricken that language, the rule would then read: except that a motion for the previous question and the previous question on the entire substantive matter and amendment would independently requires the affirmative vote of a majority of all the delegates to the convention; i.e., in any circumstance, it would take only sixty-seven
people to shut off debate. That is a more palatable figure to me than the figure of thirty-four delegates empowered to do it if a bare quorum of the convention is present. Mr. Chairman, I move the substitute motion—that the language I read be removed from the rule in lines 25 and 29 so that a motion that the previous question would require an affirmative vote of the majority of all the delegates to the convention.

Mr. Henry Mr. Stagg, I stand amazed at your failure to realize that we cannot accept amendments to amendments in this...we haven't up to this point, Mr. Stagg. We couldn't, under Roberts' Rules of Order, but we have a strange blend of a type of procedure that we're trying to proceed by, and we just cannot begin to start accepting amendments to amendments in a deliberate body of this type. I would love to accommodate you, but I just think we're going to really--well, for lack of a better word--confuse the situation even more than it is right now. So, I'm going to rule that such a motion would not be in order, Mr. Stagg.

Mr. Stagg Mr. Chairman, I have worked, and we have worked, for these several days under Henry's rules of order, and they have proved quite successful if the Chair rules that a substitute motion to the Rayburn amendment is out of order, then I shall certainly abide by the wishes of the Chairman and the ruling of the Chairman; but I shall, if the Rayburn motion is defeated, suggest to the convention that a majority of those delegates to the convention--sixty-seven being the number--can cut off debate.

Mr. Henry Thank you, Mr. Stagg.

Further Discussion

Mrs. Warren Mr. Chairman and fellow delegates, I stand here because I remember our Chairman saying that when we get our rules we're going to have to live with them, and I intend to live with them. I'm going to make this statement, and you can underline it and you can underscore it and even can repeat it: I am not worried about money. I am about the poorest delegate that is here. I would rather give up a day's pay and have a chance to speak my mind for the people whom I represent than to have any money. And I'm interested in every delegate here having a voice. I thought that two-thirds would assure that. If I could be assured that the delegates that have proposed this amendment to cut off debate would be willing to relinquish their time in favor of other delegates to have a chance, then I vote wholeheartedly with the majority. Otherwise, I have to vote against the amendment for a majority because I would like for every delegate here, and I want you to say, you can close your eyes and forget about what color I am because I am not a minority.

Thank you.

Further Discussion

Mr. Roemer Mr. Chairman, fellow delegates, I'm Roemer, District 9, Bossier and Webster Parishes. I speak in opposition to the amendment for quite simple reasons. It has mainly to do with the arguments as presented by the advocates of the amendment. Unlike those people, unlike those people, my mind has been changed by debate. Believe it or not, some of the things said on this stand have changed my simple mind. Unlike the people that advocate the majority rule, I, from the outset in Bossier Parish, believe that the only thing we had to give is our debate, is the expression of our ideas. All of this so-called expertise and what we do in the House and what we do in the Senate begins to weigh heavily on my mind, and my soul begins to grow weary with the talk of it. They talk about the right of the majority. What right of the majority is which it is our way of people speak--their precious time? If they didn't want the job, they shouldn't have run for it. If they didn't want the job, they shouldn't have accepted the appointment. What precious rights do the people have? What are we going to kill by talking on an issue? I submit, none, except their precious time. One further argument presented by the advocates of this motion is the mathmatical calculation, and much cleverer than 1, and with a lot more experience, has submitted for our acceptance the simple premise that there's always twenty to twenty-five percent of the people who vote to cut off debate. That is a clever half-truth. What he failed to tell us is there's always twenty to twenty-five percent of the people who vote to cut off debate. That is a clever half-truth. What he failed to tell us is that seat yonder the statement, "Buddy, why don't you go up and ask for the previous question? We're tired of this." Then after the first Speaker--"We're tired of this. My mind is made up." How many times have I heard that? So, don't be fooled by the oft-stated mathmaticians of this body, about the fact that twenty to twenty-five percent of the people are always opposed to cutting off debate, therefore, we need the majority rule. That is completely in error if we use our common sense and realize there are as many, if not more, who are always willing to cut off debate, regardless of the merits of the situation. My final argument is this: I represent the people of this district. There are not many cotton farmers here. I, too, represent the minorities here. I'm talking about the black people. I'm talking about the nonlawyers; I'm talking about the nonlegislators; I'm talking about the people who are truly independent. I'm talking about the people who are willing to give their time, by all of it, if it takes. Now, I was elected on Aug. 19, I had a tough fight. I had a guy who spent a lot of money against me. He had a lot of things to use against me. But, I knocked over every redneck, and every farmer, and they're all rednecks, and there was eighty-five percent of them white and had a lot of rednecks not to vote for me. But, I sold them on one idea, and that is the one I don't know much, but I'm going to give everything I've got; and I expect the same of each one of you. If it takes us all year to listen to somebody's ideas, then I'm willing to give it.

Further Discussion

Mr. Arnette Mr. Chairman and delegates, I feel very strongly about this issue, and I don't feel I can put it as eloquently as many people have put it before me. I see a lot of rednecks, very plain people. I know people quite well and very clear before we decide this question. First, we talked about public image. The public image of this institution and what comes out of this convention is going to be all-important. I think that all phases and all segments of this convention need to be heard, if we are to have the proper public image. This is an all-important thing, whether we come up with a good document or a bad document. At the polls, it's going to make a lot of difference if it passes, whether that person's ideas were heard, whether that person's ideas were heard. I'm talking about the public's delegate got a chance to talk on a particular subject. It's going to make a lot of difference to the people, that person is. I'd like to point out, we haven't had any trouble with the two-thirds vote that's required to move the previous question under Roberts' Rules of Order. The people that have been troubled with it is right here during this debate. That's because so many people feel so strongly about this fact that it doesn't want to cut off debate on this particular issue, and I'm willing to do it in the way it ought to be. We should not cut off debate if there are people who need to be heard on this particular issue. But, the people that we have had trouble with it, the legislature we use the majority vote. Well, that's fine for the legislature, but we aren't the legislature. There are two basic differences, however. We aren't here to be bosses by listening. We have been said we are politicians, and I agree with that. But, most of us here, it's our first time,
or probably our second, possibly, time in politics, and we don't know the ins and the outs. We don't know that this debate is going to bother somebody and hurt somebody's feelings, and the next time you want to shut off debate, that person's going to vote against shutting off debate. In the Senate and House there has been this, and that's why you had so many people that won't shut off debate no matter what. But, here we don't have that situation, and we're overly willing to shut off debate. The next thing that's been pointed out by Mr. Jack is that...well, I think this isn't the legislature -- I am by this instance thinking this thing about that's so different from the legislature, is, we don't have two houses. If we shut off debate, we pass a bad bill in one house right here, we don't have another house to send this debate to and to kill that bad bill or that bad proposal. When we pass something here, and we reconsider it and lay it on the table, it's going to take a two-thirds vote to take that back off the table. So, in that way, you could have a bare thirty-three percent thwarting the whole will of the majority. In the Senate and House proposal passed; we passed it, but debate was cut off, and now we can't reconsider it, and we're stuck with it, ladies and gentlemen. The next thing Mr. Jack brought out--I hate to just refer to Mr. Jack--but a couple of things in his talk kind of interested me greatly. Another one was that ins proposals would have been defeated by 5 to 1, and we would have a chance to read all these proposals and talk about all these proposals and think about them. This isn't true, ladies and gentlemen; just look at Rule No. 42. Any proposal may be admitted by a committee or any individual delegate up until sixty days after July 5. We won't have time to consider them beforehand; there will be proposals just brought up off the floor. We need to talk about these things. This is very vital. I think everyone ought to get their debate and the right to listen to. I'm not a giant, and my mind is changed by debate. My mind can be greatly changed, two or three times during a single debate. It depends on what is brought out by the particular speakers. Now we have other, we have other safeguards against filibuster. First of all, we have a limit on debate. We can move to limit debate to one hour, two hours, three hours, or whatever we choose. The next point is that we have a fifteen minute limit on each speaker. Another point is that one speaker cannot speak more than once on each particular issue. All these things are safeguards against filibuster, Now, this morning, we had a meeting of the Temporary Rules Committee, and we were discussing a particular rule and whether to propose it as a rule to the convention. We said, "Wait, let's take out the bible here," referring to the Illinois set of rules. It's got to be kind of a joke in the Temporary Rules Committee because this was probably the bible of our set of rules because the Illinois Convention worked. The Illinois Convention was the most successful convention in the past twenty or fifty years in this country, and we took many rules from them. But, people have been saying we've been going downhill, we've advanced. The Illinois Rules of Procedure took fourteen solid days of debate and argument, and their body wasn't even half our size. They considered the ins and the outs of everything. They worked on it to what they thought was perfection, and everyone's griping about us meeting for five days on bills. If we're going to have over twelve or fourteen, that might be too much; but, five or six days, that isn't too long to develop what I think is perfect. I think we ought to have the opportunity to debate all these rules and later on to debate all the proposals that are introduced to the convention. Senator Rayburn, he led with his amendment, made a very valid point, and I have to agree with him on this. He said, "If I have a chance to talk, I can convince the majority of the delegates of this convention. Now, I don't know whether he is right or wrong, and I don't know whether he can do it. But, if we shut off debate and give the previous question, that not only shuts off debating on the previous question, whether it ought to be adopted or not--but the fact that if it is passed--that particular house have had this, and that's why they have no one else gets a chance to talk. I would hate to see Senator Rayburn cut out of his chance to convince the majority of his amendment. So, I definitely think we ought to keep this two-thirds vote. Now, Mr. Segura brought out a valid point when he said that most of the delegates here are sincere; I believe that all the delegates here are sincere. "Let's give each proposal a chance to pass." He believes that the sincerity of the delegates will take each proposal and make a chance to pass: Well, I say--a little amendment of my own--let's debate each and then give it a chance to pass. I think that's what we're here for. I think everyone needs to be heard on these things, and I think if every delegate is sincere on letting everyone be heard, that's a small matter, requiring a two-thirds vote instead of a majority vote. It's just a little insurance on this sincerity, and I think we need it. Thank you, ladies and gentlemen.

Question

Mr. Burns Mr. Arnette, inasmuch as you have the floor, will you please ask the delegates if they'll pass particular amendment to all of this argument on Rule No. 69 because Mr. Stagg said the same question is coming up in Rules No. 82, and 85, so we won't have to consume all this time, and hear these same arguments again on exactly the same question?

Mr. Arnette Well, Mr. Burns, you have a very valid point, and that's why I think we're taking quite a bit of time on this particular question, because it not only affects this rule, but it affects several and what ever way the vote goes here, the vote's going to go in the same way on these other issues. Someone was talking about, "Well, we're taking too much time on this particular rule, this one particular question;" but, once we get finished with this, we're home free, until we get down to a couple of others at the very end that are kind of sticky again. But, I think that we definitely need to talk about this because it does affect the workings of the convention for the rest of the time we're going to be here, and I definitely think this two-thirds vote is definitely needed. So, I think we ought to vote to defeat this amendment by Senator Rayburn, and go ahead and have a two-thirds vote to shut off debate. Thank you.

Further Discussion

Mr. Schmitt I'm against the amendment. Initially, I was afraid of the actions of the Chairman. However, up to the present time Mr. Henry has leaned over backwards to be fair to many of us who are novices and not familiar with the rules of procedure. I think he's done a fine job, and as fine a job as anybody could have done. The Chairman cannot refuse to go slow off debate because it is a right of the Speaker, and the motion to move the previous question is made. This cannot be debated. Any delegate with a majority can then cut off all amendments. There are other means of limiting debate, and I believe that these should be considered, rather than this harsh rule. The motion to limit debate is also undebatable, and can be obtained by a simple majority vote. I request that you vote against the amendment.

Further Discussion

Mr. Nunez Mr. Chairman and fellow delegates, Mr. Henry, no doubt proposed this amendment, made it a valid point, and I have to agree with him on this. He said, "If I have a chance to talk, I can convince the majority of the delegates of this amendment. Now, I don't know whether he is right or wrong, and I don't know whether he can do it. But, if we shut off debate and give the previous question, that not only shuts off debate on the previous question, whether it ought to be adopted or not--but the fact that if it is passed--that particular house have had this, and that's why they have no one else gets a chance to talk. I would hate to see Senator Rayburn cut out of his chance to convince the majority of his amendment. So, I definitely think we ought to keep this two-thirds vote. Now, Mr. Segura brought out a valid point when he said that most of the delegates here are sincere; I believe that all the delegates here are sincere. "Let's give each proposal a chance to pass." He believes that the sincerity of the delegates will take each proposal and make a chance to pass: Well, I say--a little amendment of my own--let's debate each and then give it a chance to pass. I think that's what we're here for. I think everyone needs to be heard on these things, and I think if every delegate is sincere on letting everyone be heard, that's a small matter, requiring a two-thirds vote instead of a majority vote. It's just a little insurance on this sincerity, and I think we need it. Thank you, ladies and gentlemen.
Have You" because I think you put me at a distinct disadvantage when you call me Senator or Representative.

Mr. Henry I think it was a distinct disadvantage when you left the House, but proceed.

Mr. Nunez I say that that's very unfortunate because I think that—someone put it very well—I think everyone here is sincere and if I come up here and announce or order of an amendment, I'm in favor of it because it works in the legislature; I'm in favor of it because I think it should be that way. I think if we just used the mathematics, just the pure and simple mathematics of what we're talking about, maybe we can change some of our minds—and I hope we can—because when you talk about two-thirds or the delegates present or two-thirds of the delegates of the convention, like Mr. Stagg is going to propose—which I think is also a bad amendment—we're talking about eighty-eight members if my mathematics serves me right. Now, the final document that we're going to send to the people of this state to vote on, we can pass with sixty-seven voting on it. Sixty-seven delegates can continually vote on every proposal we submit, and that document will go to the people. But, we're going to need eighty-eight of us to stop someone from speaking. I don't think that we should have the fear that a lot of people are expressing that this is going to be used to stop minority groups or the people who will be in the minority, and that's when I say, "minority groups". I mean that if you're in a voting minority, that you can be shut off from continued debate. I don't think that's going to be the case at all. I think if there's a proposal that's presented that deserves consideration, that deserves debate, and that has the interest of this body, debate won't be cut off. But, I think it's a simple safeguard that we're not going... Senator De Bliex mentioned the fact that the legislature comes back year after year after year, and we're only going to be here one year. I submit to him that I think he's incorrect. I think we're going to be here more than a year if we allow two-thirds rule to cut off debate. So, I would ask you just to simply consider the basic mathematics of what you're doing, and the logic of a simple majority being able to pass this document, which is what we need. Sixty-seven of us can send this document to the people, good, bad, or indifferent. That's what it's going to take, but it's going to take eighty-eight of us to stop someone from talking when sixty-seven of us feel that it isn't necessary that debate continue. So, consider that, and I think in the question of extension of this past question, you might possibly change your mind if you are convinced that two-thirds of us should be allowed to continue debate. I'll yield, Mr. De Bliex.

Questions

Mr. De Bliex Mr. Nunez, I call your attention to the words in the provision that it says "present and voting." That means that those present must vote on the issue before you can determine the percentage. It will have to pass for the previous question. Now, I ask you, isn't it possible that you could have, maybe a hundred and twenty people present, and if only seventy of them or sixty of them voted on the issue, that debate by only... need only thirty-one votes to do that?

Mr. Nunez I think you're right. On the other hand, I think that forty-four of us or one-third of us can continue debate. I don't think the other rules will be a safeguard because when we talk about debate, we're talking about debating each issue as it comes up. I think as long as you have one-third of the members here that would not want to vote on an issue, then you're having a smaller group that would be against it. If there be a majority of sixty-seven to pass an issue.

Mr. De Bliex So, therefore, then, your calculation of eighty-eight votes is not necessarily accurate, is it, because you can cut off debate if you just have less than one third of the people in favor of the question, of those that actually participate in voting on the issue, and as you have seen it here, right here, this conclusion is that it is true that we have a lot of times that a lot of people don't vote on an issue? Now, isn't that the biggest fear that we have in using the rule of majority rather than the two-thirds present and voting? Now, if you want to make it to where that Mr. Stagg has suggested that we have at least sixty-seven, that sounds a lot more reasonable because if you don't have sixty-seven votes, you can't pass it anyway.

Mr. Nunez What's your question, Senator?

Mr. De Bliex I'm just asking you, don't you see that... Isn't it true that you can cut off debate with a whole lot less than the eighty-eight which you've been referring to? You can cut off debate, just so you have one more than the other side, even if you don't have but twenty people vote on it, because they may not vote on it.

Mr. Nunez Senator, in my few days here at this convention, I've gotten a lot of confidence in the people we've had excellent attendance, and I'm assuming that you understand the mathematics of what I propose, that we will continue to have excellent attendance, and assuming that we've... we've had very little absenteeism, and as long as we continue to have this excellent attendance, and considering that a hundred percent of the delegates are here, it would take eighty-eight to cut off debate. I ask you to consider those proposals and think about it when you vote because this could happen off; debate could go on a lot of time, more than it would take to normally debate the issue, and give a fifty-one percent or sixty-seven votes the opportunity to cut off debate. Thank you.

Mr. Segura Senator Nunez, I'm asking you this question because of your experience in having served in the House of Representatives and in the Senate. If ever there's a good proposal on the floor, is it very often that someone will vote to cut off debate, if it's a good issue?

Mr. Nunez Mr. Segura, I had one strike against me when you called me Senator. When you told them in the House to cut off debate, you gave me two. I have never voted to cut off debate. I have never voted to cut off debate, but I think that the right might be somewhat different. I think it's been brought out here that there's a different operation in the legislature than what we have here in this convention. Certainly, I think there's merit to that argument. But, I agree with you. I think as we work along that many people—and I think if the Chairman would adopt the policy, I know we would--to tell us, to tell us that there are so many people waiting to speak. There are so many people wanting to speak. I think someone has an amendment to that effect, and there are so many more amendments that we have to adopt or that are presented. I think that out of courtesy this group would extend the courtesy to those people that want to speak. That's been a great experience. That's the question you asked me, and another question you asked is, would I cut off debate? No. I would never cut off debate if I thought there was an issue to be presented to the body, and after additional debate and a lot of people wanted to speak on it.

Mr. Segura O.K. My next question is, in this law that was passed by the legislature creating... in the law creating this Constitutional Convention, is there an unlimited amount of time for us to work and to present this constitution, or do we have a limited amount of time?
Mr. Nunez My appreciation is that we have a limited amount of time.

Mr. Segura Well, then, I ask you, if we have a limited amount of time, and we allow as much debate on issues that will kill the motion, will it not, maybe, limit us to consider good proposals that should be presented to the people?

Mr. Nunez Yes, I guess you could say that, but I think we have enough time, and I think we have enough...

Mr. Segura ...not give us enough time to be able to consider every proposal that's going to be presented to us because we only have a limited amount of time to serve in this constitution.

Mr. Nunez That is correct.

Further Discussion

Mr. E. J. Landry This will be the first appearance of minority. If there is a minority in this room at this time, I am it. There's only one of me in here in the category that I represent, but out there, probably listening to me now or looking at the newspaper, there will be many school children thinking about what it is I'm agreeing with at this time. I'm glad that we have people like young Roemer who said he didn't know much, but the longer he listened to him, the more he realized he knows plenty. Young Roemer and Mrs. Warren have spoken to the issue. Really and truly, gentlemen of this convention, if there ever was a crucial point, this is it. This is the crux of what it's all about. Now, I've listened carefully; I haven't spoken; I haven't been in any bull sessions, and I think the reason why we don't always get the right result is that we have too many people in bull sessions who are not listening to all sides of the questions and are continuously impressed from the very beginning with the fact that people have been allowed to express the minority opinion. Now, yesterday I was crushed. Really and truly, if you had taken a vote yesterday, after Senator Rayburn spoke, we would not have had the privilege of doing what we are doing today because you were tired; you were weary; and you were harried by Senator Rayburn and Senator Majority. And the two-thirds rule is a good one, ladies and gentlemen, and I ask you to keep it.

Further Discussion

Mr. Kelly Mr. Chairman, fellow delegates, I rise as a member of the Temporary Committee on Rules. I have not been up here a great deal because I really don't think it's the place of the Temporary Rules Committee members to necessarily fight or ... or advocate against any of these rules which have been prepared. I've been willing to sit back and listen and vote. On this particular issue, the primary thing that I want the convention to understand is, this was one of the most controversial issues that arose within the Temporary Rules Committee. Quite frankly, the amendment which is before you right now by Senator Rayburn was,... to speak, the law of the land here for about a day and a half. That was our rule; that rule was adopted. Then all of a sudden... it was brought back to me... and our dear friend, Mr. Womack, who had a previous engagement was gone and the rule was changed. Now, it could well be that Senator Rayburn's amendment would have been the rule here today. The proponents of the rule as it stands would have been the proponents of an amendment here today. This thing bears serious thought—very serious thought.

I am convinced in my own mind that if the Temporary Rules Committee was asked again—and I might add that we did not bring this issue up this morning in our meeting at nine o'clock—but if this issue was raised again I am thoroughly convinced that the two-thirds limitations set forth in the rule as it stands now would not even be adopted in the Temporary Rules Committee.

Further Discussion

Mr. Abraham Mr. Chairman and delegates, I think we have beat this dog so long enough. I realize the theory of some of the people that when you've got a full convention it takes a lot of votes in order to cut off debate. But I think it is the only way. We've got a small number of people; it doesn't take a whole lot to cut off debate. So, in an effort to compromise this issue, I would suggest this, that we reject the proposed amendment, and I will offer up a substitute motion which will make this language the same as it is in Rule No. 85, wherein it will read, 'to move the previous question shall require a vote of two-thirds of the delegates present and voting or a majority of the delegates to the Convention, whichever constitutes the lesser number.' I offer this in the way of a compromise.

Motion

Mr. Sutherland Mr. Chairman, fellow delegates, I am not one of those who rush up to this microphone to speak on every issue that comes before you. I thought very seriously before I raised my hand to speak on this issue today, because I do recognize the political maneuvers when a group of people can say anything and suggest that until you're so tired you don't want to hear anymore as one of my fellow delegates has already indicated to me and is willing to do anything to shut them up. But I think that for the record, that nobody has an issue that they want to do and can get the order of the floor and ten, twelve, fifteen or thirty of them speak on this issue before the other side has a chance they jump up and move to cut off debate. I am surprised that the men who I've seen take up more time with this convention get up here and take their time, time and time again and then stand up here and move the previous question after they're finished saying what they want to say. This bothers me. I want to see this convention open. I want to hear discussion. I think we have additional ways of cutting off debate if you so desire, and if a majority decides to do it. Why can we not limit debate to two, or three or five, or ten people speaking on a particular issue; both the opponents and the proponents and give each side a chance to make their positions known? I have sat here and listened until I'm so tired I'm ready to take almost any action and this is bad. This is exactly what some people would love to have happen, to have you get so tired that you let them put anything through that they want. I think this is a dangerous thing that we're being asked to consider right now; I think there are other methods. To test that, Mr. Speaker, I would like to move that the debate be limited to two speakers on each side after I have finished. Is such a motion in order, Mr. Speaker?

Mr. Henry The motion is in order.

Point of Order

Mr. Tapper Was the delegate right in bounds for a motion or to speak on the subject?

Mr. Henry He can do either one, Mr. Tapper, you're familiar enough with the Rules of Procedure to understand that, I'm sure.

Questions

Mr. Champagne I just wanted to know if you're
talking about the rest of the rules or if you're talking about the whole convention?

Mr. Sutherland  Rest of this rule.

Mr. Champagne  The rest of this rule?

Mr. Sutherland  Right.

Mr. Champagne  Fine.

Mr. Sutherland  What I'm doing Mr. Champagne is checking to see whether or not we have a rule to cut off debate.

Mr. Henry  The gentleman has moved that only two speakers for the opponents, two for the proponents be allowed on the remainder of this amendment as I appreciate it, is that correct?

Mr. Sutherland  That's correct.

Mr. Henry  To which objection is urged.

[Motion to limit debate to two additional speakers for each side adopted. Previous Question ordered.]

Closing

Mr. Rayburn  Mr. Chairman and fellow delegates, I do not have a quarrel with the provisions of this bill, but as long as I am a delegate, as long as I can attend this convention, I deem it necessary that I be heard. If I can get recognized, I'll be here. I would hate to see the time come when I could not stand before this body and discuss the cost of this convention. I discussed it when we appropriated the money to finance it to the legislature. I certainly have no, and never will, attempt to threaten anyone. There's not a person in this Chamber that I've asked to vote for this amendment. If there is, I wish you would raise your hand. I have not politicked it. I have not cajoled it. Nobody, I just don't believe in one third having control. I did mention minorities, if I offended anyone when I said that; I'm sorry. I was speaking of a minority of farmers, labor, industry and many other facets of our government that could be a minority. That's what when I used the word "minority" I had reference to. I just feel like that fifty-one percent of these delegates should have control of the rules. But I think even this is an idea I'm told on two different occasions and the only reason it's before you now is because one of their members was not present and they brought it up again. That's why it's here. In closing, I want to say I think you have witnessed a good example of a person who's not present and they brought it up again. I know I haven't convinced one of you how you're going to vote; I doubt if any speaker that's been here has convinced you. I think you had your mind made up. I move the adoption of the amendments and let your conscience be your guide as to how you vote.

[Roll call vote ordered. Amendment adopted: 64-59.]

Recess

[Quorum call: A member present and a quorum.]

Point of Order

Mr. Roy  Since we met at the Bellemont last week and we passed a particular rule that Mr. Kean didn't move that we adopt and follow for the rest of the time and since we have just passed this rule on cutting off debate by moving to the previous question by a simple majority, I'm wondering if we can apply this same reasoning that was applied before and let's go with that rule at this particular time?

Mr. Henry  No, sir. It's not been adopted. The rules...we're still debating that rule, Mr. Roy.

Mr. Roy  The amendment that passed, that rule is not adopted yet?

Mr. Henry  No, sir.

Mr. Roy  Oh, excuse me, I'm sorry.

Amendment

Mr. Paynter  Amendments are offered up by Mr. Jenkins as follows:

Amendment No. 1. On page 22, line 21, after the period "", insert the following:

"Before calling for the vote on the previous question or on the previous question on the entire subject matter, the Chairman shall announce the names of those delegates who have requested to speak and shall state the number of amendments or motions which are still pending."

Explanation

Mr. Jenkins  Mr. Chairman, delegates to the convention, I want to first of all say this is not a rehash of the issue that we just voted on. This is an entirely new question that's being raised here is this: you know, so often someone will move the previous question; the Chairman may ask is there any objection and one member may object. Since it is not debatable at that point, the delegates then have no information as to how many members have requested to speak or have offered amendments or motions. The Chair may announce this or it may not under the rules as they are written now. This provision simply would provide that when someone makes a motion for the previous question or for the previous question on the entire subject matter that the Chairman would announce the names of those who have already requested to be allowed to speak on this question and also will announce the number of amendments or motions that are pending. In this manner we can more accurately judge whether or not it's appropriate at the particular time to vote to order the previous question. So, I urge the adoption of this amendment.

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

Amendments

Mr. Paynter  Mr. Stovall sends up the following amendments:

Amendment No. 1. On page 22, line 24, following the words "stand arranged" add the following:

"Proponents and opponents of motions shall be recognized to speak alternately."

Amendment No. 2. On page 27, line 24, following the words "All of" delete the word "them" and insert in lieu thereof the word "motions."

Explanation

Mr. Stovall  Ladies and gentlemen, this simply means that we'll have only one speaker on a motion to speak for a motion and then one against. The reason for this is that on several occasions we have had six, eight or ten speakers who've been either for or against a given point of view. The other reason for it is that if a person who is for an issue is speaking, we'll know that he is for it. It is for that reason that I think this is a good motion. The other reason for it is that both sides will be heard on a given issue. I think this is especially important because we passed Mr. Rayburn's amendment. The other point is, that issue of the motion will be presented to the convention early in the debate rather than having a dozen persons speak, say on the same side, and then important
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Information is presented on the other side. I think it means also that our discussion will be more concise to the point. Also, as much as the pro and con has been set before the convention. Now, I realize that we are like the Egyptian Mummy. "We're pressed for time." But, I think it will be worthwhile to take just a couple of moments to adopt this kind of motion.

Questions

Mr. Champagne. This would be fine if you have equal numbers, but what I'm worried about now is you may not be pressing the thing simply because if you have ten against and one for, in other words, you might have to start recruiting people for it, you see. That was my question. I also think it puts a problem on the people...

Mr. Henry. Wow, wait, wait, Mr. Champagne. If you want to speak, we'll recognize you. Otherwise, ask you question and take your seat, please.

Mr. Stovall. The motion does not require that there be an equal number of speakers on both sides. It simply means that as long as there are persons on both sides that there will be alternating between the pro and the con.

Mr. Champagne. Do you think... Can I ask two questions?

Mr. Henry. Proceed.

Mr. Champagne. Do you think that there's a possibility that this would put an extra burden on these people up here, because I just noticed he was looking for an amendment, there, and he had a problem there? Don't you think this may put a little extra burden?

Mr. Stovall. No. I think that when a person stands to have the floor they can simply hold up a thumb meaning they're for it, and another thumb, you know, meaning that they're against it. The only trouble with this is it might create a little confusion among some of our leaders who are trying to tell some of the rest of us how to vote. But, maybe they'll find some other signals.

Mr. Blair. Reverend Stovall, who would... how would you select who would speak for or against, and would it be in numbers? Suppose five wanted to speak for or five against. Would it be first come or would you have to get together and caucus, or what?

Mr. Stovall. There would be no form of selection. It would be a matter of their getting the recognition of the Chair, and then being recognized by the Chair at the time that he might need either a pro or a con.

Mr. Alario. Reverend Stovall, I've seen many a time where—and I'm going to end it with the question, but I need to make this statement first—where a discussion is going on on the floor and then right when the issue comes out, a delegate might be for or against it, and then after he hears some of the discussion, then he changes his mind. What are we going to do in that case where you stand up and tell the Chairman you're for it, and then after a while you get to thinking about this thing and then you're not against it? Then you're... what's going to happen in that case?

Mr. Stovall. The man would simply change his mind. He could change his position with the speaker, if he so desired.

Further Discussion

Mr. Wall. Mr. Chairman, ladies and gentlemen, you know, fair play is great. Equal justice is great. But, there's no such thing as absolute justice—no place in the world—from the time you were a little kid, your mother and father, the way they treated you or the way they treated your sister and brother. There's no such thing as absolute justice, and this type of regimentation is just completely out of order. It's just unreal. You know, I'm just wondering if Reverend Stovall gives the devil equal time on Sunday, and if he takes both sides. You know, some of us, Pappy Triche back here and Sixty Rayburn, they can take either side. With this type of regimentation, they may change their mind before they get up here. So, I'm going to ask you to vote down this amendment because, really, I know Reverend Stovall has fair play in mind, but this would do more to abuse justice and fair play than leaving the discretion to the speaker and to the other delegates. If there's no further, no one else to speak, I'll move the previous question, but I'll withdraw if anyone objects.

[Previous question ordered. Amendments rejected; vote ensued.]

Amendments

Mr. Peynter. To amend the original resolution as follows:

Amendment No. 1 [by Mr. Ballinger]. On page 22, line 27, immediately after the partial word "tion" and before the words "the previous" strike out the word "and" and insert in lieu thereof a comma.

Amendment No. 2. On page 22, strike out line 28 in its entirety.

Amendment No. 3. On page 22, line 29, at the beginning of the line strike out the words "present and voting" and at the end of the line add the word "shall."

Amendment No. 4. On page 22, line 30, at the beginning of the line strike out the word "requires" and insert in lieu thereof the word "requisite."

Amendment No. 5. On page 22, line 30, after the words "vote of" strike out the remainder of the line and insert the following:

"Two-thirds of the delegates present and voting or a majority of delegates to the convention, whichever constitutes the lesser number."

Amendment No. 6. On page 22, line 31, at the beginning of the line, strike out the following: "to the convention."

Motion

Mr. Duval. I'd like to make a motion to limit debate on this matter to twenty minutes with two proponents allowed five minutes each and then two opponents allowed five minutes each.

Point of Information

Mr. Avant. I would request, if it's in order, Mr. Chairman, that the Clerk read the section now as amended, because there were numerous amendments, and I just can't follow it.

[Point of Order]

Mr. Burson. Without trying to be hyper technical, insofar as that proposed amendment would make... put "two-third" back in as regards to the previous question, didn't we really decide that matter when we voted on the Rayburn amendment?

Mr. Henry. I think that there is some substantial difference in the amendment itself. Mr. Burson.

[Explanation]

Mr. Ballinger. Thank you, Mr. Chairman. I don't feel that the amendment that Senator
Rayburn, that Delegate Rayburn, proposed and was adopted reflects the entire or the majority of the convention's ideas. Many of the people have come to me and other delegates and said that they were voting in favor of Senator Rayburn's amendment for the simple reason that they were told that this amendment would follow later and would so-call amend the previous amendment. This amendment simply says that if you ask the entire convention, or the majority, or a lot of people here for the convention that the simple majority or basically the simple majority will rule, or the majority of the delegates excuse me, the majority of the delegates will rule. But, if you would have a smaller number of delegates, a considerable amount less--possibly a quorum--that it would take two-thirds of the delegates to present and voting to cease debate or to call a question on an entire subject matter or on a question on the matter at hand. I hope this is not discussed too much at length. I think we've just about beat this dog into the ground. However, I think it is important enough because the vote was only five difference, and I know of some people who have come to me, as I said before, and said that they voted in favor of the prior amendment because they felt that this amendment would follow.

Questions

Mr. Munson Mr. Bollinger, didn't you make, in your amendment, one other change from the way the rules read now? A motion to postpone indefinitely requires the affirmative vote of a majority of all delegates to the convention. Didn't you change that to two-thirds, also?

Mr. Bollinger It would possibly be two-thirds if there was a, say, just a quorum present. Well, this would require one hundred percent of those present and voting--the way it's stated now--to do this. The way my amendment would change it would be that two-thirds of the people present and voting could do this.

Mr. Munson In other words, it would still take either a majority of all delegates to the convention or two-thirds of those present and voting?

Mr. Bollinger "Whichever constitutes the lesser number," that's correct.

Mr. Alario Mr. Bollinger, just to clear it up for me, then, under your proposal, it would be necessary to have one hundred percent attendance in order for the majority to carry. Is that right?

Mr. Bollinger No, it would not.

Mr. Alario Well, where...I thought you said that...

Mr. Bollinger It's very simple, Mr. Alario. If you had, say, what we have presently today, then you take that figure and take two-thirds or a majority of the entire convention, whichever constitutes the lesser number, would be the number required.

Mr. Alario All right, then. Wouldn't always the majority of the convention be sixty-seven?

Mr. Bollinger Yes.

Mr. Alario All right, then, when you don't have anything else...I see what you're getting at.

Mr. Bollinger You understand?

Mr. Henry Your five minutes are up, Mr. Bollinger.

Mr. Bollinger Thank you, Mr. Chairman.

Further Discussion

Mr. Flory Mr. Chairman and delegates, I hesitate to rise in opposition to this proposed amendment, but I feel compelled to do so in the spirit of expediting the work of this convention. I don't believe that it was ever intended that this convention be used as a forum for political office. I think we have a job to do, an obligation to write a new constitution that guarantees those things to the public of this state that they want guaranteed. I do not believe that any small number should control this convention, and God knows I've always been for protecting the rights of the minority. I've been in the majority all my life, economically and otherwise. But, having had some experience in deliberative bodies, I know how this can be abused. What you're talking about here, as we go down the road--September, October, November, or even during vacation period during the summer--you're going to find that you're going to have a short house, for one reason or another. We've got some seventeen delegates absent now for, I'm sure, legitimate reasons. So, what you're talking about is still a two-thirds majority. I ask you not to adopt this amendment. Don't hamstring the work of this convention, and let's proceed. We've already disposed of this issue once today. We spent all morning on it. I think the basic question has been decided, and I ask you to reject this amendment.

Questions

Mr. Burson Mr. Flory, is it your understanding that under this proposed amendment that the only time that a majority could shut off debate would be if we had perfect attendance, that is that sixty-seven would be a majority if we had all one hundred and thirty-two delegates here? But, otherwise, that sixty-seven would be way more than a majority if we had less than perfect attendance.

Mr. Flory That's correct. As I appreciate the amendment, it says "two-thirds of those present and voting or sixty-seven votes, whichever is the lesser number."

Mr. Schmitt I don't know if my mathematics is right, but it seems like two-thirds of a hundred would be around sixty-six or sixty-seven.

Mr. Flory Sixty-eight votes.

Mr. Schmitt Sixty-seven votes.

Mr. Flory Therefore, it would only be in that instance in which there would be less than a hundred people present. Would that be correct the way it worked out?

Mr. Flory Well, if...assuming that there are a hundred delegates present and the two-thirds rule or the sixty-seven votes would apply, then, of course, you would still be having the two-thirds rule apply.

Mr. Schmitt But, if you had a hundred and twenty then your sixty-seven votes would...

Mr. Flory That's correct. That's correct. But, what I'm saying is we decided the question already this morning after hours of debate on the majority of those present and voting.

Mr. Newton Mr. Flory, are you tired of whipping a dead horse?

Mr. Flory Well, I'm not a horseman, but I think this issue has had considerable debate.

Mr. Newton Are you ready to get on with the business of the convention?

Mr. Flory Yes, indeed.

Mr. Newton Thank you, sir.
Mr. Rayburn. Mr. Bollinger, does not your amendment strike out the amendment that was adopted just prior to recess for lunch, and does it not go further and provide even beyond that amendment and says that the two-thirds vote shall apply on a motion to table? Does it not go far beyond the amendment that we just...?

Mr. Bollinger. Yes, it does.

Mr. Rayburn. Thank you.


Reading of the Rule

Mr. Poynter. "Rule No. 70. Motions Not Debatable. A motion to adjourn is always in order except when a motion to fix the time to which to adjourn, or a motion to amend the calendar and agenda is pending. A motion to adjourn, a motion to lay on the table, a motion for recess pending the consideration of other business and all matters relating to questions of order shall be decided without debate."

Mr. Poynter. "Rule No. 71. Withdrawal. Any motion may be withdrawn by the mover at any time before decision, amendment or ordering of the yeas and nays, except a motion to reconsider, which may not be withdrawn without consent of the convention."

I have no amendments at this time, Mr. Chairman.

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

Reading of the Rule

Mr. Poynter. "Rule No. 72. Withdrawal. Any motion may be withdrawn by the mover at any time before decision, amendment or ordering of the yeas and nays, except a motion to reconsider, which may not be withdrawn without consent of the convention."

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

Amendment

Mr. Stagg. Mr. Chairman, I move the adoption of Rule No. 72, and there is a technical amendment. In line 21, insert a "t" in front of the word "hereto" so that the word reads "thereto."

[Amendment adopted without objection.]

Reading of the Rule

Mr. Poynter. "The motion shall be presented in the following manner: No motion listed in Rule No. 69 need be in writing. Where a motion is in writing, the delegate shall attach his or her name thereto before it is received by the Chairman or read by the Secretary, or before it is debated, if debate is in order.

8. No motion need be seconded."

Questions

Mr. Avant. Mr. Stagg, would you explain something to me, please, sir? One of the motions in Rule No. 69 is: "To amend. Now, it was my understanding—and I just want to be clarified—does this mean that a motion to amend a proposal need not be in writing?

Mr. Stagg. No, Mr. Avant, it does not mean that. If it does say that, it's in error.

Mr. Avant. Well, I want to make sure on that before—if you could enlighten me. I'm asking for enlightenment.

Mr. Stagg. Is there not another rule, Mr. Avant, with which we have specified that amendments, etc., shall be in writing? If so, there is a conflict, and you are correct in pointing it out.

Mr. Avant. Well, I thought there was another such rule and that there might be a conflict. I'm asking you...

Mr. Henry. Mr. Avant, if I can clear up your problem, this does refer to the precedence of motions, etc., in the Rule No. 69 which are oral motions, and certainly would not be construed by the Chair in any wise to involve amendments, etc.

Mr. Stagg. Mr. Chairman, with the leave of the Chair, I should ask the Clerk to insert the word in the line 19, "no motion except to amend, listed in Rule No. 69 need be in writing." That would take care of Mr. Avant's problem.

Mr. Henry. Let's let the Clerk comment on that, if you will.

Mr. Poynter. I think if you will look at Rule No. 46, it provides that "amendments shall be submitted in writing to a copy of every such amendment be distributed," etc., Rule No. 46 on page 14. Mr. Stagg, the motion to amend would refer, if you had a motion pending, for example, to adjourn at ten o'clock and someone moved to amend it to nine o'clock, you would require that in writing. I believe Rule No. 46 deals specifically with amendments as opposed to the motion to amend.

Mr. Stagg. If Mr. Avant is satisfied with that explanation, I certainly am. That's as I understood it in the beginning.

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

Reading of the Rule

Mr. Poynter. "Rule No. 73. Motion for reconsideration. Any member may move for a reconsideration of any question at the same session of the convention or the next succeeding session. The Committee on Style and Drafting may move for reconsideration on any subsequent day, if one session day's notice of its intention to do so is given in writing to the Secretary and is entered upon the Journal. A motion to reconsider shall be taken up in its regular order and shall be decided upon by a majority vote of those members present and voting. A motion to reconsider shall not be renewed on the same day."

I do have amendments, Mr. Chairman.

Amendment

Mr. Poynter. Amendment No. 1 [on Mr. Stagg.]

On page 23 in Rule No. 73, after the words "Motion for Reconsideration," strike out the remainder of lines 25 and all of lines 26 and 27—strike out the remainder of line 25 after the caption and all of lines 26 and 27—and add the following sentence: "Any member who voted on the prevailing side of the question may move for a reconsideration of any question at the same session of the convention.
Mr. Burson. I have seriously considered withdrawing this amendment, although I drafted it a couple of days ago. But, on reconsideration of my decision, I thought that I would simply present the arguments as briefly as I could to you, and I think you will see in this that the amendment can decide and either reject the amendment or decide that it's not necessary. As I understand it now, and Robert's Rules of Order apply, and I would quote here, that this requirement, that is, "to require that the person making the motion to reconsider have voted on the prevailing side is a protection against its dilatory use by defeated--minority, understand well, here refers to those that had the lesser number of votes--especially when the motion is debatable and the minority is large enough to prevent adoption of the previous question." Now, that objection is somewhat alleviated by the fact that we've adopted this majority rule. But, if it were debatable, the motion for reconsideration is itself a debatable motion. As the Chairman ruled earlier when Mr. Stinson made a motion to reconsider, you can debate again the merits of what you're asking to be reconsidered. So, that it would be possible, and I understand that there's some future amendments that may affect this. But, if I read this rule right now other than the two day requirement, it would be possible to bring up for reconsideration any number of times, something that I don't think is resoundingly like being asked without violating a single person's mind about the question. I really wonder about the wisdom of saying that suppose a proposal loses 80-20. If you haven't convinced at least one of the eighty to change his vote, why reconsider it because you're just going to wind up with the same vote over again, and you may be wasting a great deal of time.

Now, I understand that it's legislative strategy when you see you're losing to go up and change your vote so you can be on the prevailing side and come back. But, I hope that--I understand it is an amendment that's going to be coming up to do this--that we set some limits on this reconsideration because it's no secret that in the legislature of the State of Louisiana, there have been important bills in the legislature that were voted on on Friday. Then, when the motion to reconsider came on Monday, thirty or forty votes had changed for various reasons. I, for one, would like to see these issues decided. We are going to have a whole lot of committee work during. Most of the things that we are going to be discussing are going to be well discussed in committee and well drafted. Plus, they are going to have three readings here and they are going to be submitted to the committee on Style and Drafting. I just wonder if we shouldn't put some limit on the business of reconsideration and that's why I proposed this amendment.

Mr. Stagg. Mr. Burson, it is true under these rules, as written, that a member could signal the Chair or the Clerk to change his vote to the prevailing side and then move for reconsideration; is that not true?

Mr. Burson. Yes, sir, as I understand the rules; yes.

Mr. Duval. Mr. Burson, we did a good deal of discussing about this at the Rules Committee. It was an important question that the motion to reconsider could only be made once, that is, either the day... on the day that the matter was decided or on the following session. So, I don't think it would go on ad nauseum. But, would you object to Mr. Poynter, perhaps, who assisted us in discussing this, to perhaps help us in explaining the rule.

Mr. Duval. Mr. Clerk, if you would give us the benefit?

Mr. Poynter. I don't want to go too far on this because I don't know how strong the feelings are on it. This is a rather liberal rule for reconsideration. Most houses of legislatures do require something similar to Mr. Burson's amendment that you be on the "prevailing side. The prevailing side is, for instance, that had been resoundingly defeated--

Mr. Burson. Not at all, I just want to have it well understood.

Mr. Duval. Mr. Clerk, if you would give us the benefit?

Mr. Poynter. Well, in light of the explanation given by the Clerk, which is extremely confusing as to what constitutes the prevailing side dependent upon an issue. Don't you think it would be preferable to leave the rule as it is, where any person can make a motion to reconsider, when by changing his vote, he could regularly defeat the sense of your amendment in any event?

Mr. Burson. I'm sure that's true from what I've seen in the past. However, it seems to me that we ought to at least make them go to the trouble of doing that rather than adopt that requirement; they wouldn't even have to go that far.

Mr. Poynter. Well, in light of the explanation given by the Clerk, which is extremely confusing as to what constitutes the prevailing side dependent upon an issue. Don't you think it would be preferable to leave the rule as it is, where any person can make a motion to reconsider, when by changing his vote, he could regularly defeat the sense of your amendment in any event?

Mr. Burson. I'm sure worried about the fact.

Mr. Kean. Mr. Burson, I appreciate what you are trying to do. But, don't you think that we would actually wind up with more confusion, more discussion, and more controversy in trying

Mr. Burson. Mr. Kean, in answer to that, that the language of this rule is so broad; for instance, it says "may move for a reconsideration of any question." What "any question?" It doesn't say "any proposal"--which, to me, leaves open that you could ask innumerable reconsiderations of amendments--for instance, that had been resoundingly defeated--to proposals as well as proposals themselves. I'd just like to see it limited a little more from the liberty that the Clerk expressed that we have here.
to determine what would be the prevailing side or try to do so under what manner that a person is able to change his vote? If we went along with them, we would probably be adding to the confusion. Don't you think we would be better off just to have it all done and upon the sense of the convention to prevent someone from bringing a motion for reconsideration all the time?

Mr. Burson Well, I've recognized the validity of that argument except that in most cases I think you will be voting either to accept or reject something. It would be my ignorance whoever wins is the one who prevails in that instance.

Mr. Stagg Mr. Burson, you have read in Rule No. 74 the mild form of clincher motion which has been supplied by the Rules Committee wherein it is provided that if someone moves to reconsider, then it could be followed by a motion to lay the motion to reconsider on the table and it would take a vote of two-thirds of the delegates to take it off the table. You can clinch matters in this convention; they cannot be allowed endlessly to be carried out ad nauseam. We do have a clincher motion which directly follows this rule. Would you not consider that that would be the answer to your discomfort with the way we drew the mild form in reconsideration?

Mr. Burson Mr. Stagg, I don't think that that quite gets to it, because I still am afraid that you can come back and ask for reconsideration. In other words, the clincher motion, as I appreciate it, might be successful and it might not, because the motion to reconsider requires an extraordinary majority, whereas the motion to reconsider does not; it requires only a simple majority. I think the motion to...the clincher motion that you are referring to requires what a, two-thirds...

Mr. Stagg The motion to table can occur by the vote of a majority of the delegates. A motion to take it off the table requires a two-thirds vote of the convention.

Mr. Burson In that event, that certainly does answer part of the objection that I've raised; I'll have to say that.

Amendment

Mr. Poyster Mr. Johnny Jackson. Amendment No. 1. On page 23, line 29, immediately after the word "on" and before the word "any" insert the following: "any matter which is in the purview of said committee's functions on".

Mr. Jackson Mr. Chairman and fellow delegates, basically what this amendment does is just clarify that for the Committee on Drafting and Styling, if the question of reconsideration comes up, it has to be raised based on the functions as outlined in Rule No. 50 of the Committee on Styling and Drafting. All it does is further clarify that, so that you would not have a committee to reconsider matters to attempt to bring it before debate again, that if it is reconsidered, it's only reconsidered on things like doctrine, styling and technical provisions rather than leaving it open, as I understand it to be in the proposed rule.

Further Discussion

Mr. De Blieux Mr. Chairman, ladies and gentlemen of the convention, I'm afraid of this amendment because I think that this particular provision in our rules and regulations possibly can save us from making some very extensive errors sometimes, particularly upon duplication and inconsistency of provisions which may have been adopted; it's possible only the Drafting and Styling Committee would be able to catch. I would favor leaving it just like it is for the particular reason that they can maybe save us from some of our errors. We don't have another time, if we find we have made an error, to reconsider it and go back and change it. After it's passed the rules of the Drafting Committee we are out of luck then. Now, I just suggest at this particular time, leave it where the Drafting and Styling Committee can check anything like that. I'm sure we will have to pass upon what they do, we are not going to let them abuse the privilege.

Mr. Stovall Senator De Blieux, isn't that exactly what Mr. Jackson just said, that this would be used only for the purpose of eliminating duplications and so forth?

Mr. De Blieux No, that's not what I understood. You see, the Styling and Drafting Committee as it presently stands right now, they can only take changes in the lettering or the arrangement of the words; they cannot change the substance. Now, if there's a chance of getting this matter reconsidered by reconsideration, of where we have made an error in something we have sent them. Now, under Mr. Jackson's amendment, as I understand it, they would not have that right and privilege to do that. They can only ask for reconsideration in case where we have misplaced a comma or something of that sort. It's got to be something that's not pertaining to the substance matter of the convention. I think that we ought to leave this here just so that we have a chance, the convention is going to have to pass on it anyway, so we can catch any errors we might have made.

[Prevailing Question Ruled]

Closing

Mr. Jackson Mr. Chairman and fellow delegates, I can appreciate Senator De Blieux's concern. All this amendment just basically does, it says that it's still within the purview of the Committee on Styling to raise questions of considerations of that amendment; I'm saying that as it is so stated in the proposed rule that we're discussing, it leaves it very open as to what they can do. All my amendment says is that, you know, whatever we say they can do in Rule No. 50, the one that would be applicable in this rule for reconsideration. On that, I close, Mr. Chairman.

[Amendment Rejected]

Mr. Stagg I move the adoption of Rule No. 73, Mr. Chairman.

Question

Mr. Conroy In some of these discussions which I've heard, there's been some inconsistency in what is meant by the word "session" in the first sentence of Rule No. 73. Would you explain what is meant by the word "session"?

Mr. Stagg Yes, sir, Mr. Conroy. When this convention is convened for the purpose of debating the proposals by committees and proposals by delegates for language, if this convention opens its business, Say, on Monday morning at 10:00, and a matter is taken up and voted on, the next day, Tuesday, would be the next session of the convention. A session would be for a day's business. So, if you were going to reconsider, you would have...to move on the same day the matter was voted or you would have to do so on the next succeeding day's session.
or you could not thereafter move for reconsideration; that’s the nature of the motion.

Mr. Conroy Thank you, very much.

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

Reading of the Rule

Mr. Poynter "Rule No. 74. Motion to Call from the Table. A motion which has been laid on the table shall be called from the table only by the affirmative vote of two-thirds of the delegates to the convention."

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

Reading of the Rule

Mr. Poynter "Rule No. 75. Division of a Question. Any delegate may call for a division of the question, which shall be divided if it includes propositions which are so distinct in substance that, when one is removed or deferred, a substantive proposition remains for the decision of the convention. A motion to strike out and insert shall not be subject to division in the meaning of this rule. No section of a proposal may be divided. The limits on debate as set forth in Rule No. 30 of these rules shall apply to the debate on each division of the question."

Amendments

Mr. Poynter The gentleman [Mr. Stagg] sends up amendments.

On page 24, line 11, delete the word "No".

Amendment No. 2. On page 24, line 12, delete the words "section of a proposal may be divided."

Explanation

Mr. Stagg Mr. Chairman, it was brought to the attention of several members of the Rules Committee by delegates here that the division of a proposal, the rules that no section could be divided, might cause us to have for consideration before this body a piece of legislative or constitutional business that had two or three separate provisions. Perhaps, it was felt that two of them were good and one was not and in order to vote on it, you would have to take the good with the bad. The part of the rule which precedes it, which where they are distinct propositions, where one can be removed or deferred takes precedence over the section...or that part of it that says, "No section of a proposal may be divided." The Rules Committee met this morning at 9:00. We reconsidered this Rule No. 75 and it was the judgment of the Temporary Rules Committee that the suggestion that this amendment be adopted be brought to the attention of the convention and, for that reason, the amendment was moved to delete the words, "No section of a proposal may be divided."

Chairman Henry in the Chair

Mr. Henry Mr. Stagg, if you would—I just got back in the Chair—and if you would run through that explanation just one more time, I would appreciate it.

Mr. Stagg Mr. Chairman, a number of delegates—one, Mr. Avant, and some other brought to the attention of the Rules Committee members that the rule section, second sentence from the end, would perhaps face the delegates a dilemma when a proposal in the new constitution had several paragraphs or several thoughts within a single proposal and that if it could not be divided, you would be moved to vote to delete it from a proposition that had some bad things in it you didn’t want to vote for. But, because it was presented as a single proposal, this would stop you from dividing it. That, being brought to the attention of the Rules Committee, we met this morning to reconsider our action in putting this rule in here. It was the unanimous view of the members of the Rules Committee—and there were fourteen of them present—that this item should be eliminated and that’s why the motion was made in the name of the Temporary Rules Committee.

Mr. Henry Realizing that I’m again exercising my discretion, couldn’t you accomplish the same thing that you’re setting out to accomplish by this...with this rule, by an amendment deleting what is objectible as far as the issue is concerned, Mr. Stagg? All I’m basing my question on is what limited experience I’ve had in the legislature on such matters, because when you have a bill that comes up for a final passage in the legislature and there is some question that you might lose the bill, you amend out that portion; you resolve that by amendment rather than handling it in the manner in which you’re suggesting it. I just wonder about the advisability.

Mr. Stagg Mr. Chairman, it was felt to be inconsistent with the first sentence which reads that “Any delegate may call for a division of the question, which shall be divided if it includes propositions which are so distinct in substance that, when one is removed or deferred, a substantive proposition remains for the decision of the convention.” It’s so divided because it would stand on its own bottom, then the further proposition that no section could be divided was a glaring inconsistency.

Mr. Henry Would you yield to a question from Mr. Avant?

Mr. Stagg Gladly, and it was on your suggestion that the Rules Committee took this matter up.

Questions

Mr. Avant Mr. Stagg, wouldn’t it be true that under this rule that if whatever committee is charged, for example, with writing an article to go into the constitution, say, on the Judiciary and they brought it in in this fashion: Article III, the Judicial Department, Section 1, there will be thus and such courts and they will have thus and such jurisdiction? All right, Section 2. Selection, Tenure and Salary of Judges. All right, they say judges shall be selected in thus and such a manner; their terms of office shall be thus and such years; and they shall be paid in thus and such a fashion. All of those three things are in one section of that proposal. A delegate agreed with the method of selection; he agreed with the method by which they were going to be paid, but, he didn’t agree with the tenure. Under this rule, as it’s written, he could not move for a division of the question so that each one of those three items would be voted on separately.

Mr. Stagg That’s what we felt, Mr. Avant, that it was inconsistent with the previous part of the rule as read.

Mr. Avant He would have to take, would he not, sir? The part that he didn’t agree with in order to get the part that he did agree with?

Mr. Stagg That is correct, sir.

Mr. Avant And that’s the reason for this amendment?

Mr. Stagg That is correct.
the same point. Under the circumstances, do you think it would be in order to withdraw the amendment so that we can proceed with the adoption of the rule?

Mr. Stagg: Mr. Kean, I'm--if you don't leave, I want to parley with you--I believe that what... it can be done under these circumstances and when Mr. Avant proposed his question of salary, tenure and term of judges that if you were offended by one of those three sections of that proposal, you could move to amend it, either to amend it out or to change the manner of it, or in any other fashion protect yourself. I'm just voting on an unwarranted point of such a proposal. It was therefore, to be done either of two ways: by amendment or by allowing a section of the proposal to be divided. To the extent that the members of the Temporary Rules Committee would agree, then I would withdraw the motion because it was done by the Temporary Rules Committee this morning. I would like to ask that the members... any member of the Temporary Rules Committee object to my withdrawing the amendment?

Mr. Henry: Mr. Stagg would like to know, and rightfully so, if any member of the Temporary Rules Committee would object to his withdrawing the amendment at this time?

Mr. Stagg: Did any member of the Rules Committee rise to object, Mr. Chairman?

Mr. Henry: No member has objected, sir.

Mr. Stagg: Then I would be persuaded by the Chairman to withdraw the amendment.

Mr. Henry: Thank you, sir.

[Amendment withdrawn.]

Point of Order

Mr. De Blieux: Mr. Chairman, if I'm in order, I'd like to propose the same amendment which was proposed by the Rules Committee. I'd like to explain my reasoning behind it.

Mr. Henry: Well, I'll tell you what--just take Mr. Stagg's name off and put Senator De Blieux's name on and we'll--Senator De Blieux sends up amendments, Mr. Clerk.

Amendments

Mr. Poynter: It would delete in the rule the language on line 11 and 12 "no section of a proposal may be divided".

Explanations

Mr. De Blieux: Now, if I may, Mr. Chairman and ladies and gentlemen of the convention, I want to explain why I think that this is a very good and appropriate amendment. This situation is going to happen when somebody presents an amendment to a proposal. To give you an example of what I'm speaking about, I take the very copy of the act which was adopted--and if you have a copy of it--you'll notice under Section 1 there is 1, 2, 3, 4, four paragraphs; they are numbered paragraphs; all part of the same section. I would say that out of those four paragraphs, each and every one of them could stand alone. You don't have to have that exact same language for the rest of it to be ineffective. It means, if somebody proposed that type of an amendment to the act, and you didn't like one of those sections in there, you couldn't... you'd have to vote against the whole business when you liked the whole business. Now this particular provision would allow you whenever something comes up to take out the bad and leave in the good. You don't have to accept the bad with the good in order to get something you want. Now, this really is only going to come up on amendments and you cannot propose an amendment to an amendment. I just want to bring that to your attention. You vote on amendments one at a time... according to what they're advocating by not having this in the rules, you get to adopt the amendment first and then come back with a second amendment and debate the whole matter all over again before you can take out that bad portion which you don't want. There are not enough people there that want that bad portion in, it's going to make it kind of difficult for you to do it after a prolonged debate. I think it's going to shorten our period of time. Let us go through in an orderly procedure, if we take this amendment and adopt it here, and you don't have to separate those you don't want to separate now, because it's going to be up to the convention as to whether or not they want to divide the question anytime, anyway.

Further Discussion

Mr. Avant: Mr. Chairman, Mr. Chairman and fellow delegates, in all due deference to Mr. Chairman and to the other distinguished delegates who stated that the amendment process protects a delegate in this instance, I beg to differ. The reason that I want this amendment and urge you to support it is simply this: as I understand this rule, if a proposition can be divided then any delegate has the right to demand that it shall be divided. But, you do not have an unqualified right to offer amendments as you learned earlier when we had all this discussion on the previous order. Now, I may be caught in this situation. I may have an amendment that I want to offer, and I may be down the line, or for other reasons. The previous question is ordered, and I'm then in the position of having to vote either against three good propositions in order to vote against one bad one, or else vote for one in order to vote for three good ones. I think that this just makes sense as this rule says, particularly when you get into proposals which are going to be the substance of the constitution, that if the question can be divided that then if any delegate requests it, it shall be divided. The amendment process does not give you that protection. I urge that you support this amendment.

[Previous Question ordered. Amendment adopted. "The next question is ordered on the rule. Rule adopted viva voce."]

Reading of the Rule

Mr. Poynter: Rule No. 76. 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 proponent, or a delegate designated by him, shall have the right to close, even after the previous question is ordered, which closing speech shall be limited to fifteen minutes.

A. Previous question on the entire subject matter shall be admitted when ordered by a favorable vote of two-thirds of the delegates present and voting, and when carried its effect shall be to put an end to all debate, and bring the Convention to a direct vote--

[1] Upon the pending amendment and so on back to the first amendment offed.

[2] Upon amendment reported by a committee, if any; and.

[3] Upon the main question. But [all question]
involving length of time, amounts of interest, questions of quantity, and similar questions, such questions involving the longest time, the largest interest or quantity shall be put first regardless of the order in which motions, amendments or substitutes may have been made.

On a motion for the previous question on the entire subject matter, and except to the ordering of the same, a call of the Convention shall be in order; but after the Convention shall have ordered such motion not all shall be in order prior to the decision of the main question on a motion for the previous question on the entire subject matter, there shall be no debate. All incidental questions of order, arising after a motion is made for the previous question on the entire subject matter and pending such motion, shall be decided whether on appeal or otherwise, without debate. A call for the previous question on the entire subject matter has been sustained, the question shall be put in determined order as above, without debate on either 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 speech shall be limited to a total of fifteen minutes."

Amendments

Mr. Poynter Amendments proposed by Mr. Poynter amending the original Resolution.

Amendment No. 1. On page 24, line 19 after the word "vote" delete the remainder of line 19 and insert in lieu thereof the following: "as provided in Rule 60."

Amendment No. 2. On page 24, line 20 delete the word "voting." Amendments No. 3. On page 24, line 25, delete the "a" before the word "delegate" and change the word "delegate" to "delegates." Amendments No. 4. On page 24, line 32 after the word "Convention" and before the word "to" add the words "or any committees." Amendments No. 5. On page 25, line 22, delete the "a" and change the word "delegate" to "delegates." Amendments No. 6. On page 25, line 25, correctly spell the word--incorrectly spell--"speeches" so as to read "speeches"--correctly spelled.

Explanations

Mr. Kean Mr. Chairman there should be one additional amendment which would be designated "Amendment No. 4" and renumbering those after that as Amendments Nos. 5, 6, and 7, so then, on page 24, line 29, you shall delete the word "of" and on line 30, delete the words "two-thirds of the delegates present and voting" and insert "as provided in Rule 69." Amendment No. 1 and Amendment No. 4 accords with the action previously taken in Rule 69 to require a majority of those present and voting for the purpose of the previous question. The others are simply technical amendments to provide in one instance, the word "delegates" instead of "delegate," another instance, to make certain that the previous question rule would apply to committees as well as the convention.

Mr. Stagg The other amendment is to correct the spelling of the word "speeches."

Mr. Poynter Amendment proposed by Mr. Poynter amending the original Resolution.

On page 25, between lines 7 and 8 add the following: "(4) The motion for the previous question on the entire subject matter shall, during the consideration of any proposal, extend only to the individual section under discussion in accordance with Rule No. 45." Explanation

Mr. Duval Mr. Chairman and fellow delegates, this is merely a clarification amendment. I'm sure that our rules as written, would be interpreted as to only allow the previous question on the entire subject matter to be moved on a... let us for an example, let's assume a constitutional article was proposed with ten sections and after discussing two sections, the previous question on the entire subject matter would be moved. I think under Rule No. 45 this could not be done because we are obliged to take each matter up, section by section. But I think since the Chairman... it's the Chairman's duty to interpret these rules, we should make them as clear as possible and this would avoid any possible argument on the matter in the event that it would come up. So, I urge the adoption of the amendment.


Reading of the Rule

Mr. Poynter "Rule No. 78. Voting after Decision is Announced. When the Yeas and Nays are taken on any question, no delegate shall be permitted, under any circumstance, who was present at or prior to the decision has been announced by the chairman. The names of absentees on all calls of the yeas and nays shall be placed on a separate list."

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

Reading of the Rule

Mr. Poynter "Rule No. 79. Explanation of Vote. No delegate shall be permitted to explain his or her vote except as hereafter provided. Any delegate may explain his or her vote in writing or reasons for not voting in writing and request that such explanation be made part of the record."

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

Reading of the Rule

Mr. Poynter "Rule No. 80. Tie Votes. When the Convention is equally divided, the decision of the Chairman shall be taken to break the tie, provided that the Chairman, in this event, shall not have previously voted as a delegate on the question."

[Amendment by Mr. Poynter.]

On page 26, line 11, after the words "divided, the" and before the words "of the" delete the word "decision" and insert in lieu thereof the word "vote."

Explanation

Mr. Stagg It was simply that "decision" of the Chairman was not the proper word to use when actually what we meant to say was that the "vote" of the Chairman shall be taken and it much more simplifies it if you say exactly what you mean.

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

Reading of the Rule

Mr. Poynter "Rule No. 81. Recording the Vote. On the passage on third reading of every proposal, section, or article the yeas and nays shall be

[160]
Mr. Stagg sends up technical amendment.

Amendment

Mr. Poynter Amendment No. 1 [by Mr. Stagg]. On page 26, line 23, at the end of the line strike out the period "." and insert in lieu thereof the following: "and voting"--read "present and voting".

Reading of the Rule

Mr. Poynter "Rule No. 82. Consent. No proposal, resolution, or other subject shall be made a special order for a particular day without the consent of two-thirds of the delegates present."

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is fairly stable, that we should at least require a majority vote of the constitution before we can suspend them on any one day.

Questions

Mr. Burson Without intending to defeat your motion at all, I wanted to ask you, Mr. Arnette, if you had noticed—and I did because I asked some people about it—that in Rule No. 81, regarding recording the vote, that it says that "the article shall be declared passed unless a majority of all the delegates to the convention shall have voted in favor of the passage of same," so that I think that maybe you're talking about in the rules of the...that the constitution providing for in the House and the Senate is also provided in our rules for this convention, too.

Mr. Arnette Mr. Burson, you're exactly right. It is provided in our rules in Rule No. 81. But, this rule, like any other rule, may be suspended. This is what worries me. We could suspend this rule which requires a majority of the convention to pass every proposal, and there could, perhaps, be a rule after they suspend this rule and, say, "Look, it only takes a vote of forty for any proposal to pass." This is what worries me. I don't envision it happening, and I hope it doesn't happen, but I think we ought to make a rule to take care of this eventuality.

Mr. DeBieux Mr. Arnette, if you say that rule can be suspended which calls for a majority, why couldn't the rule which you are putting in the amendment also be suspended? So, I don't think you're going to be accomplishing anything that way.

Mr. Arnette Well, the rule to suspend the rules is the only way that you may suspend the rules. Therefore, it cannot be suspended until the rules are suspended. So, you can't suspend the rules until you get the affirmative vote of a majority of the delegates to the convention.

Mr. Florio Mr. Arnette, do you realize that with the amendment that you have proposed, assuming that there are a hundred people present, that the normal reason for a suspension of the rules is if you're in the Regular Order of the Day under consideration of matters and you want to suspend the rules in order to reverse the morning order for the purpose of Introduction of Resolutions, Petitions, Memorials, etc., that if there are only a hundred people present, that it would require sixty-seven votes in order to move back and forth in order for the desk to do the work that they have to do? Do you realize that?

Mr. Arnette Well, I may be mistaken, but I think we have another rule that provides for a change in the daily order by a majority vote of those present. I don't have it here with me at this particular time, but we have passed such a rule, I'm fairly sure.

[Previous Question ordered.]

Closing

Mr. Arnette In closing I just want to say that I think this is very important that we do have this provision in there that no less than a majority could suspend the rules of this convention for the reasons I stated before, because I don't want anything passed by anything less than a majority of this convention. I think it would hurt the credibility at the polls, and I don't think that we need to have this adverse publicity or anything like this or any provision passed by less than a majority that would hurt us at the polls. This is my main consideration.

[Amendment rejected: viva voce. Previous question ordered on the main. Rule adopted: viva voce.]

Reading of the Rule

Mr. Poynter "Rule No. 86. Consideration of Proposals without Committee Recommendation. After one day's notice the convention, on a motion passed by the affirmative vote of a majority of the delegates present and voting, may require a committee to return, with or without recommendation, any proposal referred to the committee."

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

Reading of the Rule

Mr. Poynter "Rule No. 87. Notice. Whenever notice is required to be given by these rules, the following rules shall constitute notice:

(A) If the convention is in session, an announcement made by the Secretary in open session shall constitute notice for all purposes.

(B) If the convention is not in session, the Secretary shall give notice to the delegates by U.S. Mail, certified, postage prepaid. The date of mailing said notice shall constitute the date of the notice for all purposes under these rules.

I have no amendments. Mr. Chairman.

Questions

Mr. Stinson Mr. Stagg, nowadays, you know, our mail is rather terrible. You don't have any time there in which you do the things that are necessary. I know when we got the copies of the rules, a week later we got the telegram that was mailed to me to see if I had gotten the rules. Now, this doesn't have any time element. Don't you think there should be some precaution taken to be sure that we will get them...there's no delay at all.

Mr. Stagg Well, it's required, Mr. Stinson, to be sent by certified mail, and we trust that that provision of not just eight cent stamps on it but that it must be certified will probably gain you the receipt of that mail maybe a little quicker than you would under normal circumstances.

Mr. Stinson I could foresee where it might even delay it. I'd rather mine not be certified. You have to pick it up, maybe, in person. It looks like there should be some precaution because...on there. From here to Shreveport or out in the country from Shreveport it takes sometimes three days to get mail up there, at least.

Mr. Stagg Well, Mr. Stinson, I think the committee felt that the most reasonable notice given and capable of being given by the Secretary was to put it in the mail. We can't be using the State Police every time we need a notice and the weather is bad.

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

Reading of the Rule

Mr. Poynter "Rule No. 88. Authority. On any question of order and parliamentary practice, when these rules are silent or inexplicit, Mason's Manual of Legislative Procedure shall be considered authority."

Question

Mr. Tobias Mr. Stagg, why did the Rules Committee choose Mason's rules over Legislative Procedure rather than Robert's Rules of Order?

Mr. Stagg You may not believe this, Mr. Tobias, but after we had argued these rules for some twenty-eight hours and we were prepared to suggest that Robert's Rules of Order would cover places where those rules cover our rules, that advice from legislative members of our...members of our committee who were in the legislature, we sought
advice from Mr. Poynter, we sought advice from delegates who were present at the Rules Committee hearings, and the general trend of the advice, sir, was that delegations of that were particularly designed for conventions of social organizations, for Kiwanis Clubs, for Lions Clubs, for other than legislative and government deliberative bodies. It was felt that Mason's Manual of Legislative Procedure is a manual designed particularly for parliamentary bodies, constitutional conventions and state legislatures, and that for that reason only, Mason's Manual was felt to be a superior source of legislative information, parliamentary debate than would be Robert's Rules of Order.

The committee also made business to recommend to the Chair that at all times during the deliberations of this convention, multiple copies of Mason's Manual will be present in whatever room it is we are deliberating so that the members could have access to it.

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

Amendment

Mr. Stagg Mr. Chairman, I move to adopt Rule No. 89, which reads as follows:

"In all correspondence, new releases, memoranda and other similar writings, it shall be permissible to refer to the Constitutional Convention of 1973 by the abbreviation 'C.C./73.'"

I move its adoption.

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

Mr. Stagg Mr. Chairman, there is one additional rule concerning the power of the Chairman to call the convention back into session, if necessary, prior to July 5. I think that motion or resolution was forwarded to the Chair by Mr. womack.

Amendment

Mr. Poynter Amendment No. 1 offered by Mr. Womack to the resolution:

On page 27, line 32 add the following:

"CHAPTER 7
Interim Meetings
The Chairman, with the approval of the Executive Committee, may reconvene the convention."

Explanation

Mr. Womack Mr. Chairman and fellow delegates, it is the feeling of a number of members that there was a void and that not knowing who might raise a constitutional question that needed to be clarified prior to a legislative session or something of that kind, that we needed a rule in there giving the authority for the reconvening of the convention prior to July 5, or at any other time there seemed a necessity.

So, I'd urge the adoption.

Questions

Mr. Gravel Mr. Womack, I'm not opposed to the reasoning behind your resolution, but I do have some serious concern about whether we are not directly violating the provisions of Act 2 of 1972. I refer, particularly, to the provision that requires that after completing organizational activities, the convention shall adjourn until July 5, 1973, which appears to me to be a mandatory provision in the law. Now, don't you feel that your resolution in direct conflict with this provision in the law...the statutes?

Mr. Womack Mr. Gravel, that is quite apparent, but by the same token, if it becomes absolutely necessary that that be done, then we can go back and amend it and ratify what had been done which, I think, is a procedure that would give us an out on this. I speak in particular...let me give you this for an example: there has been a constitutional question raised, and one of the alternatives to the same, a possible constitutional question would be the convention itself take certain action which would be a corrective measure. But, if there's no provisions for calling the convention and then, I don't know whether you could do it or not. So, it was felt by a number of us that this should be included in there and then if we have trouble with it, we could ratify it by a House resolution.

Mr. Gravel Well, I don't agree with you that...the point I'm asking is that if this is in contrary to the convention of the law, and you seem to agree that it is, couldn't we accomplish your purpose by making some provision at this time for the convention to reconvene upon the call of the Chairman and the Executive Committee as a Committee of the Whole, which I think probably would be within the authorization of the statutes? I think your resolution is in conflict--direct, clear conflict--with the law. It's in conflict with the oath that we've taken, and I believe that what you want to do can be handled, but not in this manner.

Mr. Womack What you're trying to say is that if we would add the words "into a Committee of the Whole" you think we could do the same thing by that and eliminate the conflict?

Mr. Gravel That's a possibility. I hadn't thought it out too much, but that would be the only possible way that I think we could do it and not violate the statutes.

Mr. Womack Mr. Chairman, would you declare a standing at ease for about three, four or five minutes and...

Mr. Henry I was just fixing to suggest that if...you're going to withdraw these for the moment?

Mr. Womack Yes, I'll withdraw.

[Amendment withdrawn.]

Further Discussion

Mr. Womack Mr. Chairman, fellow delegates, it is the opinion of our key legal counsel that when we once adjourn that there is no provisions for calling this convention back into session however imperative it might be. So, instead of a proposal which would allow the reconvening at the apparent close of the urgent business, we plan to propose that we recess until a day certain, which legally and technically will leave the Chairman of the convention in a position to call us back to complete the work that we had left undone; and that portion of the word 'we left undone' would be that portion of urgent things that come up that is imperative that it be taken care of in order to see that the functions of the convention are carried out with the...within the duties and responsibilities that we have. At this time, we don't propose any amendment. We propose only that you understand that at the close of the...or at the apparent close of the urgent business that we have, that we will recess, and that motion is the one that will be made tomorrow, or this afternoon, or tonight or whenever the time might be. Thank you.

Motion

Mr. Stagg Mr. Chairman, the pending order of business before the convention is Committee Resolution No. 1, entitled the Temporary Committee on Rules. On behalf of that committee, I move the adoption of the rules as variously amended.

Point of Information

Mr. Triche Mr. Chairman, I guess rather than a
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question to Mr. Stagg, this would be a point of information from the Chair.
If we adopt these rules, would we be then in a position to consider the resolutions that have already been filed?

Mr. Henry: Mr. Triche, your point is well taken. If we adopt these rules in their entirety with this motion, we will have to suspend the rules to give consideration to any of these resolutions until next July.

Point of Information

Mr. Weiss: May we request of either Mr. Stagg or the Chair that we allow the resolutions currently pending to be considered today after the conclusion of this vote?

Mr. Henry: Well, now, it's not going to be up to Mr. Stagg. He's a very congenial and agreeable fellow, Dr. Weiss, but it's just not that easy. Now, you see, we've spent over a week hammering out a set of rules of procedure, and I think that once we adopt these rules that we should proceed according to the rules that we've adopted. Now, the position that we will be in if this motion to go ahead and adopt all the rules as amended is adopted, then the resolutions will be introduced. They will be heard. The delegate who introduces the resolution can make a motion to suspend the rules for the purpose of considering the adoption of the resolutions on this vote, and we have not yet had a two-thirds vote to suspend the rules, then certainly we can consider the resolution at that time. But, Mr. Stagg does not have nor would he take the prerogative of saying that he will allow us to introduce and go ahead and debate these resolutions, because it's not Mr. Stagg's ball game; it's mine and yours and his, you see.

Point of Information

Mr. Weiss: The point of information is the question to you, Delegate Chairman, and that is: how should we handle this matter at the completion of this vote when we hopefully will accept these rules and then go on from that point? What would you suggest?

Mr. Henry: I would... You know, I don't want to act like I'm controlling this convention, Dr. Weiss.

Mr. Weiss: This is a point of information, Delegate Chairman. You're certainly not controlling the convention.

Mr. Henry: I think that we should go ahead and adopt the rules, and then take your chances on suspending the rules, personally.

Mr. Weiss: Thank you.

Mr. Henry: At this time, I think it would be most appropriate for those of us as delegates to express our deep appreciation, Mr. Stagg. I don't usually do this for Republicans, but you have done a splendid job, you and your committee, and I think all of those of us here at the convention are indebted to you. I'd ask that every delegate stand up and give them a round of applause. Be seated let's don't over do it now.

Are there resolutions, Mr. Clerk? I think the first order of business, perhaps, at this point, as far as the resolutions go, to present the Chairman of the Convention can appoint a Clerk and a Sergeant-at-Arms, I would like to state that my choice for Clerk—and I'm sure this will come as a great surprise—is David Poyneter, who we're getting for a real bargain. He has agreed to serve the convention at no cost to the convention at all. He reluctantly agreed to do that after I explained it to him the other night. No, I'm serious.

Mr. Poyneter: Mr. Convention Chairman and fellow delegates, it is indeed a privilege for me to move that we approve the appointment of Mr. David Poyneter as Chief Clerk of this convention. I'm sure you will have heard from me that Mr. David Poyneter has shown his capabilities as Acting Clerk, and I hereby move that we do approve his appointment as Chief Clerk.

[Previous Question ordered. Appointment of Chief Clerk approved by acclamation.]

INTRODUCTION OF RESOLUTIONS

Mr. Poyneter: With the indulgence of the convention, I would like to postpone assigning permanent numbers to these delegate resolutions as there were a number of resolutions offered up the first day that you convened. With your approval, I will temporarily, rather than number them, call them Resolution A, B, etc., and when all the records are examined, we can renumber them according to the number of introduction. Mr. Chairman, will that be appropriate?

Mr. Henry: Yes, sir. That's in order, Mr. Poyneter.

Mr. Poyneter: Delegate Resolution No. A (for a temporary purpose) is introduced by Dr. Weiss: A resolution relative to the use of existing Louisiana Hospital Television Network facilities by the Louisiana Constitutional Convention of 1973, acting through its committees.

Mr. Henry: Mr. Weiss, what's your pleasure? Do you want to attempt to consider it?

Mr. Weiss: With your permission, Mr. Chairman, I would like to present it and allow the delegates to make that decision.

[Previous Question ordered. Resolution adopted: voice vote.]

Mr. Weiss: Thank you, Delegate Chairman and fellow delegates. Louisiana has unusual capabilities and facilities that are available to this 1973 Constitutional Convention. Thanks to the foresight of a few of our citizens and public officials, this state is the first in the nation and in the world to have in operation a statewide closed circuit conference television network. It is currently used five days a week by medical and paramedical personnel in ten major areas of our state: Alexandria, Baton Rouge, Lafayette, Lake Charles, Monroe, New Orleans, Shreveport, Greenwell Springs, Jackson and Mandeville. Through this facility, our constitutional convention committee meetings and/or hearings could be held without the necessity of all delegates going to one location. At the same time, our interested constituents could sit in on some four thousand seats on any hearing by merely going to the viewing and broadcast station at the local or nearby hospital. For example, from 2 to 5 p.m. on Friday afternoon, members of any given committee—or for that matter they could meet at night—could meet through audio-visual means at the ten locations cited. Two-way
audio communication is possible at all stations, with the Chairman moderating the discussion from Baton Rouge or New Orleans television studios. Many authorities consider that television is the most important discovery since the printing press. Learning has been reported to be eighty percent visual and twenty percent auditory, and we have the means of educating and involving the citizens of Louisiana as no other citizenry has been involved in the history of the world in the formation of their own constitution. Louisiana has the ability to bring this convention into the twenty-first century. Therefore, I propose the following resolution.

Reading of the Resolution

[Journal SI]

Questions

Mr. Rayburn Dr. Weiss, do you have any idea as to what we could be talking about in dollars and cents?

Mr. Weiss Yes, I do.

Mr. Rayburn Would you mind giving us the benefit of that knowledge?

Mr. Weiss I specifically stated the two to five o'clock p.m. hour because there would be no charge for that facility. In the event the Constitutional Convention so desires, it would be approximately a hundred dollars an hour on hours, say, between five and nine; for four hours, it would be four hundred dollars, roughly, to operate this facility in the manner in which you said.

Mr. Rayburn Then it would be left up to the committee, I guess, using it, whether they wanted to keep it till nine o'clock or later if they so desired.

Mr. Weiss Well, that depends upon the Executive Committee, and I believe the Louisiana Hospital Television Network and their cameramen and the people who run the facility.

Mr. Rayburn From two to five that equipment and the personnel is now idle?

Mr. Weiss That's correct; and as a matter of fact, the cables are twenty-four hour operations.

Mr. Rayburn Yes, sir. Thank you, doctor.

Mr. Gravel I have two questions, Dr. Weiss, which concern me. First, doesn't this, in effect, make our convention and our committee operations somewhat subject to whatever schedule may be determined in the future by the Louisiana Educational Television Authority? As I read your resolution, it would make us have to accommodate to the schedules that might be determined during the times that we might be deliberating; isn't that correct?

Mr. Weiss Well, yes and no. First, it would appear that way, but this operation is run by the State of Louisiana from our governor, I understand, or down. Therefore, any request made of Mr. Stanley, the Administrator, would of course have to be taken into consideration by the governor and the other authorities above him.

Mr. Gravel But, doesn't this resolution specifically say that we shall not conflict with the regular closed circuit programming of said network?

Mr. Weiss That is correct.

Mr. Gravel Then, we would be subservient or subordinate, so to speak, to the scheduling that the network might make.

Mr. Weiss Not unless the administrator was instructed otherwise.

Mr. Gravel That second question that I asked is this: Have you been able to talk with the people connected with the Louisiana Education Television Authority, Director of Hospitals, and the head of the Health Rehabilitation Services Department to determine their ideas as to the feasibility and cost in scheduling problems that might be involved here?

Mr. Weiss The scheduling and the feasibility has been worked out as asked by Delegate Rayburn. I think there would be three hours without question at no charge to this convention. If they so desired other hours through the Executive Committee's request, that would have to be worked out. The cost would be approximately a hundred dollars per hour on the time that was made available to this convention and its committees.

Mr. Gravel My question, I believe, was whether--let me put it more specifically--whether you've discussed this, for example, with Dr. Vidrine with the Department of Health, Social Rehabilitation Services, with Mr. Meekney with the Department of Hospitals, and with the officials of the Louisiana Educational Authority with respect to the feasibility of the entire concept.

Mr. Weiss I did not go in between. I went as low and as high as you could go, so to speak. The administrator, Mr. Stanley, agreed that we can handle it. The lieutenant governor, in speaking with him, also felt the same way.

Mr. Bollinger Dr. Weiss, in this resolution, in no way requires the committee to use these facilities; does it?

Mr. Weiss That is correct.

Mr. Bollinger Thank you.

Further Discussion

Mr. Womack Mr. Chairman, members of the convention, I'm not going to get into the merits or demerits of this resolution. I do want to point out to you, if you will turn to your rules now and look at the Procedural Committee No. 4, they have been assigned by the adoption of the rules to handle these kind of things, and it would look to me like that it would be in order at this time that this proposed resolution be referred to that committee and let the proper committee handle it. I would like to see the convention do that, and let's get ourselves in a habit of following the rules that we have and let the proper committees handle the proper things, and I do think that that's where this belongs; and Dr., if you would have no objection, or no serious objection, I would like at this time to move that we do refer it to that committee and let them attempt to work it out. I think that is in keeping with the intent of our rules. So, at this time, Mr. Chairman, I would so move.

[Substitute Motion to Refer Resolution to the Committee on Full Information]

Point of Information

Mr. Schmitt Is it possible to refer something to a committee where there are no existing members of that committee?

Mr. Henry Under the rules, yes, sir, it's very possible.

Point of Information

Mr. Weiss This is a procedural matter. Mr. Chairman, I'd like you to clarify it for me. I presented this resolution in the substance of the
discussion of the procedure on rules, thinking that this would be more appropriate and was advised to keep it until the end of the acceptance of this procedural document. I believe, however, that the convention, at least, should act in this regard, one way or the other, certainly turning it over to the proper subcommittees or committees if the convention is to use these facilities its first few months. I think some action might be taken, and I'm caught in between procedure in this regard. I'd like to know, if this motion passes, will this necessarily delay the use of these facilities that could be most helpful in the coming months, prior to our meeting here in July?

Mr. Henry Dr. Weiss, I think I was the one that suggested that you wait. I thought you were going to introduce it as a rule, and if I gave you some bad information, which I'm very capable and consistent to do, then I apologize to you. If Mr. Womack's substitute motion does pass at this time, your resolution will be referred to Procedural Committee No. 4, which is Public Information, in which event, that committee will not be able to report that resolution back to the full body until we convene again, which probably will be in July.

Mr. Weiss Therefore, these facilities would not be in use before then. Is that correct?

Mr. Henry That's correct.

Mr. Weiss Well, I must have been misinformed on procedure because I would like to see this facility used by all committees before that time. I would speak against the amendment.

Point of Information

Mr. Dennery Mr. Chairman, if this matter is referred to Procedural Committee No. 4, will that prohibit the Executive Committee, for example, from negotiating with these other state agencies for the use of these facilities if they become desirable during that period?

Mr. Henry If the Executive Committee in its infinite wisdom determines that such a proposition as this was advisable, I would imagine that the Executive Committee could get in motion the mechanics to go ahead and get this on the road to recovery, Mr. Dennery.

Mr. Dennery Thank you, sir.

Point of Information

Mr. Silverberg Mr. Chairman, am I to understand that the committee, or Procedural Committee No. 4, will not go into operation until July 5?

Mr. Henry No, sir, not at all. That wasn't what I said, Mr. Silverberg.

Mr. Silverberg Well, I misunderstood you, and I would like some clarification of it, please, sir.

Mr. Henry What I was pointing out to Dr. Weiss is simply that under the rules of procedure which you have adopted, if this resolution is committed to a committee that committee will not be able to make its report back to this convention until July, don't you see? It will make its report to the convention. The convention will then make its determination, which in all probability will be in July.

Further Discussion

Mr. Triche Mr. Chairman and delegates of the convention, I rise in opposition to the motion by my good friend, Mr. Womack. If we commit this resolution, it's going to in effect kill it, and we'll have to take it up when we come back in July. The purpose of the resolution is simply to request

the Louisiana Department of Hospitals, which has a closed circuit television network available for our use now, request that that authority make its facilities available to the convention. There's no requirement that they be used by the convention. There's no requirement that anybody spend any money in the use of these facilities. It's advisable, however, that these facilities shall be used when and if determined by the Executive Committee. The Executive Committee will determine when these facilities will be used, and if the committee is done in July, it will be at the request of the chairman of the respective committees. Now, it just seems to me, ladies and gentlemen, that we have available to us for the use of the citizenry of this state a tremendous network available to disseminate information about the deliberations of this convention to the people of this state. It's available to us. It's available to us at a modest cost. There's no requirement that we spend a crying dime on it. We're simply asking that these people make the facilities available, so that the agency makes the facilities available; and if the Executive Committee decides that these facilities should be used, they would be used; if the chairman or the committee members think they should be used, they'll be used. So, it seems like we've got a good bargain available to us, and we ought to take the advantage and opportunity of it. We ought to seek the advantage of the availability of these facilities now because I believe it's contemplated that we're going to hold hearings throughout the state, and our committees are going to meet between now and July, and it would be advantageous, I think, when these committees are meeting if these facilities are available, and if the agencies involved have the option to pre-empt the channel that they can be in the position to channel our meetings through their television facilities and disseminate that information far and wide through the length and breadth of this state. I think it's something that we ought to do. For that reason, I would ask that you not commit Dr. Weiss's resolution, but that you take it up now on its merits and make a decision whether you want to use these facilities now or not.

Questions

Mr. Womack Mr. Triche, would you agree that the wording in the Committee No. 4, that I made a motion to refer to, says that they consider and take necessary action? That's question No. 1. Question No. 2, doesn't the act that set up this Constitutional Convention, if you will look on under Paragraph (f), and so-called (f), and if you don't realize it, the convention also shall have full authority to use the facilities and services of any board, commission, department, agency of the state, or any political subdivision, and it goes on. Don't you think that sufficiently covers it? Now, the third question is then, that in view of these, if you still don't think that that is sufficient to give leeway enough to protect it, don't you realize that our motion will be to recess tomorrow, and that we will be reconvoked within the next two or three weeks, and how is that going to be taken up at that time, if it was deemed necessary?

Mr. Triche No. That provides that services of state agencies that it be made available to this convention. Of course, to take advantage of the agencies and the services of the agencies, the convention has to make a determination for the use of those facilities. That's what this resolution seeks to do. It seeks to request the Hospital Authority and the Louisiana Television Authority to make their services available, such services as they are.

Mr. Womack Mr. Triche, do you realize that sooner or later this convention is going to have to consider those resolutions and only those
resolutions that are pertinent, and when I mean pertinent, I mean directly pertinent to the business of this convention. I comment on that question by further stating that each time you introduce a resolution of any kind and print it and run it through the files, you’re looking at some three hundred and fifty dollars. I’m also looking at the fact that all of these elements of excessive expenditure...

Mr. Triche Mr. Chairman, isn’t that an awfully funny question?

Mr. Womack Mr. Triche, I got my lesson from you. You taught me. If that’s an unusual question, I had a good teacher. But, don’t you think that sooner or later we’re going to have to get down to where we’re looking at the final product and the analysis of the final product by the voting public? The answer probably is no.

Mr. Triche No, Mr. Womack. This resolution is in the nature of an organization resolution, and this is an organization session, and I think it’s entirely proper at this time if we want to use those television facilities to disseminate information throughout the state on the business of this convention, that we make the request for those facilities now.

Further Discussion

Mr. Rachal Mr. Chairman, ladies and gentlemen, I rise to support the amendment, not because I want to kill the resolution. In fact, I think that it represents a tremendous opportunity, and certainly in agreeing with the proponents of the resolution, it will bring us into the twenty-first century. My supporting the motion is not to kill it. However, Mr. Triche about the availability of the facilities and the absence of cost. I do not see in the resolution. It just seems to me that we need to refer this to an appropriate body to determine the feasibility of this operation. Whereas, Mr. Triche mentioned that there were no costs, Dr. Weiss had mentioned that it would cost a hundred dollars an hour after five in the evening. The scheduling problems, which committees will take precedence over others—I think these matters need to be referred to the appropriate committee. I think it’s the Public Information Committee, so that it might be implemented. As was suggested by the persons preceding this, it will be within the purview of the Public Information Committee, as I understand it, to implement and to institute methods by whereby information would be gotten to the city. In another form however, and a consideration is what is the budget....what will be the budgets of the respective committees so that they might determine how many hours at a hundred dollars that they can afford to have these programs aired; or it additional funds are necessary, how will we get them? So, I rise in support of the motion...or the amendment, rather, not to kill the resolution, but rather to try to ensure that the resolution will be implemented and that it will be successful and used for the benefit of the people of this state. Thank you, Mr. Chairman.

Point of Information

Mr. Abraham Mr. Chairman, I would like to have a point clarified. A while ago I understood you to say the Procedural Committee No. 4 on Public Information would not be able to report back to the convention until July, which may be true. But, as I read Procedural Committee No. 4, it says, “which shall consider and implement measures to inform the people in the acts, and procedures, etc. Well, as I understand this, there is nothing to prevent the Committee on Information to take whatever actions it wants to between now and July to publicize our actions. On its own, could implement this television service if it wanted to; could it not? Don’t they have the latitude to do whatever they need to do between now and July to disseminate this information?

Mr. Henry You’d better run that by me again, sir. I’m sorry.

Mr. Abraham Well, what I’m asking is, this says that the Committee on Public Information shall consider and implement measures to inform the people on the actions, procedures, recommendations, and activities of the convention. Doesn’t this authorize the Committee on Education to do whatever it needs to do between now and July, or during the next year, to disseminate information; and doesn’t this give the committee authority, in effect, that if it wants to activate this type of television network or go to the health authority or whomever it may be that they could do this type of thing and set this up with various committees or whomever they wanted?

Mr. Henry Not at all, Mr. Abraham, any more than it would give the Committee on the Bill of Rights the authority to draw up what it thinks is best and just approve it without coming back to the full body of the convention. No, sir. There’s no need of having a convention if you’re going to let your committees have the ultimate decision and say-so.

Mr. Abraham Well, I would beg to disagree with the Chair because this committee cannot do anything unless it comes back to the full convention and gets its permission to publish information in the paper, or whatever it may be.

Mr. Henry Well, if you’re telling me that it’s your appreciation—and I could be wrong—but, if you’re telling me it’s your appreciation that this committee on Public Information can just go to work, then you’re telling me they can hire a public relations firm and agree to pay them fifty thousand dollars a month or a year, and that we’ve just got to like it or lump it, Mr. Abraham; and it’s just not my understanding that that’s what that committee can do.

[Previous Question Where On the Sub- stitute Motion, substitute Motion rejected: voice vote.]

Further Discussion

Mr. Denny Mr. Chairman, delegates, I rise in support of the resolution offered by Dr. Weiss. I happen to be the chair of the Louisiana Educational Television Authority, and I can assure you this convention cannot get anything from the use of the facilities of both the Authority and the Hospital Television Network. The cost... the state is presently paying twenty-seven thousand dollars a month for the lines that the Hospital Authority is using, and those lines are only used approximately half the day. I think this convention could get great benefit from the use of those lines, not only insofar as the public is concerned, but even more importantly during the early stages of this convention as far as the various committees themselves are concerned. For example, if the committee were to meet in one city in Louisiana and a question arose which required some technical knowledge which was not available at that point, the committee could utilize the facilities of this network to get the expertise at one of the two main studios in Baton Rouge or New Orleans, and within a day or so, telecast this around the state so that each one of the delegates who is a member of that committee could go to the nearest hospital and listen to the explanation given by the expert. I think it’s a very desirable thing for this convention to be authorized or to authorize its Executive Committee to request the services of these other state agencies.

Further Discussion
Mr. Riecke. Mr. Chairman, I’ve listened for several days on practically every delegate here say how they wanted to keep the public informed, how they wanted open meetings, and I can’t imagine a greater facility to keep the public informed than this offer of Dr. Weiss and the Hospital Association. I speak in favor of the motion, and I think here’s something that isn’t going to cost us anything. If we need extra time in the prime hours for television, that would seem to me to be a question for the Finance Committee or the Executive Committee to decide, and I think it’s a facility for the Publicity Committee that we ought to grab right now, and for that reason, I move the previous question, Mr. Chairman.

[Motion for Previous Question rejected: viva voce.]

Point of Information

Mr. Kean. Do I understand under the rules that if I wanted to offer an amendment to this resolution that it would have to be in printed form and distributed to every member of the convention before it could be considered?

Mr. Henry. That’s my appreciation of the rules, yes, sir.

Mr. Kean. I don’t want to offer it.

Mr. Henry. Mr. Newton.

That’s one reason that it might not turn out to be such a bad rule.

Substitute Motion

Mr. Newton. I think maybe we can solve the problem here. I would like to make a substitute motion at this time that the resolution be referred to the Executive Committee for its consideration and for such action as it may deem appropriate.

Further Discussion

Mr. Weiss. I object to that amendment, or substitute motion, and I’m sorry this created such havoc. If everyone is in favor of this, the Executive Committee in the resolution is authorized to handle the matter. So, I think this amendment is redundant and would request that you retract that amendment.


Reading of the Resolution

Mr. Poynter. Delegate Resolution temporarily numbered “B,” introduced by Mr. Derbes.

A RESOLUTION to adopt the following standing rule of the Constitutional Convention.

Rule No. 8. (It would appropriately be numbered) A. Advocates Defined. At this time, unless the Chairman desires, I won’t read it. It further provides for the registration of advocates.

[Resolution read. Time Over Under the Rules.]

Reading of the Resolution

Mr. Poynter. Delegate Resolution temporarily numbered "C", introduced by Mr. Roy, Mr. Gauthier and Mr. Dennis. A resolution provided with respect to expressing the appreciation of the convention to Chief Justice Hamlin.

Mr. Henry. Read the Resolution.

Mr. Henry. Mr. Triche now sends up amendment. This amendment will provide that every delegate to the convention will serve as a coauthor on the resolution unless there is anybody who objects.

[Amendment adopted without objection.]

Explanations

Mr. Dennis. Mr. Chairman and fellow delegations, this is a resolution as you’ve heard which simply conveys our appreciation to Chief Justice Hamlin for his efforts preparatory to the beginning of the convention and before he stepped aside and designated Justice Sanders to convene us on January 5th. I ask for final passage.

[Previous Question ordered: Resolution adopted: viva voce.]
know either, and I'm curious?

Mr. Jenkins No, frankly, I haven't. I think we are sort of dealing with an unusual situation here dealing with the Constitutional Convention.

Mr. Silverberg Mr. Jenkins, I have two questions. In the main body of your resolution, we're using the figure five hundred dollars which could be changed or would you agree to change it to a thousand dollars and you would be within the Public Bid Law, if I'm not mistaken, for printing and supplies? Are you familiar with the length of time that it would take to advertise sealed bids if we follow the public bidding regulations or the prohibitions for...against?

Mr. Jenkins First, Mr. Silverberg, I would have no objection to raising that amount to a thousand dollars. Secondly, I believe the length of time involved for, in the Public Bid Law, may be a little bit too lengthy for some of our purposes and that's why I wanted to open it up a little broader than that.

Mr. Silverberg Thank you. My second question is: I need a little explanation of the "BE IT FURTHER RESOLVED". This is not a prohibition against using any of the state contract where we could get a much better price for some of the materials we might have to purchase; is it?

Mr. Jenkins No, sir, not at all. I think we would be able to take advantage of such an agreement but we would not be necessarily bound by then.

Mr. Silverberg Thank you.

Mr. Flory Mr. Jenkins, I'm not an attorney, but I believe if you will look at Title 38, Section 221, you'll find that we are subject to the public bidding procedures. Secondly, I think this convention is covered by the Central Purchasing Act already. So that if the State of Louisiana already has a contract, let's say for the purchase of paper, I don't believe that we have the authority to negotiate that contract that the state may have already let out to bids on and have accepted the most responsible lowest bidder. So, I think really, that what we ought to do is to research this a little further before we act on it because I wouldn't want to take any position to try to nullify a legitimate, legal and binding contract that may exist under the Central Purchasing or under the Public Bidding statutes already in existence.

Mr. Jenkins Well, Mr. Flory asked me privately if I thought we ought to wait until tomorrow so that we could research this further. I have no objection, assuming we are going to be in session tomorrow. So, if that is the understanding of the Chairman that we will be in session...

Mr. Leithman We will be in tomorrow.

Mr. Jenkins I would ask to return this to the calendar and reconsider it at that time.

Mr. Poynter Delegate Resolution number "E" temporarily so designated introduced by Dr. Asseff.

Mr. Jenkins A resolution to urge public and private employers in Louisiana to give preference in their employment practices to disabled veterans.

Mr. Asseff Mr. Chairman, delegates, this resolution is submitted on behalf of the State Organization of Veterans of Foreign Wars. It simply calls a serious employment problem of our disabled veterans to the attention of the public and urges public and private employers to give them preference in their employment practices; it's simply an urge and request.

[Previous question ordered. Resolution adopted: "viva voce."]

Reading of the Resolution

Mr. Poynter Constitutional Convention of 1973, Delegate Resolution Number, temporarily lettered "F" introduced by Mr. Avant.

A resolution... I'll read you the one line, perhaps you would want to suspend your rules and adopt it...two lines. BE IT RESOLVED that no resolution, memorial or petition be in order unless it is germane to the business of this Convention as such.

[Rules Suspended to consider the Resolution at this time.]

Explanation

Mr. Avant Gentlemen, I don't want to hurt anybody's feelings. I don't want to offend anyone. I'm for motherhood. I'm against sin. But, I am seriously concerned about the affairs of this convention. This is a very simply line and a half resolution; it says "BE IT RESOLVED that no resolution, memorial or petition be in order unless it is germane to the business of this Convention as such." I rest my case.

Further Discussion

Mr. LeBreton Mr. Chairman, members of the convention, I rise very much in favor of this. In fact, I was trying to get the floor before Mr. Avant's resolution came up. I did not want to object to Brother Asseff's resolution because I'm a disabled veteran myself—that's not funny, that's the truth. But, I really think it would be a tremendous mistake for one year for us to be passing resolutions about who wins the World Series, or champion box fighter, or sending the Tigers to California to swim in a tank. You know, we get all of these things in the House, you know, everybody who has a hero at home; we resolve and do every kind of thing. But, I just think it's out of order. I do think that it's dignified sufficiently to enter the halls of this convention. We've passed one, but let's close the door there. I strongly urge you to make this unanimous. Thank you.

Questions

Mr. Stinson Mr. LeBreton, we're concerned over in this part, two questions. Was it the Spanish-American War or the War Between the States?

Mr. LeBreton Well, it's the Spanish-American war; my mother's name was Juarez.

Mr. Stinson Next, was your disability mentally or physically?

Mr. LeBreton Mentally, obviously. How do you think I got elected?

[Previous question ordered. Resolution adopted: "viva voce."]

Reading of the Resolution by Title Only

Mr. Poynter Louisiana Constitutional Convention, 1973, Delegate Resolution Number, temporarily designated "G" by Mr. Shannon.

A resolution to commend and express the appreciation of this convention to all persons, groups
and organization for assistance during the organi-
zational part of the convention.

[Rules Suspended to consider the Resolution at this time. Resolution read in full.]

Explanation

Mr. Shannon Mr. Acting Chairman, fellow delegates, there are quite a few people that have worked hard during this convention, during the organizational period that have received no additional compensation other than the positions which they held. I would like to express to them our appreciation for their services rendered during this time. I urge approval of this resolution. Thank you.

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

Reading of the Resolution

Mr. Poynter Constitutional Convention of 1973, Delegate Resolution "H" introduced by Mr. Guarisco. I believe this resolution is being passed out at this time; is that right? A resolution to direct the Chairman and the Executive Committee of the 1973 Constitutional Convention to furnish each delegate with stationery under the Convention letterhead containing the delegate's name and committee assignment and any office held by a delegate.

[Rules Suspended to consider the Resolution at this time.]

Explanation

Mr. Guarisco As I think it's obvious, a necessary resolution, that when this convention recesses that we have in our possession some means of corresponding with our constituents or any other official agencies and so forth in the state under some official designation, in the same manner as the House of Representatives and the Senate does in the state. The official stationery will, as I understand, if it's used and it would be uniform and it will take the form of something like you had on the front of your proposed rules booklet with the C.C.75 in color. As you see in my resolution, it will include your name, your committee assignment, and any office that you may have. Now, I'll ask, if it's proper, that you add to my resolution at line 21 "any"--and put between "any" and "office"...or convention. It would say, "any convention office held by a delegate," that keeps someone from putting, maybe he's a Senator, or Representative, or some other administrative, or executive office that he may have; I don't think that would be proper in the convention.

Amendment

Mr. Poynter I'll draw it up here. I believe it reads as follows:

Amendment No. 1 [by Mr. Guarisco]. On page 1, line 21, immediately after the words "any" and before the word "office" insert the word "Convention." Would that be correct?

Mr. Guarisco That's correct.

[Amendment adopted without objection.]

Mr. Guarisco One other thing, after I got this resolution printed, I guess there's no way now for me to make any more amendments. But, I thought that we might have other designations like a card, or a license place, or a sticker for your automobile, and red light and sirens.

Questions

Mr. Rayburn Mr. Guarisco, don't you think that you would be better if you put a limitation on the amount of stationery? We, in the legislature, order up to a thousand letterheads and the cost of that per member of the legislature is roughly fifty something dollars. So, if your resolution is going to pass, I wish you would consider putting some type of limitation on it—whereby maybe some person would come in there and order far more than they would ever need and that would be about the only thing you would use it for, I think. I think it should have some type of limitation; I'm wondering if you would consider that because with a thousand letterheads and envelopes roughly for this kind of request, maybe three thousand dollars... over six thousand dollars. So, if someone went in there and said, "Get me five thousand letterheads or get me four thousand letters," I don't know what the cost might be.

Mr. Guarisco I agree with you, Senator Rayburn; that might be covered by leaving it within the sound discretion of the Executive Committee. I don't think that we are going to have anybody that's going to make that kind of request.

Mr. Shannon My question is: What have you figured...what the cost would be of this? I don't believe you ever touched on it with Senator Rayburn's question, but not directly.

Mr. Guarisco Well, no, I have not found out what the cost may be. But, I think that it's done for the legislature, House of Representatives; it's done for the Senate. I don't think this Constitutional Convention should be treated in any less manner.

Mr. Shannon But, you do not know anything within any bound of reasons what the cost would be?

Mr. Guarisco Of course, I don't.

Mr. Champagne Don't you possibly think that this would be a matter for the Executive Committee?

Mr. Guarisco Mr. Champagne, I think it's a matter for the Executive Committee; it's just the question of authorizing them to do so. I think we have to give them authority; they may not be able to do this without us giving the authority.

Mr. Rayburn Mr. Guarisco, if I read this resolution, it does not authorize, it directs the Chairman, "d-i-r-e-c-t." Mr. Guarisco We will get it done.

Chairman Henry in the Chair

Further Discussion

Mr. Burns Mr. Chairman, ladies and gentlemen of the convention, I don't see anything wrong with this resolution in this respect, not as far as we, as delegates, are concerned and perhaps it would be more convenient to use such letterhead that this resolution calls for. But, I think it's another form of bringing this convention and the purpose of it to the minds of the people, to keep it before them in the distribution and the reception of letters throughout the state. I don't know what it is but it's something that carries a little authority or a little dignity when you see a letter that a person has received with the great seal of the State of Louisiana or the United States; it sets it apart from just average correspondence. I would certainly think there should be a limitation placed on the number of letterheads that each delegate could receive during this coming year, say, five hundred. So, the cost wouldn't be an item. But, from strictly from the standpoint we're talking about having television programs all over the state. I think the more that we can
do on a high dignified plane to keep this convention and its purposes before the public during this coming year. The more chance we have of getting their final approval next year when it goes before them for their adoption.

[Previous Question ordered.]

Closing

Mr. Guarisco. I just feel exactly what Delegate Burns said that it's a necessary thing to keep this convention before the public. It's very dignified. I think it's very necessary. I can think of plenty of people I'm going to write to. So, I move that this resolution be adopted.

[Resolution adopted: viva voce. Motion to reconsider tabled.]

Reading of the Resolution

Mr. Poynter. Constitutional Convention of 1973. Delegate Resolution "I": there is not a copy of this one on your desk. I'm advised by the author, he's going to ask to suspend the rules and consider it without copies being distributed; he wasn't able to do it. He claims it's very noncontroversial in nature. Introduced by Mr. Arnette, Sutherland and all delegates on behalf of all delegates to the convention.

A resolution to commend Justice Sanders.

[Rules Suspended to consider the Resolution at this time. Resolution read in full. I Journal 59]

Amendment

Mr. Henry. Justice Tate offers up an amendment to include every delegate as a coauthor on the resolution.

[Amendment adopted without objection. Previous Question ordered on the Resolution. Resolution adopted: viva voce. Motion to reconsider tabled. Motion to adjourn to 10:00 o'clock a.m., Friday, January 19, 1973. Substitute Motion to adjourn to 9:30 o'clock a.m., Friday, January 19, 1973. Motion rejected: viva voce. Substitute Motion adopted: viva voce. Adjournment to 9:30 o'clock a.m., Friday, January 19, 1973.]
7th Days Proceedings—January 19, 1973

Friday, January 19, 1973

ROLL CALL

[24 delegates present and a quorum.]

PRAYER

Mr. Landrum: Our Father in heaven, we thank Thee this morning for all Thy many blessings; for watching over us all night long, enabling us to rise this morning with a reasonable portion of health and strength enclosed in our right minds. Gracious Master, we thank Thee for this gathering this morning, and we pray, Dear Lord, that Thou would bless us in such a way that we may do the things that are pleasing in Thy sight, that the people of this state may be benefited by what we do here today. Bless the officers and every delegate; bless their families. Bless those who are present here. These blessings we pray and ask in the name of Thy son, Jesus, and for His sake. Amen.

PLEDGE OF ALLEGIANCE

READING AND ADOPTION OF THE JOURNAL

INTRODUCTION OF RESOLUTIONS

Reading of the Resolution

Mr. Poynter: Delegate Resolution No. 1 is introduced by Mr. Dennis:

A resolution to provide with respect to the functioning of the committees of the Constitutional Convention of 1973.

[Resolution read in full and Rules Suspended to consider the Resolution at this time.]

Explanations

Mr. Dennis: Mr. Chairman and fellow delegates, this resolution would simply make explicit that which I believe is already implicit in the rules. It would direct the committees to begin to work immediately and authorize them to expend funds in furtherance of their work under the supervision and administration of the Executive Committee. I feel that it would be good to pass this resolution so that there would remove all doubts that we are going to go to work immediately and that the money will be spent under the supervision of the Executive Committee.

I ask for final passage of the resolution.

[Previous Question ordered. Resolution read in full. Resolution adopted without objection.]

Personal Privilege

Mr. Lebreton: Mr. Chairman and delegates, I would like to say a few words from a point of personal privilege, as I understand our rules. I want to talk before we get too far away from the rules that we've adopted, and I would like, particularly, to address myself to the people that attempted to amend the committee rules—subcommittee rules. I think it's the desire of every delegate—I know it's the desire of our Chairman—that the committees will all be run in the way that you will be proud of. But, it wasn't always to try and tie down into minute details things affecting the committees. I think the Rules Committee did a great job, and I think they were right in writing the rules the way they did, more than they tried to give us so many days, or the majority of the committee would pick the agenda and things that I think belong to the Chairman and belong to the committee, and belong to the delegates, I think there will be things that would prevail in the committees before July, and then there will be a shift of some of the activities, many particular to the work the committee has to do. I think it's just impossible to tie down a lot of minute rules and say you've not to publish so many days and you've not to put out an agenda, and you can only speak on those matters, and you've got to do this and you've got to do this, etc. I had the idea that maybe some people thought the delegates—and I wasn't too particularly interested in that as I was the impression that the press got and then the good citizens of our state, because important that they realize that it's every delegate's desire to run an open committee, advance notice, subject matter, and as we meet, why, various committees that have different problems, I'm sure, will make up the rules. I'm sure that Bubba Henry will do something like he did when he was elected Speaker of the House. The committee chairman made and they made up a set of rules for the committees to follow. But, they made up a practical set of rules. They made up a set of rules that would be a guideline, and they weren't mandatory, and you weren't breaking a rule or you weren't offending anybody if for some reason you did something else.

All sort of things keep you from doing in a minute way what would make you break a rule. I think the judgement of this delegation was great. I wanted to compliment the people, but I didn't want anybody to think that the committees wouldn't be run properly. I feel certain, having talked to the Chairman, that everybody has the idea of running our committee in a way that you'll be proud of. I think each member of the committee would want this committee to be well thought of. But, I think it would have been wrong if we adopted this, and I didn't want that to change anybody's attitude, particularly these people, and they're in that vein that I came before you and say, one, to compliment the Rules Committee and, two, to compliment the delegates, and three, to see that we all have nothing but a fine committee meeting every time we meet. Thank you.

RESOLUTIONS ON SECOND READING AND REFERRAL

Reading of the Resolution

Mr. Poynter: Morning Hour No. 1. Resolutions on Second Reading and Referral.

Delegate Resolution B. introduced by Mr. Erbes:

A resolution to adopt a rule with respect to registration of advocates.

The gentleman, I believe, moves for a suspension of the rules for the purpose of the consideration of the adoption of the resolution at this time.

[Rules Suspended to consider the Resolution at this time.]

Explanations

Mr. Derbes: Mr. Chairman and fellow delegates, unfortunately, I wasn't able to be here yesterday. I understand that a copy of this resolution was provided to each of you. If any of you do not have a copy of the resolution, I believe we could probably get one for you.

Basically, the resolution attempts to do—and before going any further, I'll read it to you. First, the resolution defines advocates, as follows:

"An advocate is any person not a delegate to the Constitutional Convention who is the representative for compensation and/or for expenses or any committee, or any partnership, committee, association, corporation or other organization, or of any division, subdivision or agency of the State of Louisiana, its parishes or municipalities, to advocate passage or defeat of proposals of or to otherwise influence the work of the Convention, its committees, subcommittees or subcommittees. Before advocating, or in any discussion of, or before attempting to influence the work of the convention, its committees, subcommittees or delegates, the advocate shall give a written statement setting forth his or her name and address, the name and address of the person or entity by whom the advocate is employed, and the name and address of the person or entity whose interest the advocate will advocate."

It provides for a method of registration.

"Registration of advocates shall be by oath or..."
Mr. Derbes: If he represents himself, no. If he represents the sheriffs' organization or the office of sheriff, or if he represents any other association or corporation, yes.

Mr. Kelly: Am I to understand, then, that even if the sheriff is down here just representing the sheriffs' office, so to speak, you're going to require him to register as an advocate or a lobbyist, in plain words?

Mr. Derbes: Yes. But, let me point out to you that the registration can occur at the time the committee meeting occurs. That is, when the sheriff appears, there will be forms available. All he has to do is fill them out, and he's completed all the requirements.

Mr. Kelly: Do you not think that this, perhaps, is covered in the previous rules which were adopted, and I believe Mrs. Zervigon is the one that had the amendment, which requires anyone speaking before a committee to declare their name, address and whom they are speaking for and if they are advocating for any person aside from themselves?

Mr. Derbes: No, I do not, and I'll tell you why. First, this particular provision provides a public record of the identity of all people who seek to influence the convention. Second, it is effective all the time the convention is in session. If the influencing begins five or six months prior to the committee meetings, the person who seeks to do the influencing must register at that time. Mrs. Zervigon's amendment, as I understand it, is operable only with respect to committee meetings.

Mr. Kelly: All right, sir. Then, one other question and back to the sheriff's situation. Are you going to delete or exclude from the provisions within your resolution delegates here at this convention?

Mr. Derbes: I have already done so.

Mr. Kelly: That is done so. All right. Now, I pose a question for you. Let's suppose that one of the sheriffs who are delegates to this convention appear before a committee in behalf of the sheriffs' Association of the State of Louisiana. Will he then be deemed an advocate, or will the exclusion regarding his representing a district as a delegate prevail there?

Mr. Derbes: When he is nominated, a delegate... when he holds the office of delegate, regardless of his affiliation, and regardless of his relationship with any other body, he is exempt from the provisions of this resolution.

Mr. Munson: Mr. Derbes, I don't believe what you read just now in the description of an advocate is the same that's in the copy that I have. Am I right? Didn't you say "except delegates"? I don't have that in my copy.

Mr. Derbes: That's correct. That's why I went to the trouble of reading it when the Clerk invited me to speak on it, and it had not been read. I realized that I had made an oversight in not exempting delegates. The resolution, as it now stands, does exempt delegates.

Mr. Munson: Let me ask you one more question, Mr. Derbes. Wasn't this amendment thought to be included in the Temporary Committee on Rules yesterday and was it not tabled because they felt there were sufficient safeguards already in the rules?

Mr. Derbes: I must apologize for having been in New Orleans to try a lawsuit yesterday and unable to participate in the meeting, and I can't speak for the Rules Committee. But somebody would have to care to speak for the Rules Committee and question me along the lines of this resolution. I'd be glad to answer if I can't speak for the Rules Committee, and I don't know what happened.

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Mr. Velazquez: Mr. Derbes, do you not think that it is essential that a definite mechanism for spelling out affiliation in a categorical fashion in committees and subcommittees be decided upon as soon as possible?

Mr. Derbes: Mr. Velazquez, I think your question goes to the very heart of my resolution, and I would answer categorically, yes.

Mr. Velazquez: Do you think anyone would be ashamed of giving his name, his address, and his affiliation before speaking before a public body?

Mr. Derbes: I can't imagine why he should be. This very same procedure operates with respect to the...both Houses of the Louisiana Legislature, and has criminal penalties for violation thereof. This very same procedure has operated in the Maryland and Pennsylvania Constitutional Conventions, and as I understand it, in many other constitutional conventions in the United States in the last two decades.

Mr. Velazquez: Is it not a true civic service to all of our citizens to clearly record the affiliation of all speakers?

Mr. Derbes: Yes, I don't consider it an attempt to decrease citizen participation. If somebody would show me how it is, I would be the first person to withdraw it. That is something I am certainly trying not to do, but I...and that is to decrease citizen participation. I am, however, wanting to record...

Mr. Derbes: In one way this actually, in my opinion, increases citizen participation because it lets other people know who is speaking to these various committees and subcommittees and what influence is being brought to bear on this convention. We certainly don't seek to publish this in the newspaper, but it's nevertheless available for public inspection. In my opinion, it could very well increase citizen participation.

Mr. Velazquez: Thank you very much, Mr. Derbes.

Mr. Flory: Mr. Chairman and delegates to the convention, I rise in opposition to the resolution as it stands at the moment. Let me call to your attention the fact that not only myself but those that I represent not only supported the position, the act that was passed in the legislature relative to this subject but we supported a far more stringent measure than was adopted. But, let me call your attention to the specific resolution now before you. Two points: (1) Contained in line 7, where it says "reimbursement of expenses,"-let's take the case where someone works for a company, a union, or whoever it may be. He is furnished an automobile and he uses his credit card. He comes down to testify before a committee. He is not reimbursed for his expenses. He's not paid anything in addition to the salary. He salaried himself the resolution, he is not required to register. Secondly--and this is the important part that I do not believe that the gentleman intends to do--lines 13, 14, and 15--and I want you to read it very carefully--where it says "before attempting to influence the work of the convention," etc., "or delegates." What that says to me is simply this: that if someone talks to you as an individual delegate about their position individually or some proposal that he may represent their thinking, as an individual delegate, then he has to have already registered as an advocate before he can even mail you a letter stating his position, before he can discuss it with you individually. This is the thing I do not believe that the gentleman has, or at least, attempted to do. By that measure I believe what you're doing with this resolution is discouraging public participation. I would ask, if it stays in this form, that we reject it at this time.

Further Discussion

Mr. Lennox: Mr. Chairman, fellow delegates, this may happen again during the forthcoming year. Mr. Flory has covered every point I would have raised opposing this resolution. Thank you.

Delegate Lethtman in the Chair

Mr. Kean: Mr. Chairman, members of the convention, I'm in accord with the purpose of the resolution and what Mr. Derbes would like to do with respect to it. To me that seems like the last practical step we need to take in order to have action. I think it's a matter which we ought to have carefully studied and a proper rule adopted; and with that in mind, I would like to offer a substitute motion that the resolution be referred to the Procedural Committee on Rules and Credentials, and that that committee be authorized to study the subject matter of the resolution and to adopt, if it appears in its present form it raises a number of very disturbing questions, and I think it would have the effect that Mr. Flory ascribes to it. I think it is an attempt to have action. I think it's a matter which we ought to have carefully studied and a proper rule adopted; and with that in mind, I would like to offer a substitute motion that the resolution be referred to the Procedural Committee on Rules and Credentials, and that that committee be authorized to study the subject matter of the resolution and to adopt, if it appears in its present form, an appropriate resolution governing the registration of lobbyists. The substitute motion would be to refer this resolution to the Procedural Committee on Rules with authorization in that committee to proceed to study the matter and adopt a proposal for our further use in this convention.

Further Discussion

Mr. Triche: Mr. Speaker and ladies and gentlemen of the convention, I rise in opposition to the substitute motion that this bill be...this resolution be referred to the committee. Of course, in addition thereto, I rise to support Mr. Derbes resolution. I think there's a critical need for registration of lobbyists. No, there is no need for registration of the citizenry of this state, though of the citizenry of this state, there's no need for that. They're welcome. They're invited. The convention is open. Committee hearings are going to be open. Everybody's going to be invited to appear. We're going to take down verbatim what's said. We're going to transcribe it and publicize it and televisualize it. We can invite everybody to participate and there's no need for registration there. But, I submit to you, there is critical need for registration of those people who travel throughout this state, hold offices of high public function for the purpose of coming to this convention and advocating the views of special interests, and there's a need for it. If there's only one thing wrong with Mr. Derbe's resolution, it's not strong enough. How in the world is this resolution going to hamstring the convention when all a man has to do if he comes here for money or for reimbursement of expenses and for the purpose of being represented, all compensation will be classified as expenses, and nobody will register. What it's getting at is those people who come here who appreciate this going to hamstring any group that's in the legitimate business of lobbying before this convention when all they have to do is tell the clerk, "I'm Mr. so and so delegate," and want you to read it very carefully--where it says "before attempting to influence the work of the convention," etc., "or delegates." What that says to me is simply this:
to spend it. We're not suggesting that you go that far because some of you don't feel as strongly about this business of legitimate lobbying interests as others of us do. But, all this does is require that they do it in the best way. To that end, Mr. Derbes, Mr. Kean, Mr. Public, and Mr. Average Everyday Citizen can know who's before this convention advocating positions of special interests.

I'm sure now because the convention is going to recess now. We've already adopted a resolution directing that our committees meet forthwith and get on with the work of this convention. So, before any committee has time to report, we're going to be, throughout the length and breadth of this state, holding hearings and inviting people to appear, and believe you me, that the lobbyists are here, however you call them, are going to be there because they're here today. They were here the day before we met, and they're going to be with us everyday and at every committee meeting. I don't say that there's anything sinister with that.

I think you're going to find, those of you who serve for the first time in a deliberative body that you're going to welcome the views of the lobbyists; you're going to seek them out; you'll want to know; it's important that you know the attitudes and the philosophies of special interests that represent. Those are the legitimate lobbyists. Those are the people who are welcome here. I suggest to you that any man in this state and any organization going to the state that's going to raise funds to present their views before this convention ought to have no objection to telling us who they are.

We don't need to do it now, before we get on to any serious deliberations. I remember one time I ran into a very dear friend of mine who holds a minor public office in the country, and that says, well, I can't call on the lobbyists...and Kean's associations, and they want us all to put up twenty-five dollars apiece because the legislature's going to meet and we want to advance some legislation for our organization, changing the jurisdiction of our office, raising the pay, or something like that. He said, "What do you think I ought to do?" I never could understand why in the world a group of people in this state had to put up twenty-five dollars apiece to send somebody to Baton Rouge to advance their views. When we got to putting the pencil to it and got to figuring out how much money would be involved in the twenty-five dollars that was put up--both of us--we just couldn't agree that that money was raised to send a man to Baton Rouge simply to call on the lobbyists...that I think lobbyists ought to not be here.

We'll welcome them here. To repeat what I said just a minute ago, you're going to see a number of organizations for the protection of this group, protection of the delegates to this convention, and the protection of the people of this state, all groups who raise money, pay compensation to have their views expressed before this convention ought to register.

Mr. Derbes. I'm just speaking only to Mr. Kean's substitute motion. We've considered many important matters in our twenty-six or twenty-seven hours of deliberations on these rules. It seems to me that we are all quite familiar with this issue. Mr. Kean and John D's resolution is well-drawn. I respect the disagreements that I've heard on the substance of the resolution. But I believe it's important that whether to adopt it as it stands or reject it as it stands; and I see no reason at this point to refer it to committee. Thank you.

Mr. Wells. Mr. Chairman, fellow delegates, I'm one of the new and naive delegates to this convention, and I appreciate the motion presented here by Mr. Derbes and amended upon by the others, particularly Mr. Kean's motion and others who appreciate the very intricate details of such a resolution. I would like to say, however, that I, with the rest of my delegation, will be very busy this coming year, particularly with personal, professional, and family matters, as well as the committees that we will serve on and the deliberations we will make here after July. I am not an expert speaker, and we have had those before us who are, display their wares, and there's no question that they do a beautiful job. I would like the privilege of having these experts in the lobbying line labeled so that I know how expert they are and are aware that they have had many, many hours of training and discipline in other studies that the individual citizen that I will listen to, has not, and perhaps cannot express himself as well as I'm trying to express myself to you today. I hope that I make myself clear that I favor Mr. Derbes' motion overwhelmingly, and would suggest that we pass it and defeat Mr. Kean's amendment.

Further Discussion

Mr. Alario. Mr. Chairman, fellow delegates. I, too, stand before you in favor of Mr. Derbes' proposal and the views that Mr. Kean so ably stated. I don't see any problem with asking those, as Mr. Triche has pointed out, that go around this state coralling small groups of individuals, small professions, and furthering their interests, to come forth, to answer, or imply, the impression that these citizens and these individuals of the state, that possibly some of this money is being brought to this convention to be dwindled out among some of the delegates. We've talked a lot about the image that we have to present here and to sell this convention to the people. I've seen it happen just as Mr. Triche pointed out. A friend of mine back home told me in a small profession where there's some three hundred throughout the state they were asked to put up a hundred dollars apiece to go before the legislature so that their profession would be protected or licensed, and they wanted to know where that money was spent. What happens is a promoter goes around and tells them that he can influence members of the legislature or maybe in this case, members of this convention with the almightly dollar. That presents a problem. I don't think Mr. Derbes' resolution would in any way hinder any private citizen from coming before this body or this committee to speak. His resolution does not see that purpose. It seeks to classify individuals as individuals and to protect all the citizens of this state. I think you've heard a lot of discussion on this at this point. If I'm not out of order, Mr. Chairman, like to refer the members of this body to the previous question on the entire subject matter, unless someone else has something to add.

Mr. Leithman. Mr. Alario, we do have one more.

[Motion for previous question withdrawn.]

Questions

Mr. Rayburn. Mr. Alario, let me say this before I ask my question. I'm certainly for all lobbyists registering, but I read the resolution and I'm quite concerned, who would you call a lobbyist? It also includes anyone who has contributed any expenses. I'm concerned if a little cattle organization in the parish of Washington, two or three of them, just a dec., and they pay their expenses, they bought their gas and oil to come over here and attend this convention, would be classified as a lobbyist and would they have to register? The League of Women Voters in my parish, if they decide to come over here and their own association paid their expenses above their gas, would they be required? I know that it is the law that we have to do so on all the major and on small, independent organizations that I know
Mr. Alario: In other words, the decision would be up to me as to whether they were trying to influence me or not?

Mr. Alario: The decision would be if they are trying to influence me, in any shape, or form, then it would be their obligation and also yours, if you see fit, to bring this before the proper authorities.

Mr. Champagne: This is what I'm particularly worried about. The question is, in other words, does this belong to a number of organizations, and on some of those there's no question, of course, I as a delegate, have not covered. But, am I not placing other people who are not delegates at a disadvantage, perhaps?

Mr. Alario: May be true.

Mr. Velazquez: On the substitute motion, Mr. Alario, do you think it would do any good for us to postpone a decision on this until July?

Mr. Alario: No, sir, I don't. Your committees, as I appreciate it, are going to begin meeting shortly.

Mr. Velazquez: Doesn't this particular resolution not say "lobbyist" but say "advocate"?

Mr. Alario: It does.

Mr. Velazquez: Do you think that any small, independent, legitimate groups would be afraid to be known as advocates?

Mr. Alario: No, I don't think so.

Mr. Velazquez: Thank you very much.

Mr. Alario: You're welcome.

Mr. Weiss: Don't you think that in answer to some of the questions that have been presented that the delegate who receives the name of Mr. Jones or Mr. Smith, and Mr. Jones representing the Atchafalaya Water Basin's Engineering Society will be able to distinguish between the influence of his group and the amount that they, no doubt, had to pay to get him to Baton Rouge or wherever he may have to go, and the Louisiana Sheriff's Association, or the Louisiana State Medical Society, or other organizations of that magnitude? Don't you feel that the delegates could distinguish between the two?

Mr. Alario: Yes, sir. I think so.

Mr. Silverberg: Delegate Alario, I appreciate the oratory of Representative Triche. But, to be consistent, don't you think that the delegates should be included in this because we do have some lobbyist input from the delegates here, don't we?

Mr. Alario: Well, of course, all your delegates are registered. Everybody knows their biographical information and the things that they're interested in. I think that information is already set forth.

Mr. Silverberg: Well, there are twenty-seven of us who were appointed and fifteen of us who were appointed at large. In what respect am I listed as an advocate of any pressure group?

Mr. Alario: I don't know if you're listed as any pressure group. I think there's enough information or rap sheet on each of us to probably tell you that.

Further Discussion

Mr. Juneau: Mr. Chairman, fellow delegates, I'll make these remarks very brief and confine it, if I am to stick to the subject matter before the floor, I said I wasn't going to talk anymore after Rule No. 53, and the only reason I'm talking is because I don't like to be put in a position of being against
motherhood, and that's what you're trying to do to me. What I'm telling you is this: We considered this yesterday thoroughly and completely in the Rules Committee, and to the person, everyone agreed no one whatsoever had any objections concerning the registration of lobbyists. But, gentlemen, you're going to tell me that I should vote on a bill which I, in my opinion, is ill-prepared for, because you're trying to do, and putting me in a position to do that or saying you're against lobbyists. That's not the issue because I'm for registering, but this is not the vehicle, gentlemen. Let me give you an example: We have a subcommittee in Lafayette Louisiana, for example, which would be my hometown, and some people from Breaux Bridge Louisiana, would want to attend, and they would have three Kiwanis groups in that area, St. Martin Parish, get together and reimburse Mr. Smith's expenses to come to Lafayette, how is he going to attend when he doesn't know that he had to register with the secretary of state? Gentlemen, this is just poorly prepared in that regard. I don't mean in the sense of draftsmanship, but it doesn't accomplish what you're trying to do. I'm telling you, don't try...I think it's wrong to identify people you're for or against because that's not the issue. The question is, what's before the floor, and in that regard, I concur one thousand percent with Mr. Keen who we did was put in committee, let it come up with a proper bill and I would act on it accordingly.

Chairman Henry in the Chair

Mr. Duval Mr. Juneau, didn't you feel it was the intention of the entire Rules Committee that we should have some rule on the registration of lobbyists?

Mr. Juneau Absolutely.

Mr. Duval And didn't you feel that it was the intention of the Rules Committee that because of the various, perhaps, hiatuses in this particular resolution that a procedural committee could draft it, and part of it was that they had some effect and merit; don't you think so?

Mr. Juneau Unquestionable.

Mr. Duval From the statements that have been made, isn't it conceivable that we'll be meeting here before July again?

Mr. Juneau I would anticipate without the next week.

Mr. Duval Thank you.

Further Discussion

Mr. Womack Mr. Speaker, fellow delegates, you know, it's up to the Speaker to maintain order; it's up to the individuals down here to maintain your attention. I would hope that within about the next one minute I can maintain your attention. This, as I have seen in the past, in my opinion, another case where you are afraid to be branded as being against motherhood. I want to read you just exactly what this says, and I'm always plagued with definitions. Before advocating passage of any act of registration and before attempting to influence the work of the convention. "The final document is going to be the work of this convention. If anyone up and down the street would attempt to influence the passage of this convention which is the work of the convention, if anyone attempts to defeat the final document, he is attempting to influence the work of the convention. Then, the next thing that comes up is where would he lobby; how far-reaching would it be; who all would have charges filed against him; and what position would the district attorney and the local judiciary take as to the degree of guilt that you would have? It was the feeling of the Subcommittee on Rules as has been stated up here before, we felt that there's nothing wrong with a professional lobbyist if you could define it. We determine the final degree of guilt that an individual would have. On the other hand, I can see some fine individual, or some lady representing some organization, come down here and feel that there was no reason for the lobby. In fact, if someone comes up with that's a member of the organization and buys the lunch, I don't know if she wouldn't be guilty under this because that would be a portion of her expenses. How far you can construe it, I don't know. You can shake your head. I don't know what you could construe, but then to come back and for me as a member to advise the lady that, "Since, in our opinion, or the opinion of seven out of thirteen of this subcommittee, you have not registered as a lobbyist, and you will not be permitted to talk before this body," you're going to have to look for somebody other than Lantz Womack to tell them that. What I want to do with small oil is of registering, no objection to the registering of lobbyists, but I want a more concrete document than this is before you attempt to start out with a lobby registration bill. I think it's very very nothing with Mr. Keen's suggestion that this go to a committee and let it be ironed out and come out with something that I think will be the final result of at least, a major portion of us would be proud of. So, I would urge you to support Mr. Keen's motion and send this to committee to let them work the kinks out of the procedure of making amendments and come up with a document that would tend to do what we're trying to do. One last statement, when you start talking down the lobbyists, you're saying that you have little interest in what the individual has to say, and what light he can shed on the subject matter, and not who he represents because it matters little what he represents, he can be a consultarative, he can represent anybody in the world to me, and it's good. If he brings up something that's bad, he can represent anybody in the world and it's still bad. So, to me it matters little who the man represents, whether he represents anybody or not. It's what he has to say and what he has to contribute that might be of value in improving what we have on the constitution for the people of this state that I'm interested in. Mr. Chairman, if someone has a question, I'd be happy to answer it.

Questions

Mr. Derbes Mr. Womack, are you familiar with Act 764 of the 1972 Louisiana legislation which prescribes and defines lobbying and prescribes penalties for failure to register?

Mr. Womack You're talking about the act that the House governs itself by?

Mr. Derbes Yes; it's not a rule of the House but it's an act of both of the Senate and of the House which defines lobbying and requires registration.

Mr. Womack I would say I'm reasonably familiar.
I probably couldn’t quote it like I could the pre-
amble.

Mr. Derbes Well, let me read it to you and
familiarize you with it. The act says “Any...

Mr. Henry Mr. Derbes, it’s alright to ask a ques-
tion but let’s make sure...I’ve allowed a lot of
discretion and latitude so far, but let’s confine
these questions to legitimate questions.

Mr. Derbes Well, Mr. Womack, are you aware that
the act of the 1972 legislature defines lobbying as
follows: “Any person who shall before doing
anything in furtherance of such objects, register
with the Clerk of the House of Representa-
tives and the Secretary of the Senate.” Are you
familiar with that, Mr. Womack?

Mr. Womack I sure am.

Mr. Derbes Do you see any substantial difference
between the provisions of my resolution and the
sentence that I just read to you?

Mr. Womack In answer, I see a lot of difference
because to attempt to influence the workings
of this convention could be not a legislative act; it
could not be the act of a body; it could not be a subcom-
nitee; it may be back home when an individual speaks
to a Rotary Club and says “I think because of this,
this, and this you should or you should not vote
for it.” Then, he would be attempting to
influence the works of this convention. We don’t
have that in the legislature; that is the major
difference; and that’s the part that I so violently
object to and the language in this proposal.

Mr. Derbes Mr. Womack, are you aware then my pro-
gressive states that before adding this pas-
ange of proposals and before attempting to influence
the work of the convention, you are aware of that
phrase?

Mr. Womack The work of the convention is also the
final document that is submitted to the people.
This is the thing I’m trying to point out: yes.

Mr. Derbes And, you are now aware, Mr. Womack,
are you not that the provisions of the 1972
Legislative Act regarding lobbying in the legisla-
ture are essentially similar to, if not exactly
identical with the provisions of my resolution,
with the exception of the fact that my resolution
regulates the convention and not the legislature?

Mr. Womack Your resolution goes on back home,
though, where a simple act in the legislature, it
doesn’t go back home.

Mr. Burns Mr. Womack, I’ve been sitting out there
thinking of our old friend Mark Twain when he said,
“Everybody talks about the weather, but they don’t
do anything about it.” As I listen to the succes-
sion of speakers coming up here speaking in opposi-
tion to this bill, isn’t there something we sitting
out there can do about it or take some action at
this time?

Mr. Womack Well, there’s something—there’s a
motion here that the delegation is going to have to
do something about; in fact, there is a motion
and a substitute. All I’m saying is I would hope
that the substitute motion would be carried, put
in a committee and then technically and wording
would be cleared up—nobody has any basic objection
to what we normally call a professional lobbyist,
registering, I have no objection whatever.

Mr. Stovall Delegate Womack, are you familiar
with the saying “Straining a gnat and swallowing
a camel”?

Mr. Womack Yes, sir, Brother Stovall. I’m also
familiar with one phrase we hear quite often on
weekends that “A very small sin could send you
to hell;” you know?

Mr. Stovall That’s exactly what I’m talking about.
Are you convinced that any legislation here and if you
go along with this technicali-
ty, you destroy something which is very vital and
significant?

Mr. Womack Brother Stovall, the technicality can
be corrected in a committee and the vital document
you talk about can be not only protected, but can
be improved.

Mr. Stovall Mr. Womack, isn’t this a way of
making legitimate lobbying and advocating? Isn’t
this a way of giving dignity and status to the
advocates and lobbyists who might come our way?

Mr. Womack Of course, as you know, definitions
of dignity and all of these other words that you
have used carry different meanings to different
people. I think you can still have a very digni-

fied lobbying bill without the loose language that’s
in this one and without lobbying a person. I don’t
look at an act that could cause a criminal charge
to be filed against any of the citizens in the state
we have in the country, whoever it might be, over
technicities; I don’t call that minor.

Mr. Stovall Mr. Womack, don’t you feel that the
only person who’s going to be carried and the ques-
tion here might be a person who would misuse the
privilege that would be given to them? Don’t you
feel that basically this is the way of saying to
lobbyists and advocates, “We love you, we want you,
but, we simply want you to indicate who you are
as you come in”?

Mr. Womack By the same token, it is my opinion
that somewhere down the line there could possibly
be some individual who was very much distasteful
about the final document and would be in position
to file charges and could be in the position to
prosecute on those charges.

Mr. Henry Don’t you gentlemen realize that neither
one of you all are convincing the other one of
anything and you are wasting our time?

Mr. Landry Mr. Womack, I want to ask if you
could maybe rephrase this bill so that those who
don’t understand too well the provisions of the
legislature in protecting themselves as well as the
public in the field of lobbying. What in the world
is the result of the act that is passed by the legis-
lature? What is the purpose of it? Why is it that you people in the legislature wanted
that basic establishment in the law? What is the
purpose behind it?

Mr. Womack The purpose of it is to be sure that
it is clear that there is nothing undue, added,
or anything else. The one word I’m hung up on
or the one phrase here is that before attempting to
influence the work of the convention—and what
I’m saying is this: that the work of this conven-
tion will be the final document. The individual
back home, and it could be you, that thinks that
you have a good document. You go out and you go
talking for it, you could be attempting to influence
somebody. If you have a district attorney who that’s
got something against you, that really wants to
prosecute, he could hang up on a technical—this
is the thing. I’m not against lobbying. I’m for
it. I voted for the lobbying bill. But, if you
go back, and I have repeatedly said, we’re still
for the lobbying; none of us have objected to it.
All we say is let’s get the technicality in it to
where the laymen at home are trying to give us
a protective constitution to keep a protection against
criminal procedure over technicalities.

Mr. Landry One more simple question. Do you
think basically that the people in this state
even those who are not lobbyists are defined as such would object to filling out the forms and establishing the fact that they are there to advocate, if they know that by so doing they are protecting themselves?

Mr. Womack If every individual down the street know, they'll be doing it. But Mr. Womack got his statements and before anything was filed against him and he did it; I don't think there would be any problem. But, the individual that would go before the local covenants and before all of the law I think that we need to be approached sensibly. I don't think that those of us who feel that it ought to be approached sensibly ought to be braced as prolonging the time. If I took the same position with the amendment offered by Mr. DeBieaux about giving news media notice of committee hearings or the position taken by my friend, Mr. Champagne, about imposing one of these problems of translating at no cost to this convention. I simply think that these are matters that we need to look at, they are on a sensible basis and then come up with some answer to it. That's going to cope with the problem without hamstringing people who ought to have a right to talk to us without the necessity of signing this sworn affidavit that says they have some interest in doing so.

You could have twenty-five ladies of the League of Women Voters around the state who want to come before the convention and would have their expenses reimbursed. Under this resolution, they couldn't speak to the committee until they signed the sworn affidavit that they were representing the league of women voters. If by chance they happen to start talking about the Garden Club, they would be prosecuted for false swearing. Now, I think under these circumstances it only reason the and tend this matter to the Rules Committee where it can be ironed out or we can come up with a resolution that's going to get to this real problem and we can come up with a business in an orderly fashion. In the meantime, we don't suffer any loss.

Mr. Zervigon offered an amendment as part of the rules that anybody who appears before a committee has got to identify himself and the interest he represents. Under the circumstances, the committee have an ample opportunity to find out just who this individual is that he is representing. We are not representing a group, we are not representing the league of women voters. If by chance they happen to start talking about the Garden Club, they would be prosecuted for false swearing. Now, I think under these circumstances it only reason the and tend this matter to the Rules Committee where it can be ironed out or we can come up with a resolution that's going to get to this real problem and we can come up with a business in an orderly fashion. In the meantime, we don't suffer any loss.

Mr. Munson Mr. Kean, is it your feeling that in all probability within the next week or two this convention will have their expenses reimbursed. Under the circumstances, the committee have an ample opportunity to find out just who this individual is that he is representing. As we want to get him on the oath in order to do it or the chairman of the committee has got to put him under oath for that purpose. So, I think that in the interim we are amply protected. So, it would give us an opportunity to come up with something that would be significant and could get to this real problem and under the circumstances, I think it should be properly referred to the Committee on Rules.

Questions

Mr. Munson Mr. Kean, is it your feeling that in all probability within the next week or two this convention will have their expenses reimbursed. Under the circumstances, the committee have an ample opportunity to find out just who this individual is that he is representing. As we want to get him on the oath in order to do it or the chairman of the committee has got to put him under oath for that purpose. So, I think that in the interim we are amply protected. So, it would give us an opportunity to come up with something that would be significant and could get to this real problem and under the circumstances, I think it should be properly referred to the Committee on Rules.

Closing

Mr. Kean Mr. Chairman, members of the convention, the discussion on this resolution particularly drafted as it is somewhat reminiscent of the bumper stickers that you see sometimes that says "Outlaw guns" and the only people who have guns are outlaws. If we adopt this resolution, it will say that we are going to have enough time and the committee... I mean, it may just drag in a committee for a couple of months. We may not have anything at all if we don't adopt it here today. Therefore, I will speak against the substitute motion. At this time, I would like to call the previous question.

[Previous Question moved on the Substitute Motion.]

Mr. Rayburn Mr. Kean, in Washington Parish we have a Coon Hunter's Association, which I am a member. At the last meeting we had thirty-eight dollars in the treasury. There is nothing but pros and cons about outlawing coons. Now, if some one would present something in this convention to
outlaw coons and we had five of our six...we'll say six of our coon hunters wanted to come over here and our association paid their expenses over here, would all six of them have to register or could one register and talk for the other five?

Mr. Kean: I think that if any of those five came over for the purpose of attempting to influence the work of the convention, all of then would have to register—all coon hunters.

Mr. Stovall: Mr. Kean, don't you think that Senator Rayburn is sneaking at a coon and swallow ing a camel?

Mr. Kean: I'd prefer not to answer that question.

I don't know what Senator Rayburn is capable of.

[Substitute Motion adopted: viva voce. Motion to reconsider tabled.]

RESOLUTIONS ON THIRD READING AND FINAL PASSAGE

Mr. Poynter: Mr. Jenkins now moves to call from the calendar Delegate Resolution, temporarily designated "D" or the calendar.

[Rules Suspended to consider the Resolution at this time.]

Explanation

Mr. Jenkins: This resolution is the one that was brought up yesterday regarding bidding on all materials and supplies which the convention may purchase; it also has to do with a statement by this convention that we do not recognize as binding on this convention any contracts of printing, materials, services, supplies, or equipment which may have been made by the State of Louisiana. I have amendments that I will offer up in just a moment which will really bring this resolution in accord with the Public Contract Law of the State.

I would like to do that at this time before I further discuss the resolution.

Amendments

Mr. Poynter: Amendment No. 1. On page 1, line 7, delete the words "five hundred dollars" and insert in lieu thereof the words "one thousand dollars".

Amendment No. 2. On page 1, line 12, after the word "bid" delete the semicolon ";" insert a comma "," and the following "all in accord with the Public Contract Law of the State;"

Explanation

Mr. Jenkins: The purpose, as I said, is to bring the resolution in accord with the Public Contract Law of the state and provide statutes to Title 38.

Question

Mr. Tobias: Mr. Jenkins, the second paragraph of your resolution concerning not making any contract entered into heretofore binding upon this convention. I'm concerned about this. I think it may be unconstitutional under Article II since we cannot really impair the...any contract rights and also under the United States Constitution. I would like you to explain how we can get around this if you want to?

Mr. Henry: Mr. Tobias, is this on the amendments or the resolution itself?

Mr. Tobias: The resolution.

Mr. Henry: Well, let's wait. We are on the adoption of amendments, if you'll hold us with just one minute, please, sir?

[Amendment adopted without discussion.]

Questions

Mr. Tobias: I won't repeat what I just said. But, I would like to know how we can invalidate a contract which is perfectly valid and binding on both parties under our law?

Mr. Jenkins: Well, certainly, we can't do that, Max, and that's not the purpose of this resolution. The purpose of this resolution is to clarify the point that any contracts which may have been entered into by other agencies or other parties, or any contracts entered into by them by the convention, which is perfectly valid and binding on both parties, are not to be considered by the convention. As an example, we are not a part of the Executive Branch of government, or the Judicial Branch, or the Legislative. No contract entered into by them can possibly be binding on us and that simply states this. If you look in the revised statutes in Title 38 under Section 2211, it deals with the letting of contracts. If you deal with Title 43 in Section 1, it talks about state printing; it says "All administrative boards, commissions, departments, agencies, institutions, and offices within the Executive Branch of the state government shall purchase all requirements of printing and engraving through a central purchasing agency."

Now, you notice that limits it to the Executive Branch of government.

There is another provision dealing with the printing of the Journal for the House and Senate and gives the House and the Senate the authority to engage in printing contracts for the House and the Senate. But, nowhere is there any authority which might bind this convention given our status as a constitutional convention, to my knowledge, has ever been bound in any way by the acts of other state agencies. It is important for some reasons that I'm going to explain to you recognize this fact at this point.

Mr. Tobias: Mr. Jenkins, I disagree with your interpretation simply because you say that you are trying to invalidate by saying that this convention repudiates a valid contract that has been entered into by this state. I don't think that this convention doesn't have that power, but we should get into any conflict with an act or an action by any agency of this state, that's all.

Mr. Jenkins: Well, of course, that's not what this does, Max, and let me give you an example. As an example, the state legislature, through the Division of Administration, has a contract with the TJM Corporation, the printers. This contract says that this company shall print the Official Journal for the House and Senate. There is also a provision in this contract which says that the official Journal for any Constitutional Convention which might be held...I've been informed by representatives of that company that they intend to enforce that contract on us now. Now, there is no reason for us to abridge or invalidate any contract that may have been made by some other party. The only point is, this contract has not been made with us and does not bind us. There is no way under the law or under any interpretation of the law by any court that the legislature can enter into a contract and bind us, any more than the Executive Department can enter into a contract and bind us, because we are not subservient to nor superior to the Executive Branch of government. The legislative branch, that is, is something different, sui generis. It's important that we recognize that fact right now, at least we would be bound in the future by other supposed contracts that might bind us. Now, let me tell you what's going to happen if we are bound by that contract entered into by the legislature. Our Official Journal, if it causes us more to cost us more than two thousand dollars a day to print because that's how much the legislature pays. If we let for a hundred and fifty days between the middle of July and the first of the year, we would be paying the hundred thousand dollars just to print our Journals. That's why it's so important for us to recognize right now the fact that we do not have to enter into any contract; they might bind the legislature; they might bind someone else, but they cannot bind us.

Now, if you look at past interpretation, for
In the Illinois convention, the Illinois Constitutional Convention asked the attorney general of the State of Illinois how far outside the scope of the creating act it could go. The attorney general of that State was Mr. LeBreton. The Illinois Constitutional Convention was autonomous, independent, not bound by any of the formalities and procedures that a normal state agency would be. I'm not suggesting that we even attempt to do this here. But, what I am suggesting is that no contract entered into by some other branch of government can be imposed on us because we are not subservient to any of those branches of government. If we pursue a different path, here is what we might be faced with--let's not. The governor might enter into a contract or legislation to do something the legislature might enter into a contract, or somebody else, where is it going to end? Who can bind us to what extent? Well, the answer is nobody can. We need to recognize that point right now before we start purchasing materials; before we start spending more money than we have to spend. In the case of this Official Journal, I assure you it can be done for two; three, four hundred dollars a day at the most. We need not be caught in a political bind which has been created by things that have happened in the past with regard to the purchase of our printing. So, that's why it's so important to adopt this resolution at this time as it is written. I urge its passage.

Delegate Leithman in the Chair

Mr. Duval, Representative Jenkins, as I understand your resolution, you're not attempting to impair any preexisting contracts? Are you merely asserting the right of this convention to enter into contract on its own as it is a separate entity?

Mr. Jenkins: Well, that's one part of it, certainly. It's also saying that "no contracts entered into are binding on the parties, but we are not parties to them."

Mr. Duval: Thank you.

Mr. LeBreton: Woody, I understood you to say that you could have the journal printed for three or four hundred dollars a day rather than two thousand; did I understand you correctly?

Mr. Jenkins: Yes, sir.

Mr. LeBreton: Well, what assurance do you have that you could have it printed at that time, work at night, which I understand is a big part of the cost against what we are paying. What assurance could you give us?

Mr. Jenkins: Well, the assurance that I have is my experience in the newspaper publishing business dealing in this town, for example. I know that it can be done for that price. I know it can be done quickly. So, I have to cite through my own personal experience. Certainly, if any company wishes to bid on the printing, they would be allowed to do so under this resolution. If the company who does the state printing is the low bidder on this particular job, they could do that. But, it would not obligate us to go along with any particular firm.

Mr. LeBreton: It's hard to believe...it's hard for me to believe that the House of Representatives are wasting five cents a day; and, just for one, don't believe it. Let me ask you another question: Where are we getting our money from to run this convention?

Mr. Jenkins: Well, it's hard for me to believe, too, that the legislature is wasting that kind of money. But, I can assure you, sir, that it is. Now, we are getting our money through an appropriation from the state legislature; they created us. But, we are not subservient to the legislature. I think if you read the court decisions, you'll see that's the case and they certainly cannot enter into contracts for us.

Mr. LeBreton: Well, Gulf South Research, I understand did some work for us with the hope of being paid. Are these one of the things that you are shooting at?

Mr. Jenkins: No, sir, that really would not be relevant. I think as regards to any work that Gulf South Research Institute did for us, we are going to have to make a decision that was entered into if we are going to pay the bill. But, I don't even know that that's the intent that we pay the bill on Gulf South Research's effort. This is going to be determined by the Executive Committee. But, this doesn't bear on that I don't believe at all.

Mr. LeBreton: I would have thought--and this is the question--that what you are talking about, the general things we are discussing will alter the Executive Committee. I'm not a candidate for the Executive Committee, but I would think that the details of these things must be, for example, I didn't know we had such a contract; there may be other things that are determined. I think that there's a...voting when you don't all that exist. I would think, and ask you if you don't think this belongs to the Executive Committee?

Mr. Jenkins: Eddie, I think the Executive Committee will have to deal with the details of this. But, if you notice on Official Journal lines long; it's not a detailed resolution that states the general principle that our purchasing shall be done by bidding; that's the first thing. The second thing is that no other agency, or institution, or department in the State of Louisiana can bind us contractually, that we are independent, autonomous and our contracts are going to be entered into on our own.

Mr. LeBreton: Just wisely because somewhere in our rules it says that we can call on the other departments of the state to do things for us. I just don't see that these two things go together, Woody.

Mr. Munson: Mr. Jenkins, as you will recall, you and I discussed this yesterday afternoon, and I suggested at that time that you discuss your resolution with Mr. Chairman of the Administration. As you know, I also discussed it with Mr. Roemer. I got the impression from talking to Mr. Roemer--you talked to him later, however, but I got the impression in talking to Mr. Roemer that we didn't need in his opinion--and I could be wrong--that we didn't need this resolution, that if his feeling the State General Purchasing Act through the Division of Administration we actually could save this convention money rather that take bids on it ourselves. My question is, did you get the same impression, or am I correct in my assumption?

Mr. Jenkins: Bob, I don't believe so. What Mr. Roemer said was that we could, he believes, take advantage of Central Purchasing--which this would allow us to do. I believe, in accord with the Public Contract Law of the state, insofar as it deals with independent contracts. Another thing is, there is another contract with the State of Louisiana through the legislature that we might be bound for some printing contract. It seems important that we repudiate that here and now along with any other contracts which may be made by other institutions, organizations or officials, which are not subject to this control. Mr. Roemer's--let me say, what he said about what Mr. Roemer said--he stated last night in my discussion with him that his Division of Administration has been making every effort to save money in printing and to try to get around this particular contract as much as they could--taking over as much of the printing as they could through the state printing office themselves--because they found that they could do it much
cheaper themselves. They said also they'd be glad to do this official Journal for us if they could, largely. There are only a few things about the thing--they can't print newspaper size--but could print something smaller. This would allow us to employ them rather than be bound by some other agreement.

Mr. Munson It is my impression that your resolution would state that we would take bids on anything over a thousand dollars that we wanted to purchase, which would prohibit us from using Central Purchasing. That's my feeling at this time, am I correct? We would not be allowed to use Central Purchasing even if we wanted to, and even if we could save money by that method, if we adopt this resolution.

Mr. Jenkins I think normally that would be true. But, the only way we could buy printing through Central Purchasing is if we went through this particular contract that we're talking about, because that's how the printing is done by the state, through that particular contract.

Mr. Triche Mr. Jenkins, one question, if you will, because you've made some statements here that are rather startling to me. It's my understanding that the legislature's contracts are put out on public bid, and I understand there's only one private business that has ever bid on it. I understand this is so because that's a rather specialized technical kind of printing that not many people are available to do, or have the facilities to do. To illustrate, we meet in the legislature sometimes until ten or eleven o'clock at night and the Journal has to be printed and on our desks the next morning. There are not many people in the business available to do that. I was under the impression that the legislature's printing was put out on public bids, but maybe I'm not correct. My point is, whether or not that's correct. Also, I would like for you to explain what information you have, which allows you to make the statements that you know it is costing us two thousand dollars now and that maybe we could get it done for four or five hundred dollars. Nobody in this convention, I believe, wants to spend two thousand dollars for printing that can be gotten for two or three hundred dollars. You know what information do you have that those things would be available to us?

Mr. Jenkins Well, as to the cost now--I've gotten information from Mr. Munson, and it's from the House, who's given me the approximate cost of printing the Journal. I questioned at length the representative of T.J.M., who never would give me a figure. He base it on the average cost of printing the Journal. Apparently, those figures are caught up in contracts that are very difficult to state explicitly, but Mr. Poynter has told me the approximate amount that we spend everyday for printing in the House. Now, as to who can do the job, I know this, there are three or four firms right here in Baton Rouge, not counting those in New Orleans and other areas that could do this work, and that I'm sure would be glad to bid on this work if they could bid on this specific job. It can be done, it's not nearly as high at all as I will give you, for example, I know of one firm that if we prepared our copy--camera ready--for offset printing could produce us say two thousand copies of an sixteen page foldout newspaper for about a hundred dollars. Now, that's once it's camera ready--naturally it'd cost us something to get it camera ready--but it can be done much cheaper. I think it would be done much cheaper. I don't have the money to spend the sort of funds that the legislature spends to print their official Journal. So, I think, it's imperative that we take this action.

Mr. Triche What is the difference in the procedure which you propose in your resolution for letting out these contracts by bid as the procedure now used by the legislature to let its contract for printing out by bid? Now, I think, apparently you agree with me that the legislature now lets its contracts for printing out by bid. What's the difference between what the legislature has done and what you propose to do in this resolution?

Mr. Jenkins Well, the difference is this, that we would be allowed to let our own contracts and would not be bound by any contract which the legislature may have entered into.

Mr. Triche Well, now I gather what you're proposing to do is that this convention do what the legislature has done in the past.

Mr. Jenkins Well, let me say this, I understand that the reason this particular firm has been the only bidder is because the specifications involved with all state printing are so large and so vast that they're the only ones that can bid on this large a job for the entire state system. This is not true at all for a particular job like the printing of our Journal or the printing of our proposals. There are many businesses which could bid on such a proposal. This would allow us to go individually and buy things in that manner.

Submit Motion

Mr. Avant Mr. Chairman and fellow delegates, if it's in order, I would move that Mr. Jenkins' resolution be referred to the Executive Committee, that the Executive Committee be instructed to seek the advice of the attorney general with respect to this matter and do whatever he says the law requires us to do.

Question

Mr. Jenkins Now, Jack, your motion, I believe, was to refer it to the Executive Committee and then to allow them to do whatever the attorney general advised them could do under the law?

Mr. Avant My motion was to refer it to the Executive Committee with instructions to seek an opinion from the attorney general as to what we are legally required to do, and do whatever the attorney general advised us to do.

Chairman Henry in the Chair

Mr. Jenkins Well, my question is this. If your motion is simply to commit this resolution to the Executive Committee, I'm going to have to object to it. Now, if your proposal is to commit it to the Executive Committee and to empower the Executive Committee to do what the attorney general says they are legally empowered to do, then I ask to get the best possible contract that we can in accord with this resolution, I'll have no objection to that.

Mr. Avant Well, that's my motion.

Mr. Jenkins But, I'll believe, under our rules you will have to put that in writing, and I'd like to see the form of your writing and when you...
Amendments

Mr. Henry Would you like to offer up an amendment so that every delegate could be made a coauthor?

Mr. Casey I do, Mr. Chairman.

[Amendment adopted without objection. Resolution adopted without objection. Motion to reconsider tabled. Motion to proceed with election of officers as provided in Act 2 of the 1972 Regular Session and the Standing Rules of the Convention adopted without objection.]

Mr. Henry The Chair will now entertain motions--let me give you the game plan as to how I propose that we do this--we will elect...take your seats, ladies and gentlemen, take your seats. We will proceed first to elect the Statutory Vice-Chairman. We will then elect in order the remaining Vice-Chairmen. We will then elect a Secretary, then the Treasurer. We will adjourn for the caucuses so that the congressional districts can elect their membership to the Committee on Committees and the Executive Committee, hopefully, as quickly and as readily as we have done this. We seem to have cleared up all of the business and we will adjourn or recess until some future time. The Chair now announces that we will entertain nominations for the Statutory Vice-Chairman.

Nominations for Statutory Vice-Chairman

Mr. Burson. I nominate Mrs. Ruth Lloyd Miller. The woman I nominate is uniquely qualified by background, education, and experience for the position of First Vice-Chairwoman of this convention. Her background blends the life experiences of north and south Louisiana. She was reared in Caddo Parish and Madison Parish. She has spent her adult life in Jennings, in Jefferson Davis Parish in southwest Louisiana. Educationally, she has a degree from L.S.U. in speech. She did special studies in sociology, race relations and Christian Religious philosophy at Blue Ridge College in North Carolina, and Union Theological Seminary, New York City. She is the wife of the Honorable Minos G. Miller, Jr., Judge of the Third Circuit Court of Appeal. She is the mother of three children and is a graduate of TCU. This fifty year old woman has during her lifetime, seen and lived through the torments and turmoil of seeing her husband missing in action in World War II, confined to a prisoner of war camp in Japan. As wordsworth put it, "They also serve who only stand and wait." While her husband was so confined, Mrs. Miller went to law school so that she might support her family. When her husband fortunately returned, she left law school and worked as an editorial assistant, L.S.U. News Bureau, while Judge Miller finished law school. After she turned 18, the turmoils and torments of wartime were over, she returned to Jennings to raise her family. She continued to mature and grow intellectually into the knowledgeable, strong-minded and diversely talented woman I nominate. As the Vice-Chairwoman of the Committee, she has been active in community service as President of the Board of...
Supervisors of Elections for her parish. She has chaired the Planning Commission for the city of Jennings, and served on Davis Parish School Board. She is an accomplished public speaker and newspaper writer. She could articulate the objectives of this convention to the many friends that she made across the state, as well as to the many manmade and successful twenty-one parish race for Court of Appeal. Now, writing the constitution is penultimately a work of language. Mrs. Miller is a study for the English language, who is presently completing editing the editions of three new books on Shakespeare that will be published this year. She says she is a scholar, she is a community leader, but most of all she has the intangible qualities of character that we need in this office. She's strong-minded and tough-minded, but not domineering. With all of her skills in language she has not deluged you with comments at the mike. But, I'll tell you when the crunch comes, and the important issues are there, you will hear from her at that time. She's had the patience to sit and pay attention to the rest of us that like to talk. I know that if you elect her to this high office and that she will listen and deal with the everyone of us that kind of attention and patience. Her whole life and character epitomizes good government. This new constitution is so important to her that when she was appointed to the convention, she resigned her position as the first woman ever to serve on the Louisiana Mineral Board. In order that she might devote this entire year of her life to her duties as a delegate to the convention. Now, we hope to write a document not for the hours, but for the ages. I ask you to enlist the aid of this sagacious and talented woman, Ruth Miller, as First Vice-Chairwoman of this convention. Thank you.

Mr. Henry: Is there a second to the nomination?

Pardon me, Mr. Arnette, I didn't see you. You'll have to borrow that man's flag.

Mr. Arnette: Yes, I'm going to have to have Louie Toam me his flag.

Pardon me Mr. Arnette. It is with great pleasure that I come up here to nominate and second the nomination of Mrs. Ruth Miller. I just have a couple of words to say about her. First of all, I'm from her home town. I know her wife, and I've been told that she will do a good job if she is elected. And all the people in her home town who also know her and all around the parish and all around the state for that matter, know that she is qualified, and that she will do a good job. Thank you very much.

Mr. Henry: Is there a further second to the nomination of Mrs. Miller?

Mr. Badeux: It is indeed an honor for me to second the nomination of Mrs. Ruth Miller. I had never met Mrs. Ruth Miller before joining fellow delegates over here at the beginning of last week. But, she has impressed me very much. From my conversation with other delegates, I take it that she has impressed many of you also. Again, I say it's an honor to second the nomination of Mrs. Ruth Miller. Thank you.

Mr. Henry: Are there further nominations for the Statutory Vice-Chairman?

Mr. Alphonso Jackson is recognized.

Mr. A. Jackson: Mr. Chairman, ladies and gentlemen of this Constitutional Convention, I think that we all recognize that we are courageous, and diligent, and strong leadership to provide for the people of this state. A document that will lead us into a decade of freedom and dignity and security for all of the people of this state. When I look about this convention, in deference to all of the fine ladies that we have here, I think the time is ripe for a woman and her name is Mrs. Mary King from Shreveport, Louisiana. I've watched her in my community work as a leader, as a planner, as a lawyer, as an individual who is concerned about all of the people of that community and all of the people of this state, and all of the people of the nation of ours. We've gone forth for community making a difference. He's gone forth throughout this state exercising... He has not denied this nation his genius because he has served us well. I don't always agree with Tom Stagg. But, I always say that a man is entitled to one mistake-- and his mistake is that he's a Republican--but we won't hold that against him, and leave him alone, but I respect him. I respect him as a man of conviction, respect him as a man of courage, respect him as a man of wisdom. You've watched his job as our lawyer. But, Mr. Chairman, I'm delighted and honored to place in nomination my friend and a great leader, a lawyer, a businessman, and a planner, as the next Vice-President of this Constitutional Convention, Mr. Thomas Stagg.

Mr. Roemer: Mr. Chairman and fellow delegates, I publicly rise today second the nomination of Mr. Thomas Stagg as our First Vice-Chairman. Emotion aside, quotas be damned, independence be exalted, Thomas Stagg fits the job. A man more eloquent than I, early in the convention you should consider function before form--function before form--I agree. The First Vice-Chairman will rise in the absence of the chairman. We need a person, be it man or woman, black or white, firm, equitable, knowledgeable and compelling. Fortunately for us, we have that person in our midst. I second the nomination of Thomas Stagg.

Mr. Bollinger: Fellow delegates, it is also my honor to second Delegate Jackson's nomination of Thomas Stagg for First Vice-Chairman of this Constitutional Convention. The press has given us the impression--which I think we all appreciate--that this convention is one of inexperience. What better time to show our independence? The election of this First Vice-Chairman can do just this. We have an excellently qualified man to fill the office. If we elect Tom Stagg, which I'm sure we will, there will be no doubt in anyone's mind that the number two spot in this convention is filled with one of independence, not associated with the Constitution, as he has been a leader in his party. He has served as national committeeman, he has served on procedural committees at a national level, he is excellently qualified to be the First Vice-Chairman of this convention. I also say that he has, as has been stated before, shown his ability to govern and control and execute leadership in his stance as Chairman of the temporary Rules Committee. At this time, I second his nomination as First Vice-Chairman of the Constitutional Convention of 1973.

Mr. Henry: Are there further nominations for the statutory Vice-Chairman?

The Chair recognizes Delegate Perkins.

Miss Perkins: Ladies and gentlemen, I come before you to submit into nomination the name of an individual who can not only represent you, but who can represent the spirit of this convention. My selection was based on concern for this convention. As a delegate from the home parish of Governor Edwards, I certainly object to this nomination of anyone else, or anyone else. When I feel the administration is right, I'll be with them, however, I object to this handpicked slate of candidates for the offices to this convention. I object to the stand before you. Possibly, I am naive in politics, I probably need my head examined for being up here. But, even if Thomas Stagg was taught there comes a time that you either are a man or a woman or you're not. Well, unfortunately, my day of reckoning is here. Maybe it's a little
earlier than I would have liked to have seen it, but I am going to stand up and be counted. There have been many commitments made in reference to this position. I don’t have to inform you of that; you see as am. But let me say this: As delegates, any commitments you may have, let’s not forget that we had one commitment before we ever came in this convention; that was a commitment to our people to come here and vote the way we thought was in the interest of the convention—to stand on our own two feet, not to feel we’re being pushed but stand for what was right. I ask you to consider those people at this time. You know, I’d like to take something by reference: the human eye is a mighty beautiful thing, but it is the right of this individual functions with the rest of your body. If you take that eye and remove it from the body, it becomes harsh and ugly, it’s of no use. Well, it’s the same thing, ladies and gentlemen, with “I the individual” functions with the body, for that body, in assistance with that body, then it’s helpful, but, when it starts thinking about what “I” can get and what “I” can do, then it becomes something harsh too. I would like to say this: that we’re making sure that all minorities are represented in the taking care of the women, and we’re taking care of the blacks; but, ladies and gentlemen, we forgot one minority, the independent people that put you here to do a job in this convention. If the reporters ask you, all of us are in the position that we can’t say very much. Well, as things say, if it all started that way, it’s going to take guts to cast an independent vote. I know that. But, that’s what I’m asking you to have is guts. If we don’t have it now, we are going to get guts later on. But do we exist, simply by letting them convince us that it does exist. I now, ladies and gentlemen, submit into nomination, for Vice-Chairman of this convention, Miss Lynn Perkins. It has taken guts for me to get up and submit my own name into nomination. I could have found someone, in case any of you are worried about that, there was someone that did it, but I chose to do it in this manner. I’m going to ask you to please consider me for this position. It may seem egotistical to submit my own name into nomination, but I can assure you it is done with the greatest of humility. I would like to say this, in closing: I have stood up for what I think is right. At worst, I can be defeated and, possibly, lose the professional position that does exist, but my personal pride, ladies and gentlemen, is a small price to pay for my own self-respect, a small price to pay for the dignity of this convention, and a small price to pay to restore the confidence of the people of Louisiana. With this, I humbly say, in closing, that I have to say to you this short skirt fools you, I think you found out where the guts are. I’ll tell you this: We may have to work together, but that doesn’t mean the atmosphere has to be unpleasant, so I don’t think my skirts have anything to do with it. I’d like to say this too, in closing: You may question my ability to run this convention as First Vice-Chairman. Ladies and gentlemen, keeping order and decorum in this convention will be very simple compared to what I have just done. Please, I humbly solicit your support. Thank you for your attention.

Mrs. Warren: Mr. Chairman, fellow delegates, when I came here this morning, I didn’t know this was going to happen. I met Miss Lynn Perkins in Lafayette. I want to say to you she impressed me very much. And this is the First Vice-Chairman of this convention very much. I have to depend on the inner man and I’m going to tell you it takes guts, and I’ll tell you I got guts. I take very great pride in seconding the nomination of Miss Lynn Perkins as the First Vice-Chairman of this convention. She’s a young woman that I feel that will go places. I usually push young people, and it is a great thing to push people, whether they’re young or old. This is very important; but what happens to this convention and what happens to the future generation of this state concerns me very much. With these few words, I take great pleasure in seconding the nomination of Miss Lynn Perkins.

Mr. O’Neill: I stand before you today to second the nomination of Lynn Perkins. She deserves your consideration as a colleague and as a friend. Lynn did not ask, nor did she expect, to be handed this position on a silver platter. She very simply offered herself because she felt that the people of this young, independent woman. I admire her for her courage, and, at this moment, I ask you to admire her too. Experience is gained through hard work and participation, not simply by age, as long as Lynn has done as much towards the organization of this convention as any delegate. She attended each of the pre-convention meetings. She was selected as a member of the Temporary Rules Committee and was elected as that body’s secretary. Lynn is a practicing attorney. She has served as secretary and vice-president and, currently, as president of the Avoyelles Parish Bar Association. She has been chairman of the L.S.U. Alumni Fund in her parish, and she was voted as the Outstanding Young Woman of America last year. Lynn is a scholar and will handle this convention in the exemplary manner of Chairman Henry. She has a strong personality, and her ability to get along with everyone is her greatest asset. I am very strongly feel that the First Vice-Chairman should be a competent presiding officer. I support and second this nomination, not because I oppose any one of the nominees, but because every person in this convention would have a prestigious title. Rather, I support Lynn because of her tenacity and independence. It seems that everyone has made a deal to get a vote. I’ll support you for the Executive Committee if you’ll support me for Vice-Chairman. Or, you can be a Vice-Chairman because you’re a sacred cow, and this is Indiana. Well, Lynn and I struck a deal. In return for her seconding her nomination, I get to take her to dinner tonight, and that’s a better deal than any of you all have. Senator Knott has a speech about everybody’s sweetheart and nobody’s gal. Well, Lynn’s a sweetheart to all of us, but she does want to be our gal. I second her nomination in hope that you’ll see fit to do just this.

[Notion to close nominations adopted without objection. Roll call vote ordered. Delegate Miller-76: Delegate Stagg-25: Delegate Perkins-22. Delegate Miller elected Statutory Vice-Chairman.]

Mr. Henry: Delegates, please take your seats.

Mr. Stagg: Mr. Chairman, on behalf of myself and Miss Perkins, we wish to move that the nomination and the election of Mrs. Miller be made unanimous.

Mr. Henry: Is there objection? Without objection, so ordered. Miss Perkins.

Miss Perkins: Yes, sir. Thank you. On behalf of Mr. Stagg and myself, we offer to Mrs. Miller our public congratulations and assure her of our support and cooperation in any way that we may be needed. Thank you.

Mr. Henry: And, congratulations, Mrs. Miller. The floor will now be open for nominations for a Vice-Chairman. Delegate Dennis.

Nomination for Vice Chairman

Mr. Dennis: Mr. Chairman and fellow delegates, I rise to place in nomination for the office of Vice-Chairman of this convention, the name of Tom Casey. The Vice-Chairmanship, as you know, is an important position, and I believe that Tom Casey is the right person for the job.
important office, not only from the standpoint of its legal duties—such as presiding in the absence of the Chairmen; serving on the Executive Committee and the procedural committees, and performing such other duties as assigned by the Chairman—but, perhaps, even more important is the duty that the Vice Chairmen have to provide proper leadership with the convention as well as acting as an ambassador to the public. We need for this office a man of ability, of mature judgment, and one who is held in high respect both by the delegates and the citizens of our state. I believe Tom Casey can fill this need in a superb manner. Although I have only known Tom for a relatively short time, I have worked together for many long, hard, and eventful sessions of the legislature with him. When he entered the legislature, he was already a successful attorney, active in community affairs. I saw him develop from a freshman legislator into one of the most capable, effective leaders within the House of Representatives, handling legislation of the greatest magnitude for our state. But, what was most significant to me was that Tom attained his stature without sacrificing any of the qualities in him that I most admire. He is honest, he is sincere, he is hard to understand the concerns of others. He votes his conscience even when the issues are politically dangerous, and, at all times, during his service in the legislature, he has always served the many long, hard, and eventful sessions of the legislature with him. When he entered the legislature, he was already a successful attorney, active in community affairs. I saw him develop from a freshman legislator into one of the most capable, effective leaders within the House of Representatives, handling legislation of the greatest magnitude for our state.

Mr. Juneau Mr. Chairman, let me begin with you, Mr. Chairman, I did not know Tom Casey personally. On the other hand, I did have the opportunity to know him through many other people, and I can say, without exception, that the reputation in the community that I live in is one of excellence. They have told me that he is a person who is honest, who is sincere, who is dedicated, and who votes his convictions. I have met with him during the course of the deliberations, and what I have heard has been confirmed. I like Tom Casey; I like what his stands for; I like the way he presents himself; I like the way he listens to people. I think that it's crucially important that we have someone of this caliber and this stature and this background to serve in the capacity as Vice-Chairman—who, in my opinion, will be so important to sell the ultimate document to the people. I am personally confident that you will serve well in this convention and I humbly submit his name to you for your consideration for one of the Vice-Chairmanships of this convention. Thank you very much.

Mrs. Soniat Mr. Chairman, fellow delegates, I rise to second the nomination of Mr. Thomas A. Casey. He is a man that I feel, due to his many and duties in the city of New Orleans, will be able to fulfill the job as one of the Vice Chairmen of this convention. At the present time, he is president of the Jesuit High School Parent Club. He has also been president of the Junior Chamber of Commerce of New Orleans as well as a past president of the Ursuline Academy Advisory Council and a member of many other organizations in the city of New Orleans. For this reason, I feel that he will be a capable Vice Chairman, and I hope that you will vote for him as

Vice Chairman

[Notice to single nominations adopted without objection. Notice to cast delegate Casey by acclamation adopted without objection.]

Nomination for Vice Chairman

Mrs. Taylor Mr. Chairman, fellow delegates, I rise to place the name of Reverend Avery Alexander in nomination for Vice Chairman. Reverend Alexander received his educational training at Tulane University in New Orleans, with further training and special courses at Yale and other local universities, also, the Y.M.C.A. School of Commerce and Union Baptist Theological Seminary. In 1972, Reverend Alexander was elected to the State Central Committee, also as a delegate to the National Democratic Convention. He also serves as a member of the Welfare Board of the city of New Orleans. Some of Reverend Alexander's organizational affiliations are: Second Baptist Church of New Orleans, Interdenominational Alliance, Southern Christian Leadership Conference, International Longshoremen Association Local 1419, and organizer of voter registration throughout the State of Louisiana. Reverend Alexander has served his constituency and the people of this state for many years. Giving hope to all citizens to participate fully in the affairs of government in their community and their state. Reverend Alexander's method of operation is always right in the sight of all people in Louisiana. These demonstrations of courage and unwavering faith in the great future of this state make the Reverend Alexander's work a source of pride. And I do that your serious consideration and your vote as a Vice Chairman of this constitutional convention. I humbly solicit your support for Reverend Avery Alexander as a Vice Chairman. Thank you.

Mr. Water Mr. Chairman, fellow delegates, it is a sincere honor for me to be here among you as a delegate. It really is a great obligation of this body, and it's even a greater honor, though, that I have the privilege of seconding the nomination of Reverend Alexander. He's a man that has served the people; he has served the Lord by serving the people. He's served both black and white people. He has kept the faith. The constitution that we have today has made the people of this state stand against and hate against black people, but this gentleman, he has told his people that the Lord will not put a cross on you if you can defend your faith. That he has made a rock out in this convention. You've seen him sitting there studying, listening, and he's going to be that way all the way through. We need this man in leadership because he can give both white and black people leadership. We're going to need his type of leadership, and a man that has the trust of the people--of all people so that we can pass this document that we finish with. It's a great honor that I have a part in nominating Reverend Alexander as Vice Chairman of this convention. Thank you.

Mr. Henry Thank you, Reverend...Delegate wall.

Reverend Alexander said you quit meddling and started preaching on that one.

Mr. Burns Mr. Chairman and ladies and gentlemen of the convention, I asked for this privilege to come up here and second the nomination of Reverend Alexander. Usually, nominating speeches and seconding speeches are made by people who have known the candidate for either all their lives or a number of years. Reverend Alexander's nomination is based solely on his reputation as I know it, and on my observation of him in the past two or three weeks. He has impressed me as being a man of sound judgment of listening and that his process of the making of everything that has gone on in this convention. When we first started going into session, Reverend Alexander asked some of the
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most practical and sound and sensible questions that I heard any delegate in this convention ask. It impressed me so that if he will recall, I asked him one morning, I said, "Reverend, why don't you just list some of the questions because I actually would get more out of the answers to his questions than I did out of some of the speeches or some of the debate. I think that this convention can look with pride on our accomplishments thus far. We have exhibited independence; we have exhibited intelligence; and we have exhibited an image of the body of Christ in going to the selection of Vice Chairman, there are many of us that are very well qualified. However, we must seek out a few individuals who have exhibited to the convention the desire to serve in more than just the capacity of delegate. This individual must be willing to give of himself for a least a year. This individual will have many added responsibilities and duties. I cannot say that I have known most of you before coming to this convention, so I've had to make my judgment based on your actions. There's one person among us who I've watched, and although I have not agreed with all of the time, I think that he is very well qualified. I think that he is the kind of man that this convention needs as a Vice Chairman. It is with pride that I place the name of Delegate Chris Roy into nomination for the office of Vice Chairman. I cannot say that I have known Delegate Roy all of my life, and as a matter of fact, as I've said before, we have disagreed many times. He's called me a maverick; he's called me an independent. I consider that a privilege. However, Mr. Roy has the ability to seize issues, to put them before this body and to give us a choice, to give us a voice. He was born and reared in Marksville. He is thirty-six years of age, He's married and the father of four children. He graduated from L.S.U. Law School and he served as First Deputy Clerk for the Third Circuit Court of Appeal. He is now a practicing attorney in Alexandria, Louisiana, and I would add to this his exemplary reputation as a practicing attorney in our area. I might add that to me Mr. Roy represents people. He is a man who has been growing stronger in politics, he is a member of the Board of Governors of the Louisiana State Bar Association for the Eighth Congressional District. He has served on the Board of Governors for a period of ten years. In my personal, humble opinion, I feel that he deserves your support and your vote. I ask you to join me in casting a ballot for Mr. Chris Roy as Vice Chairman of this great convention.

Mr. Kelly Ladies and gentlemen of the convention, I rise to second the nomination of an extremely capable gentleman in our midst, Mr. Chris Roy. I, unlike Mr. Fayard, can say that I have known Mr. Roy for a number of years now, and I think that I speak for the same part of the country. I like to many times judge a man among his peers. Mr. Roy is a practicing attorney in Alexandria, Louisiana, and I would add to this his exemplary reputation as a practicing attorney in our area. I might add that to me Mr. Roy represents people. He is a man whom possibly new in politics, has been involved for ten years now in the true interests of individual human beings. This speaks well for any man, regardless of his profession, faith, etc. He, in my opinion, was the author of that important and substantive amendment that came before this convention while we were trying to adopt our rules, which further illustrates his yearning and his desire to fully and finally represent the people. I think you will refer to the amendment regarding the Executive Committee. Mr. Roy was the author of that bill which gave us full and true representation of all people throughout the state for this convention. I earnestly solicit your support for this candidate.

Mr. Bergeron Mr. Chairman, distinguished ladies and gentlemen of the convention, I ask your support for the nomination of Mr. Chris Roy. In the time we've been together, I have had the privilege and pleasure of associating and working with Mr. Roy. This man has captured the respect and admiration of the people. Like myself, Mr. Roy has not previously held a political office. But, I find Mr. Roy to be a man who not only shows his ability and willingness to work but who is working for the benefit of his people—for the benefit of all people in Louisiana. This is important. We need a man such as Mr. Roy who is capable and who does not fear the thought of getting up and speaking his mind, who has the ability to say what he feels in the best interest of his people. Mr. Roy is quite capable of handling this position, the position for which I am asking you to support him for. In closing, I humbly solicit your consideration and your support for Mr. Roy, and I'm sure that you will find him as I have found him to be a man that we can trust when we need him.

Mr. Kilpatrick Mr. Chairman and fellow delegates, I rise to place in nomination for office of secretary of this convention the name of Boise Denney. The secretary is one of the most important offices in this convention, and will be assisted with keeping the records of this convention. We need a man for this office of nature judgment and ability, a man who is held in high esteem and respect by the delegates of this convention and the citizens of our state. I believe Boise Denney can fill this need in an orderly manner. Boise Denney is honest, independent, efficient and qualified for this position. It is my pleasure at this time to submit to you the name of Boise Denney as secretary, and I urge you to support him for this very important office. Thank you.

Mr. Leigh Mr. Chairman and fellow delegates, it is a real privilege for me to rise to second the nomination of a man whom I have known for many years. A man whose ability, whose integrity, whose competence, whose independence, I think, is above question. We have seen Mr. Denney on the floor of this convention. We have all occasion to see, to know and, I hope, at least from my point of view, to admire his actions here. Mr. Denney is a competent lawyer, competent businessman, a competent public leader. I proudly second his nomination and ask your support for his candidacy. Thank you very much.

Mr. Cowen Mr. Chairman, fellow delegates, I rise to second the nomination of Boise Denney as secretary of this convention. Mr. Denney, besides being an outstanding attorney in New Orleans, sits on the Editorial Advisory Board of the Times Picayune; he is Chairman of the Louisiana Educational Television Authority. These are among many other accomplishments that I think I would like to see. I'm favoring this item of placing this important desk to Mr. Denney for several days now, and his honesty, as I see it, his sincerity, integrity and his dedication to what this convention stands for is attempting to impress me. I feel that his capabilities are full, and they are complete. It is said by the editor of the Times Picayune that if you ever are thinking of someone to pick as the ideal delegate, they would have to pick Mr. Denney. I am very proud; it is an honor for me to second the nomination of Boise Denney as secretary of this constitutional convention.
Mr. Stinson  Mr. Chairman, fellow members of the 1973 Constitutional Convention, it is with pleasure that I come before you today to place in nomination the outstanding student body man. He's known to all of us, he's especially known, liked and has been elected by his constituency here in Baton Rouge. I would like to place in nomination the new State Representative, Mr. Jenkins. "Woody" Jenkins is to give some of his accomplishments that have been bestowed upon him in his short twenty-six years. First, he was elected president of his student body at Istrouma High School his senior year - eighteen hundred. He was valedictorian of his five hundred member senior class. He is especially qualified in that he has a Bachelor of Arts degree from Louisiana State University. He has a Juris Doctorate Degree in Law from Louisiana State University. Among the other accomplishments, he is a former radio newscaster for WLCB, a former television announcer for WAFB-TV. He is the former editor and publisher of his own North Baton Rouge Journal or weekly Journal here in Baton Rouge. He's been honored by the Louisiana Press Association as an outstanding editor and writer. He is the owner of an advertising agency. He is the second youngest member of the Louisiana House having been elected in 1972 in the first primary over four opponents, receiving sixty-six percent of the vote. One of the most outstanding things, I think, is after serving one session in the legislature they submitted themselves to be elected to this honorable group. Those that he has served for one session in the legislature overwhelmingly elected him still as their voted and their speaker. He won in the first primary over several opponents that he had for that. When you've served one session in the legislature, you usually won't find him. But after four years, you go back to account. His people said, "You represent us well." He is also a member of the Democratic State Central Committee. He was a delegate to the Democratic National Convention this last time. He was chairman of the Commission of Constitutional Revision of the Democratic party in Louisiana. He's also on the Board of Directors of the East Baton Rouge Democratic Executive Officials. He served in many civic outstanding duties: Chairman of the March of Dimes for East Baton Rouge Parish; he's National Chairman of the American Bar Association of Law Students; he's on the Board of Directors of the North Baton Rouge Lions Club. There are many other accomplishments, but this is not a retirement speech that I'm making. Usually, when someone reaches a certain age, it's when someone has reached an ancient age of some of the rest of us and is retiring, not when they are on the brink of what I predict as an outstanding future. "Woody" Jenkins is definitely the kind of man we want to see in the legislature, that's what I mean as, a thankless job. The secretary is the workhorse of this group. We are going to depend on him and call on him for more than any of the others. He is the behind-the-scene worker. It's my thought that certainly the secretary of this group which meets and sits in Baton Rouge should be from Baton Rouge. No other elected official is from this area. There are two from New Orleans, already... and then there's a lot of people. Besides the honor of serving on this group, I've served in the State Democratic Committee. I've served twenty-four years in the legislature, and I do not know of one person in that time that I have met and known that I would recommend above this young man. I often use his name for one that is courageous, energetic, fair and impartial... we owe it to the people here to and to this young man, and I urge that you cast your vote for him and call on him for more than any of the others. He will be a most appreciated job... Due to a malfunction in the taping, a portion of the proceedings were not recorded. The Official Journal on this date reflects that Delegates Roemer and Warrick declined the nomination of Mr. Jenkins as Secretary of the Convention. Mr. Kean moved that nominations cease. Mr. Henney requested the Clerk to call the roll.

Mr. Henry  The Chair recognizes Mr. Jenkins.

Mr. Jenkins  Mr. Chairman, delegates of the convention, I'd like to move to make the vote unanimous and urge our cooperation with Mr. Denney in every possible way.

Mr. Henry  Thank you, Mr. Jenkins. Without objection, so ordered, and congratulations, Mr. Denney.

The Chair will now accept nominations for Treasurer of the convention.

Mr. O'Neill  did you have a nomination?

Nominations for Treasurer

Mr. O'Neill  Buddy Roemer quoted from my favorite poet a short while ago. The poem he quoted does mean a lot, and I continue with that poem because it personally means a lot to me. "An evening traveller, long I stood... and looked down one as far as I could... It's a helpless thought to stand and see I know that your voice won't be heard, your advice won't be taken, but you stand here anyway. I stand here to nominate a man who first put us together at his place. He and his wife, who had entertained us, and I think that he typifies the spirit of this convention. Just one traveller all alone, and I think it's time that we extend our hand down the road. When I nominate Mr. Chatelain as treasurer, I feel like I'm nominating my father for something. He reminds me of my father in a great many respects, and I feel this close to Mr. Chatelain. I ask you for your help and, though I won't receive it, I ask anyway.

Mr. Conroy  It is my really great honor to second the nomination of E. J. Chatelain as Treasurer of this convention, we think we can all take pride in what we have accomplished so far in this convention. I think that the tone of independence was set in the Rules of Procedure, which we adopted. I think that the existence of independence was confirmed by the vote in the last election which you just went through. That tone and mood of independence, I think, was greatly increased and fostered by Mr. E. J. Chatelain early in this procedure when he invited all of the then-elected delegates to this convention to Lafayette to exchange views and to begin this formulation which has now resulted in this Constitutional Convention. I think we owe him a great deal, a great debt of gratitude for his foresight in having brought us together to begin the discussions which has led to the accomplishments which have been achieved here in this convention in the past few days. It is difficult to recount all of Mr. Chatelain's individual accomplishments. He is an outstanding and successful businessman in Lafayette. He has been president of the Lafayette Kiwanis Club, president of the Lafayette Chamber of Commerce, chairman of the Lafayette Planning and Zoning Commission. He would bring to this convention the knowledge and wisdom and good sound financial judgment that he will bring to us. many of us have discussed with him upset by the amount of money which may be allowed us and the difficulties which we may encounter. I feel confident that if we have Mr. Chatelain as the Treasurer, that amount would be much less in that regard. I second the nomination of Mr. Chatelain and urge you to vote for him. Thank you.

Mr. Gayle  Mr. Chairman, members of the convention, it gives me a great deal of pleasure to second the nomination of E. J. Chatelain. He's the type of individual that I think this convention needs. He met with us yesterday morning in Lafayette, which a number of you attended, met with
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us in New Orleans and in Baton Rouge, individuals working towards soundly established goals. A philosophy was built from these needs, that philosophy being to have an independent convention and to diversify by establishing the possibility of each delegate to participate in this convention. E. J. symbolizes that independence in the spreading of that responsibility. He is very capable of handling his share, and I hope you'll give him your consideration. Thank you.

Vice Chairman Roy in the Chair

Mr. Kean Mr. Chairman, members of the convention, although this is the last office that we will elect in the convention this session, I think it is, nonetheless, one of the more important offices of this convention. As I envision it, the duties of a treasurer of this organization we not only require a man with experience and background in finance and accounting, but it will require a man who has a feel for public response and who has the ability to gain public support for our efforts. He should have a voice in state government, and he should have a peculiar knowledge of the requirements of governmental financing. He should be, above all, a good man and a man of integrity. I believe that Thursday's reference on a personal friend of long standing, Delegate Herman “Monday” Lowe, has these capacities, and I'm privileged to rise to nominate him for the position of Treasurer. I believe that Mr. Lowe is eminently qualified for this position for many reasons. He's a man of independence, and I know this to be so because I know Monday Lowe is a man of quick reaction. He succeeded to the Secretary Committee the need for the office of Treasurer in order to promote public trust and confidence in the work of the convention. He succeeded to the position of public accountant in the city of Baton Rouge. He is a senior partner of a firm of certified public accountants with offices in Baton Rouge, Port Allen, and Plaquemines Parish, and he is a member of the Executive Board of the Society of Louisiana Certified Public Accountants. He has received awards in 1965 and 1970, as the CPA Distinguished Service Award, given by the Louisiana CPA Association. He has had national recognition as a member of the Legislative Action Committee of the American Institute of Certified Public Accountants. In addition to his professional activities in which he has gained the respect of those who work in his chosen field, Monday has given this office and effort in government on all levels. He has served as a part-time city clerk for the city of Port Allen. He's served as assistant secretary and treasurer of the Police Jury for the parish of West Baton Rouge. He served a member of the state legislature from 1964 to 1968, and I may say here that he voluntarily retired from that position, and the reason I know he did is because he hold out for the two weeks prior to the qualifying time so that we couldn't find him to make him run again. He was a member of the Louisiana Constitutional Revision Commission. He has been a social and lecturer at Louisiana State University in the accounting department. He's a director of the Bank of Baton Rouge, West Baton Rouge, and he's been active in community affairs, through the United Way, LIONS, the Boy Scouts, the America Legion, the Knights of Columbus, to mention but a few. He's been active in his school activities as the student body president of the Home and School Association. I say to you, ladies and gentlemen of this convention, that we need a strong, qualified, treasurer to insure not only the proper handling of the finances of this convention, but to inspire the confidence of the people. For these reasons and because I believe he's a man of unquestioned integrity, a man willing to give of his time and effort to the improvement at all levels, I am privileged to nominate Herman “Monday” Lowe for the position of Treasurer of this convention.

Mr. Homack Mr. Acting Chairman and fellow delegates, it would be repetitious to quote any more of the achievements, the honors of recognition that have been bestowed on Mr. Lowe, but I will only say this: When I first knew Mr. Lowe, returned in 1964, I found sitting next to me Monday Lowe. For four years I counseled as legislation was presented and debated with Monday Lowe, served on committees with him. Without taking anything away from anyone else, I would have to say that there has never been a finer gentleman, in my opinion, than Mr. Lowe. When Monday Lowe came before the Temporary Rules Committee, we didn't have a lot of consideration to this office. One of the reasons we didn't have much consideration was that the other conventions that we had read after and had information on to use as guidelines to study and take that information that was applicable or more applicable to Louisiana and use it, those didn't have it. Monday Lowe convinced that committed beyond any question that it was imperative that we have this office. The more I thought about it, the more convinced I am that the handling of the money and the handling of the money by one of the recognized certified public accountants of our state who has been many times would do nothing but elevate the actions of this convention in the eyes of the public. Based on the great respect and admiration that I have for Monday Lowe, I don't think I would have given much consideration was that the other conventions that we had read after and had information on to use as guidelines to study and take that information that was applicable or more applicable to Louisiana and use it. Those didn't have it. Mr. Flory Mr. Chairman, delegates to this convention, I proudly rise to second the nomination of Herman “Monday” Lowe. Monday Lowe is a man that I believe possesses unique ability and his tremendous ability to listen, disagree on the merit, and yet his great capacity to never become disagreeable. I know of no one more qualified to attest to his independence and the respect of the public and the delegations as a member of the legislature that I went to him and he voted contrary to the desires that I had and the people that I represented had at the time. Yet, I found him to be a dedicated public servant basing his decisions upon merit and solely that. The Rock of Gibraltar has been mentioned here this morning, and I guess I could best close by saying to you: Should you share my views and elect this man a Treasurer, who's dedicated to the public service of this state, that the Rock of Gibraltar would slide or it was or many, many occasions would be made or discredit or do anything that would destroy the faith and trust that you would place in him in this high office.

[Motion to close nominations adopted without objection. Roll Call vote ordered. Delegate Lowe—49, Delegate Lowe—49, Delegate Lowe elected Treasurer.]

Mr. Roy The Chair recognizes Delegate Chatelein.

Mr. Chatelein Mr. Chairman, members of the convention, I, too, want to join in wishing Mr. Monday the best of luck, and I move that we elect him by commission. Thank you.

Mr. Roy Without objection, so ordered. Mr. Lowe. Congratulations.

Personal Privilege

Mr. Homack Mr. Chairman, members of the convention, in reviewing the act that was passed by the legislature, there was no mention of mileage for delegates attending the convention, for committees, or other official business. I would like, at this time, to suggest that each of you keep an accurate account of your mileage in a similar manner that we have in the legislature, and I've explained it to you that when you come to the legislature for a session, you're allowed one round trip per week. If you come down for a Monday and Tuesday meeting,
you'll get mileage. If you're called back Friday and Saturday, you get additional mileage. But, under no circumstances will you get mileage for two or four or five consecutive days. You only get the one trip. I don't know that it will be worth anything. But, it is my plans to proceed in the session of the legislature with concurrent resolution or whatever is necessary to see that the delegates to this convention receive the mileage which, in my opinion, they are due.

For example, a trip to New Orleans from the extreme northwestern part of the state, the delegate would have to travel a good many miles by car, catch a plane to New Orleans and catch it back. If he had a two-day meeting, his plane fare is roughly eighty dollars. There's no way for him to break even. He starts out operating at a loss. I think that giving the mileage would be a matter in which it would let every delegate serve with a reasonable degree of equality as far as economics is concerned. I only suggest that you keep this for record because it is my plan to introduce such legislation that will correct this, what I think is an inequity. Thank you.

Chairman Henry in the Chair

Mr. Womack: Mr. Chairman.

If there are no serious objections inasmuch as the next order of business would be the caucuses of the various congressional districts, the Chair is going to suggest that we recess until 3:15. This will give the delegates time to eat and time to caucus. Now, if the caucuses are concerned...well, you can caucus now; I'm just trying to determine where we're going to go. First District, meet up here in the dark corner on the right; I suppose. The Second District meets in the center, and the Third District, on the left; and the Third and the Fourth and the Fifth across in front down here; Sixth; Seventh can meet over on this side of the hall; and the Eighth over here. Now, you people in the various caucuses meet separately before 3:15, what you're going to do about your representation on the Committee on Committees and the Executive Committee, I would ask that all...would like to announce that all of the elected officers have been requested to assemble right down here. I think the news media want to take your pictures. Mr. Kean, why do you rise, sir?

Motion

Mr. Kean: Mr. Chairman, I think most of the congressional districts have pretty well got their business in order. I'd like to move that we recess for thirty minutes and come back and finish our business so everybody can go home.

Mr. Henry: Is there any serious objection to a recess of thirty minutes? Without objection, we'll stand at ease for thirty minutes. Thank you, Mr. Kean.

Recess

[Appointments to Executive Committee and Committee on Committees, 1 Journal 19]

Announcements

Mr. Henry: Is there any other business with the exception of announcements that should come before the convention at this time? In that event, proceed to announcements.

The Chair would like to announce that the Executive Committee will meet at 10:00 A.M. sharp Tuesday, January 31st. TheRepresentative will be at the Speaker's office, and we will tell you where we are going to meet from there. We will probably meet in one of the committee rooms in the Capitol building unless you determine otherwise. We will be in our deliberations on two mornings of taking care of the business of the Executive Committee. The Committee on Committees will meet at 10:00 A.M. Wednesday morning, the same schedule, to meet at the Speaker's office for information as to where the committee will actually meet. That committee will probably be in for the balance of next week or until the work is completed.

I would like to announce that he will have each member or delegate provided within the next week or as quickly as we can get the Legislative Council to prepare a set of the rules as amended and adopted by the convention.

I would like to say that insofar as your preference sheets on the committees are concerned, if you prefer a procedural committee over a substantive committee, you should let us know, in the meantime, which is whether a substantive committee or a procedural committee is your first preference. I apologize for not making that announcement sooner.

Are there other announcements? Then, Mr. Clerk, is the calendar clear? The Chair now recognizes Mr. Womack for a motion.

Mr. Womack: Mr. Chairman, fellow delegates, I now move that the convention recess until 4:00 P.M. Tuesday, the thirtieth day of January. You will be notified where the reconvening after the recess will be.

Mr. Henry: The gentleman moves the convention now recess until 4:00 on January 30.

Point of Information

Mr. Fulco: Mr. Chairman, I might be out of order, but I was going to refer back to the Executive Committee's report and ask if it's possible that the committee could meet one hour later and accommodate those who have to come from North Louisiana and make it a little bit more convenient for us—that's 11:00.

Mr. Henry: Mr. Fulco, that will be fine with the Chair, but I find when we don't start committee meetings until about 11:00, we get here and work for a few minutes and recess for too long for lunch and don't work enough in the afternoon.

Mr. Fulco: Well, thank you so much and we'll forget about it; but, I wish we could give that consideration.

Mr. Henry: Thank you, Mr. Fulco. We will talk about it at the Executive Committee, Mr. Fulco.

Point of Information

Mr. Dennis: Would you suggest the agenda you anticipated at that time, and how long we will be here on the thirtieth of January?

Mr. Henry: Mr. Dennis, it's hard to anticipate what the agenda might be at this time. But, inasmuch as that's the day...the last day of the orientation conference which is to be provided by the League of Women Voters, this would afford the convention the opportunity of taking care of any, perhaps necessary, final business prior to July.

Personal Privilege

Mr. Lowe: Mr. Chairman and fellow delegates, I just want to say that I know many of you are going home not aware of what the finances of this convention look like. I know that you will be getting questions from your constituents back at home. I want you to know that, a promised, I shall do everything to keep you well informed. I hope that working with the Executive Committee that I will be able to send you...we will be able to send you shortly enough information that will answer all of your questions and all of the questions that your constituents back home have.

[Adjournment to 4:00 p.m., Tuesday, January 31, 1973.]
8th Days Proceedings—January 30, 1973
9th Days Proceedings—January 31, 1973

Tuesday, January 30, 1973
Wednesday, January 31, 1973

EIGHTH AND NINTH DAYS' PROCEEDINGS

No transcript exists of the proceedings of the Eighth and Ninth Days (January 30 and January 31, 1973) of the Convention. Magnetic tape recordings of these days' proceedings were of insufficient quality to permit transcription.

The official proceedings for these two days may be obtained from the Official Journal of the Constitutional Convention of 1973.
10th Days Proceedings—July 5, 1973

Thursday, July 5, 1973

ROLL CALL
[160 delegates present and a quorum]

PRAYER

Mr. Alexander: Most holy and everlasting God, we come at this hour in the day to begin our deliberations again and as we come we pray that Your presence will go with us, guide us and help us. May whatever we do redound to Thine honor and glory. May our proceedings today be consistent with Thy teachings. Thy love, Thy humility. Bless us, guide us and keep us both individually and collectively in the name of Jesus, we pray. Amen.

PLEDGE OF ALLEGIANCE

Personal Privilege

Mrs. Brier: This is just a little poem we maybe should plant deep in our hearts. Once there was a garden, thousands of years old, and the world would be better if a beautiful garden was planted. A garden everyone would enjoy and share. This man was blessed with a warm, loving heart as well as a brilliant mind. He took a handful of unusual seeds one day, brightly marked on the packets the words faith, truth, honesty, integrity, but, the loveliest seed he planted was marked love. With his people, he chose a fertile plot of land, and, with tender care, prepared the soil for planting. With intense determination they planted the seed and with loving care they tended the garden. Soon, with the water of life and the brilliant energy of the sun of belief, the plants came up and the garden grew and grew. The plants became bright in color and the heavenly scent permeated the entire world. Faith, truth, honesty and integrity flourished. More decided gardeners joined the lovely gardener. Seeds were taken to other cities across the nation and fantastic gardens grew across the face of the land. The most enchanting flower in the garden was love and giving and receiving. The wonderful gardener who is now sharing a beautiful harvest should be you and you and you. Please stand. Let us pray, Lord, our heavenly Father, please bless all of us with the quality of this gardener so with faith, truth, honesty and integrity we can complete a good constitution for the people of Louisiana. Give the people faith in us and in our work. We ask this in Your most beloved Son, Jesus Christ. Amen.

READING AND ADOPTION OF THE JOURNAL

Vice Chairman Miller in the Chair

PETITIONS, MEMORIALS, AND COMMUNICATIONS

[7, Journal 78-79]

Personal Privilege

Mr. Henry: Thank you, Mrs. Miller and fellow delegates to the convention, I'm going to this morning ask for personal privilege or this afternoon which is something that I will not indulge in, I don't believe, too frequently during the efforts of this convention but, I wanted to take the opportunity just for a few minutes this morning to discuss with you some of my thoughts as we begin the second leg of the working of this constitutional convention. Many people have called our efforts here the most important event ever in the history of Louisiana in the past half-century and I think that there are very few people who would disagree with that statement. After we met here in January this past year to begin hammering out the rules wherein we could proceed, we spent the remaining six months of the year dissecting the old constitution and getting ready to prepare parts of a new constitutional document. The period of time which we spent in the last six months I believe has been a period of education and of research and of incite and of enlightenment for all of us. I think that it is pointed up to each of us the problem with which we are faced and at the same time that solutions to complex problems are not always easily arrived at. The volume of work which we have undertaken has been a test of the quality of work which we have put in committee work these past six months. To date, we have spent a total of 25,344 man-hours— I guess I should say—person-hours because there are asides in the convention, but we spent a great deal of time trying to dissect, trying to pick apart the bones of the old constitution so that we could come up with what will be consistent with the standards and prepare articles for a new document to be submitted to our people. To assist you, and to execute your directives, and your desires, the staff of the convention has worked many long and many hard hours, a total I believe, of 31,628 hours often long into the night and long into the week as you yourselves have worked during the past six months. Thus, we have devoted approximately 57,000 working hours towards a new constitution for the people of this great state of ours. The results of our labors I hope are not entirely evidenced by the means of peace which you have been getting and will be getting which constitutes proposals to the new convention. The real results I hope are much broader and more contained in the content of interest to you and I have gained and thanks to the excellent coverage of our labors by the news media that the people of the state of Louisiana have gained into the need for constitutional change or our ideas of change, and perhaps be in a new constitution, our concepts and the way they should be implemented and formulated. Beginning today, our work schedule will not decrease. Likely the opposite will occur, considering that our work schedule will not decrease, I think our work is going to have take on a new dimension beginning today because the most of our work still remains to be done soon our attitude is going to have to shift from that area of specialization and committee work which will be chosen to begin looking at a new constitution in many hours. However, narrow our previous study and our previous thinking may have been, we must now and it must at our thinking must begin to now encompass an integrated concept of a unitary body of organic law. However, I would like to give you some of my thoughts and some of my ideas as to what we have got to do if we are to accomplish the effort which we set out to do. I am deeply concerned with the substantive issues that are going to be presented at this convention, but at the same time I am equally concerned with our thoughts and our attitudes during the existence of this convention. I hold firm to the belief that in all matters of human endeavor not only do the ends not justify the means, but moreover the means become the end. I am convinced that our attitudes, our approaches, our tenor and our mood during the coming six months will in effect surely become the proposed constitution. And if we formulate an instrument for the future with an area or with an air of distrust for one another if we formulate it with a narrow self-serving spirit, it is not something that I think is important. Things that we have in this convention and which we are aiming to frame a narrow self-serving document which is distrustful of government by the people and which will in turn be distrustful and rejected by the people when it is submitted to them. We have worked so far in a spirit of independence and of freedom that specter of control which you and I worked for of not expecting to control this convention. We have been independent, and
we have free in our thinking—we have a right to take pride in the freedom of spirit attitude which we have adopted at this convention. I submit to you that that is a noble group, no sooner going to control our efforts. I suppose that I have never been associated with a group of people whose folly was so clearly visible as this. I do not believe that I believe must be a statement of principle and not a corruption of it. Unfortunately, the reverse of this conviction I don’t believe has been sufficiently-poorly calculated. Because while arrogance have no place in this constitution a little simple humanity and humility has a great deal of room. I believe here. This constitution is not going to be exactly as 12 of us would have it to be anymore than it is going to be exactly like 3.6 million people in the state of Louisiana would have it to be. Compromise and tolerance of the majority view of others I submit to you is not a sign of weakness or moral bankruptcy. I think it’s the critical realization that makes human society function better. I quote: ‘Let us separate the citizen from the hermit. If you think that compromise is the result of mediocrity then I suggest that this is the hallmark of the federal government in which we are in the federal government amongst the result of the greatest compromise that existed during that constitutional convention in Philadelphia is the fact that that form of government then, born out of need and born out of necessity and yet disliked by the Mr. Hamilton’s who wanted a unitary system of government and the Madisonians who wanted to maintain the form of government then in existence. I’m not much on reading the quotes of other people but if you will allow me just a little more time, I would like to show you this: when Mr. Jefferson, when he signed the constitution that was adopted at that convention: ‘I confess that I do not entirely approve of this constitution at present. But sir, I’m not sure that I shall never approve of it. For having lived long, I have experienced many instances of being obliged, by better information even on important subjects, which I once thought right, but found to be otherwise. In these sentiments, sire, I agree to this constitution with all its imperfections. I have stood always in the forehead of that constitutional convention. I doubt, too, whether any other convention we may obtain might be a better. This constitution, for, when you assemble a number of men, you cannot have the advantage of their joint wisdom, you inevitably assemble with these people all their prejudices, passions, opinions, local interests, and their selfish views. From such an assembly can a perfect production be expected? It therefore astonishes me, sir, to find this system approaching so near to perfection as it does; and I think it will astonish our enemies who are waiting with confidence to hear that our counsels are confounded. Thus I consent, sir, to this constitution because I expect no better and because I am not sure that it is not the best. The opinions I have had of its errors I sacrifice to the public good.

Our document, if it is going to be worthy at all, I submit to you will not be a cure-all for the ills of the state of Louisiana. If the document is what it will be, I will perhaps be able to this state with the mechanics if they have the industry and the desire to face up to the ills of society. I recall reading some months ago a report of the committee in charge of the legislative provisions of this convention and I was rather amused because they were concerning themselves with the problem of the legislature. I neither wanted. They, theoretically, did reject the proposal that was submitted but they came up with a solution for legislative reapportionment which was a 3-phase 1973 solution. Well, this has already been done and would have provided ten separate constitutional time institutions on the legislature, the Supreme Court and the attorney general of this state. The legislative committee, believe, in rejecting 1973. I think there was a desire to draw a road map for the people of this state and not to construct an automobile. And, while we are forming the road map for the people of the state of Louisiana, let’s be sure that it is a map that can be used. The citizens of the state and not be a map, it’s going to be useful, and for people for years. It’s going to be used carefully. I think that the committee have been guided by judges and by lawyers and by my scholars and by professors and yes, by even nitwits and where there are loopholes the loopholes are going to be plugged and where there is a variance, there is a variance. I’ve been permitted to read the papers of the Supreme Court and I have read them. I have written as much of this document as you and I have written.

Since I’ve already offended the legislative committee rather than speaking on another committee I’ll stay with the same group Senator. Presently they are recommending to this body that the legislature be allowed to meet a number of legislative days. I quote: ‘Effective date of the calendar than we have hitherto been allowed to meet. My question is—what is a Legislative Day? Is it a day when both Houses of the legislature meet? If we were to define the legislature, general legislature. Is it a day when one house of the legislature is going to meet or is it a day when one committee or the entire body of the legislature might meet? If you can’t find a lawsuit or two in that confusion, I’ll suggest to you there is a country lawyer from Jonesboro who I believe can.

I’ve suggested what our attitudes I think and what our approaches should be and that they will shape this constitution and perhaps you are interested and perhaps you are bored at this point but I am so long, fellows. Mason’s Manual to guide us in areas where the rules are silent. In that connection I’d like to cite one or state the quotation: ‘Errors and -errors in the map, Mason’s Manual relative to rules and forms of procedure. "The great purpose of all rules and forms is to serve the will of the assembly rather than to restrain it; to facilitate and not to obstruct the expression of the deliberate sense." I conceive that my responsibility as entrusted by you to facilitate the expression of the deliberate sense of this assembly. Equitable and impartial adherence to the rule I believe will insure us that the deliberate sense of this constitution will not be obstructed; such rules will function in a different line. Let me say that I am going to be suggesting from time to time perhaps from day to day, work schedules, periods of adjournment and similar approaches. We have people here representing the workings of this convention. I am going to do this after I consult with you, your officers, your chairmen and the clerk of this convention. I’m going to do this so I’ll have an idea of the time that I can to make the recommendations which I think will be necessary to effect the goals of the convention. I believe that your officers and directors are here to facilitate your individual and your collective views and during the workings of the convention.

I’ll make myself available to you as far as it is humanly possible, to discuss and have been an approach with you, relative to matters of your particular concern.
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While I wish to assure you that my personal views in so far as substantive issues during the convention will never wane, my primary concern is going to be to assure on behalf of you, and on behalf of the people of the people of the state of Louisiana that the deliberate sense of this convention will be expressed in a document worthy of the peoples' consideration in 1974. We must now proceed to write a new constitution. There's a great deal of work to do—so let's go to work. Thank you.

Chairman Henry in the Chair
INTRODUCTION OF RESOLUTIONS
[I Journal 81]

INTRODUCTION OF PROPOSALS
[I Journal 81-83]

[Rules Suspended to revert to Introduction of Resolutions.]

INTRODUCTION OF RESOLUTIONS
[I Journal 81]
Announcements
[I Journal 81]

[Adjournment to 12:30 p.m., Friday, July 6, 1973.]
11th Days Proceedings—July 6, 1973

Friday, July 6, 1973

ROLL CALL
[1:55 delegates present and a quorum.]

PRAYER

Mrs. Warren Will each and everyone bow your heads and in your own way thank God for sparing us all to come back a second term. God is blessing all of our people who have had tragedies in our state and across this land and pray for this convention and let us all pray. Father in heaven as we come together let him be your guide and to keep us, keep us in unity and harmony as far as possible. Let us all disagree and respect the rights of one to disagree and let us stay in harmony. Bless the leaders, our executive board and all in the name of Jesus we pray. Amen.

PLEDGE OF ALLEGIANCE

READING AND ADOPTION OF THE JOURNAL

PETITIONS, MEMORIALS, AND COMMUNICATIONS
[I Journal 84-133]

INTRODUCTION OF RESOLUTIONS
[I Journal 133]

REPORTS OF COMMITTEES
[I Journal 133]

Mr. Henry In as much as there has been a number of resolutions introduced to the House of Representatives and the way it has handled them, I will ask that the clerk take a few minutes today to explain to you the manner in which the House will be conducting the resolutions and proposals and have the clerk take a few minutes for me to explain the manner in which the House will be conducting the resolutions and proposals. I will ask the clerk to take the time to explain the rules and procedure that will be followed today. I want to assure all members that we will be following the rules and procedure that the House has established. I want to assure all members that we will be following the rules and procedure that the House has established.

Mr. Poynter Mr. Chairman, a number of people had asked me to speak on this matter. I was asked to speak on this matter. I was asked to speak on this matter. I was asked to speak on this matter. I was asked to speak on this matter.

On Roll Call, opening quorum call is first to establish a quorum, however, the opening roll call will also indicate those delegates which are present in attendance during the session. As a result, particularly because of the elevation that we are forced to work in here, if you do come in a little bit late, when asked for you to check in with the chairman, you will check in with me, my right, just let us know that you are here sometime during the day so you will be recorded and I think I've taken care of a couple of people that the journal [I Journal 133] today when in fact they were merely not here for opening roll call and were here before you adjourned yesterday.

As far as the procedure itself, when you are ready to introduce a committee proposal you can give that directly to me or to the committee clerks, the clerk clerk is located to my left. I think it might be appropriate since many of you may not know these people, some of you will know some of them, at least to introduce these people to you. To my left is the person who will serve in essence as the hopper, the endorsement clerk and assistant clerk Mr. Ed Hardin; to his left is Mr. Gene Linar which we are very fortunate to have with us and these gentlemen will be with you at all times and will give you the necessary copies which the staff has probably prepared for you—eight copies to introduce--hand it to those gentlemen and they will take care of the necessary business and you won't have to worry about that. To my right, Mr. Wayne Hays from Ruston, Louisiana has been journal clerk for, I don't know what 27 years Wayne, something like that, the House of Representatives will be the journal clerk for the convention and the House very cordially wants to have Mr. Sam Bonnette to his right who has also worked for the House for many years who will be our calendar clerk and to his right is Mr. Richard Broussard who will be their assistants during the convention. I guess I should talk a few minutes about what you would expect to happen today or in a few days. It's the first day of the convention and we will be facing most of those matters introduced yesterday to the committee. I might point out, because a question emerged in the first committee today—a committee cannot take any action unless all the propositions or resolutions which have not been referred to any committee have been referred to some other committee. So it's within the prerogative of this convention to decide where any items introduced are to be referred. Hence it would be extremely inappropriate for any committee to expect that a resolution introduced today because it deals with rules will therefore go by rules and conduct it and if I can get to wait until you physically have got that instrument in your hand by way of referral. As far as your committee meetings I might remind you that the committee meetings are required to be announced from the chair presently 24 hours ahead of time, together with an agenda to assist particularly the committee chairmen will be handed in the form of a set of forms [...] as the committee chairman I'll pass them out and make sure they are distributed to you which you can merely fill out Mr. Chairman of the committee on sends the following note that the committee on will meet at a certain time and certain day in the place and please if you will allow me, I'll assign committee rooms and we try to utilize the committee rooms, we have available as much as possible in the State Capitol to the least expense to the convention and I, or Ed or some of the other desk members, can indicate to you--you will try to keep you all basically meeting consistently after you get going in the same committee room and respectfully submitted. Additionally, there is a requirement of this be provided by board, or some such, in this place for anything that is prepared in the committee; you will be able to fill these in at least when we come into session each day we will procedurally take care of the fact that your committees' notices are posted and I'll make the announcement, read your notice that you prepared so that we will comply with the rules with respect to announcing your committee meetings. When you are in committee, questions that have come up—what is it that you're doing? Of course you still have the right for the first 60 days to formulate proposals or resolutions for introduction as a committee, in other words a committee resolution or proposal. However, I would think probably from now on most of your work will begin to concentrate on the things that have been previously introduced. For example, the committee reports today continue the recommendation to the convention with respect to three resolutions that were introduced yesterday. As a result of this kind of activity, the bill game changes a little bit. First of all, what you will be doing is formulating nothing, you will be formulating your recommendation. You will move to report that instrument favorably, report it unfavorably, I'll hope we aren't put in that position, or perhaps your own wisdom, to offer amendments to it. In which case, if you subsequently vote to recommend it in essence favorably, you would report it with amendments.

Note that all of your action on anything introduced must be by way of amendment. When an instrument has been introduced and referred to your committee it is not in your hands other than with re-
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...reflective... of

Your report, as such, will not be adopted. The convention will take some action with respect to it if it is reported unfavorably. Certainly a motion would be on the floor—a type of motion that is made from the files of the convention and the convention in essence taking a disposition of your action. If you report it favorably it will be engrossed and then under our special rules referred to Style and Drafting unless it is a resolution in which case it would pass on that. It is rather essential that you note the difference between the types of things that you will be doing which now in most part vary to a very great extent from what you've been doing in the past. Now when you have completed it, and instructions have been prepared, your secretary will prepare a committee report on Prepared Forms. Your secretary will prepare for you on the floor. If your committee report which indicate the instruments and what recommendation that you have taken with respect to them. You are limited to the recommendations contained in the rules. You may remember that you have the right, if you wish, to a minority report which is a very brief thing which instead of Committee Resolution No. 4 reporter separately or 6 reporter separately might be reported favorably with a minority report attached. The minority report might be that that recommendation should be reported unfavorably. And so that the gentlemen move to engross the bill and pass it to its third reading a substitute, if it was insisted on, could lie to withdraw that resolution from the files of the convention, if you choose to do that. Normally, they would lie over. Tomorrow you would engross and pass on the next reading and then on the subsequent legislative day, whatever day that might be, they would be on the agenda for third reading and final passage. The only other thing that perhaps you may be interested in is when you are on final passage remember that, no matter how badly you thought the committee acted, anyone of you has the right to prepare a floor amendment to that measure doing anything that you want to do to that amendment must be in writing. You have your staff at the convention. There are three or four members of the staff to your left behind the petition which will prepare amendments for you. If it is a quick rush basis, Mrs. Duncan and several other members of the staff are located in offices I am sure your are aware of back up the hall in the Treaty Room. You would want to cooperate with them as much as possible. If you know today that you want to prepare an amendment for something that may not come up in a week, but you know exactly what you want to do later, you want a break. Go talk to them. Say this is what I want to do and prepare it. Don't forget that the rules, unless you are the floor leader, grant you the right to require that every delegate has a copy of that, which means that you will have to have the staff aerox 132 copies of it. Don't worry about passing them out. If you go through the staff, they will prepare the copies and we'll have the Pages pass them out for you. And then the fact it's change and start marking up the bill. You do not have the prerogative as a committee. The convention has that prerogative. As a whole you may wish to recommend amendments. In which case, as this came today, the convention as a whole will vote on whether they will accept those amendments. It's generally a rather pro forma kind of process but none the less the deleter will make the adopt of the proposed committee amendments. It's the prerogative of you as a whole to decide whether it will amended as it was discussed on the floor.

Personal Privilege

Mrs. Warren. Mr. Stagg has official rules and they are very easy and he has suggested to me that I ask Mr. Poynter to give me a copy so I can put them in a folder. I thought that every delegate would have a copy where they could turn it and flip it to their convenience. The rules that I have seen, the coming and going rules; in order I would like to ask, do you think it necessary for me to make a motion, that each delegate would receive the official rules that they could put into a folder.

Mr. Henry. I think that each delegate has already received the official rules, but we are going to re-print those rules in a form that will be easier to carry around than that, Mrs. Warren. In just a few days we will have the complete set of committee rules so that every delegate will have a better set to carry around. Thank you.

SUBSTITUTE MOTION

Mr. Henry. Mr. Stagg moves that the resolution be withdrawn from the files of the house. Is there objection? Delegate De Blieux.

[196]
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Mr. De Blieux Mr. Chairman and members of the convention, I would like to make a substitute motion that the resolution be passed to a third reading.

This motion is, of course, intended to hasten our work. The purpose of the proposal is that the vote will not be disclosed until each member has voted on the matter to be voted upon. In other words you will still have the first button on when each individual member will have voted then how the member have voted will be disclosed. I was not present at the Rules Committee meeting this afternoon and was not present when this matter came up, but I understood there was some objection to it and I just feel like that if we could do this to where everybody will not know how the other people have voted until after the individual delegate has cast his vote, that we will have a little bit better perspective and we will not have this strange attitude in this body of the leader. There will be an independent vote of every delegate as to how he feels at the moment on the particular question. I would therefore ask that you advance this matter so it can be brought up and argued out tomorrow. In the meantime I'm going to try to see a little bit to you if I can as to the information or how we can fix the voting board to do this all in a manner of expended expenses. I heard that there was some objection to it this morning was the cost of expense and time in changing the board. I don't think it's a different plan. All the cost and all the time you can do it very easily and if necessary I believe there is enough of us delegates here that feel the same way I feel about it and if necessary that we might be willing to not spend as much as that to do that. I just feel like we will have a much better constitution, as a result of that effort rather than just voting like sheep because somebody else had voted that way. We see how the other people voted we want to be with the majority etc. So therefore as a substitute motion, Mr. Chairman, I move that the resolution be advanced for a third reading.

Further Discussion

Mr. O'Neill Mr. Chairman, members of the convention, Delegate Corring Mr. Thistlewaite [This thistlewaite] and myself are not here to obstruct the convention in any manner or form. Back when the lid were let out on the voting machines for this constitutional convention, we were unable to put in our words because we really didn't realize how things were being set up and this was to no one's fault. The Executive Committee decided this and although we have been the benefactress of which we didn't understand at the time the importance that we felt this particular machine that and how we could make it more effective for the delegates. There are several arguments raised against which I believe have no substance. People argue that you're having a secret ballot this way. Well, this is secret and this ball to do put a curtain over the machine that the chairman can operate and the votes will be exposed once they have all been put into the machine. The argument of expense -- it won't cost very much to do this. It's just a matter of procedure. We should have been aware at the time that they were doing this that we had a chance to change it but we really didn't, and we apologize for that and not. Let me add in this matter of the Morning Advocate points out the difference of not having a voting machine in this manner, and that all of one, I think this substitute motion would go a long way in furthering the individual's right to protect his vote and to not be lied. I think that in my opinion also it is another step toward a greater attention to what they are doing. Rather than look up at the machine and seeing how the rest of the delegates have voted, each individual delegate will have his own sight and pay attention to what he is doing. I think that these are the favorable aspects of the motion and any arguments to the contrary are without substance. Thank you.

Further Discussion

Mr. Jenkins Mr. Chairman, members of the convention. Probably a number of people will tell you that if you vote for this resolution you will be voting to say that we're not independent or that we can't vote for anyone we want. I want to relate to you some experiences I've had in the legislature to demonstrate why this particular rule was established. I would not be able to see any of the votes cast until the voting is completed. Last year in 1972 I was amazed at what I considered the keying off on the voting machine of certain people that subsequently another member had voted. It seems that some members would watch how another member would vote and then vote in accordance with that. This gave a lot of suspicions that way and finally one day a vote came up where it pretty well confirmed it. What happened was on this particular proposal before the legislature call, all of a sudden one member decided all of a sudden that he had made a mistake and so he switched red. Suddenly, about ten members switched their lights to red and these were about the ten members on the board. Apparently this person decided then that he had made a mistake so he switched back to green and all ten people switched back to red. That might indicate what we're voting in this manner. I'm glad to see that that is following the leader. There will be an independent vote of every delegate as to how he feels at the moment on the particular question. I would therefore ask that you advance this matter so it can be brought up and argued out tomorrow. In the meantime I'm going to try to see a little bit to you if I can as to the information or how we can fix the voting board to do this all in a manner of expended expenses. I heard that there was some objection to it this morning was the cost of expense and time in changing the board. I don't think that it's a different plan. All the cost and all the time you can do it very easily and if necessary I believe there is enough of us delegates here that feel the same way I feel about it and if necessary that we might be willing to not spend as much as that to do that. I just feel like we will have a much better constitution, as a result of that effort rather than just voting like sheep because somebody else had voted that way. We see how the other people voted we want to be with the majority etc. So therefore as a substitute motion, Mr. Chairman, I move that the resolution be advanced for a third reading.

Further Discussion

Mr. O'Neill Mr. Chairman, members of the convention. Delegate Corring Mr. Thistlewaite [This thistlewaite] and myself are not here to obstruct the convention in any manner or form. Back when the lid were let out on the voting machines for this constitutional convention, we were unable to put in our words because we really didn't realize how things were being set up and this was to no one's fault. The Executive Committee decided this and although we have been the benefactress of which we didn't understand at the time the importance that we felt this particular machine that and how we could make it more effective for the delegates. There are several arguments raised against which I believe have no substance. People argue that you're having a secret ballot this way. Well, this is secret and this ball to do put a curtain over the machine that the chairman can operate and the votes will be exposed once they have all been put into the machine. The argument of expense -- it won't cost very much to do this. It's just a matter of procedure. We should have been aware at the time that they were doing this that we had a chance to change it but we really didn't, and we apologize for that and not. Let me add in this matter of the Morning Advocate points out the difference of not having a voting machine in this manner, and that all of one, I think this substitute motion would go a long way in furthering the individual's right to protect his vote and to not be lied. I think that in my opinion also it is another step toward a greater attention to what they are doing. Rather than look up at the machine and seeing how the rest of the delegates have voted, each individual delegate will have his own sight and pay attention to what he is doing. I think that these are the favorable aspects of the motion and any arguments to the contrary are without substance. Thank you.

Further Discussion

Mr. Jenkins Mr. Chairman, members of the convention. Probably a number of people will tell you
Mr. Alario Mr. Chairman, members of the committee I stand to oppose the motion by Senator De Blieux to amend this matter up for further discussion. Our Executive Committee has looked into this matter at the time they were going to purchase this voting machine. At that time I remember the discussion with the gentlemen who were making proposals, there were some three at the time, and we were trying to write specifications so that we could put this out on bids. Without any objections from members of the Executive Committee, we decided that it would be best to do the voting just as we have now where a person could sit at his desk, push his button in, and just have no doubt how the other delegates voted. When you press that button you want to look up at the board and make sure that you have voted the way you think. I have already sat in the House of Representatives and for some reason or other pushed my button the wrong way. In fact, just made a simple mistake and it can happen again. I see no reason for you to need to sit down at your desk and look at your light and vote the way you want to. This proposal was referred to your Rules Committee. They turned it down, I am told, by some 11-2 vote. Now if two committees looked at this proposal, have already studied it and decided it is not in the best interest of the convention, a whole plank that you would defeat Senator De Blieux’s motion.

Further Discussion

Mr. Kilpatrick Mr. Henry, members of the constitutional convention, delegates, I stand to oppose this amendment. We started off with an open concept on this constitutional convention. We had open meetings throughout this great state of Louisiana invited our people here all over this state to come to these meetings and show them we didn’t have anything to hide. Here we have a proposal or an amendment here and we are going to hide our vote up here. We are ashamed of the way we are going to vote. We have not kept in front of them here that those delegates here would not vote their conviction. We are all here, duly elected as a free and independent body, and there is no man here, or a woman here, or a member in this convention hall that would vote because somebody else voted a certain way. I haven’t seen this happen heretofore, and I don’t think that this amendment has the merit that Mr. De Blieux proposes that it should have here. Our theme song down here would be “Who’s Behind the Closed Black Curtain” when this thing was proposed and passed. All the delegates are independent. We don’t need to hide our vote here, and it doesn’t matter how you vote. I just want this body to be free and independent and open on top of board. This has been turned down by the committee already by an 11-2 vote which Representative Alario pointed out to you. Now I stand to oppose this amendment and ask you to do likewise, thank you.

Further Discussion

Mr. Wall I really think this is an issue that doesn’t need much to be said about it. I want to agree with one of the proponents of this that the other side has not really emphasized the human element on both sides when you are dealing with the human element and what the human may do, but I don’t think there is any question that this convention will be better informed. The decisions we come to will be better if we go ahead and let the board stand with the lights reflecting everyone’s vote as it has already been installed. So, I am going to ask you to reject Senator De Blieux’s proposal. Thank you.

Further Discussion

Mr. Burns Mr. Chairman, and fellow delegates, I came here under the assumption that this convention was to modernize our present constitution, our system of laws, and take us into the 20th century. With that thought in mind, I cannot help but think of our earliest law making body of court which was known as the Sannah. Some of you younger members would not be influenced by the vote of the old veterans with more experiences mentors. I don’t think we want to go back to any such system. I don’t think we want to have any reflection on one delegate being influenced by how another delegate has voted. We are mature men and women here. Each have our own individual responsibility. I see no reason from changing the method or mode of voting that the legislature in this state and other states follow. I therefore ask that Senator De Blieux’s amendment, proposal be rejected.

Further Discussion

Mr. Fulco Mr. Chairman and fellow delegates, I want to rise to oppose the substitute motion. I want a right of respect in this convention for the Louisiana Morning Advocate. I think they have a right to express their views just like each and every one of us has. I feel that each individual member of this convention has the right to express his view on any motion that is before this convention. I don’t... while I may differ with the individual, I certainly have respect for his rights to his views. I don’t believe, though, there is any mistake in particularly a tone for this convention at such an early date. I believe by adopting this substitute motion that we would perhaps create in the minds of the people, the public, an attitude of distress, an attitude of suspicion. I think that we are also creating by this motion or the purpose of this motion, a feeling of distrust and disrespect for ourselves. I sincerely hope that as far as the public is concerned that they will realize that today we are demonstrating to them that we are honestly and sincerely trying to work to give the people of our state a good constitution. No doubt that is the purpose in the mind of Senator De Blieux. We have not been minded. We have been minded in the biblical times.
that it is an advantage to the members here to have the open and lit board upon each issue. I feel that we should know you agree that fact because I respect your views. Thank you.

Further Discussion

Mr. Flory. Mr. Chairman and delegates, I rise in opposition to Mr. De Blieux's substitute motion to express or pass some third resolution calling to your attention the language contained in the proposed resolution. After the machine is closed it would still allow delegates to change their vote and offer the resolution to where we could determine how everybody else voted. All you are doing is a delay process to allow the switching of votes. The only thing that has been accomplished is the purpose of the resolution, and I would ask that you reject Mr. De Blieux's motion.

Further Discussion

Mr. Woram. Mr. Chairman, fellow delegates, there is no substitute, I can see about the wording. If you look on line 28, it says after the votes are displayed, the president of the board shall immediately recognize persons desiring to change or record their opposition to the resolution. Consider how many times we are going to count and recount, go back, readjust before we announce. We are going to run a poll, and then we are going to count and tally up and say how well are we getting along and I don't believe they need me. I'm going to vote against it, but if they need me, I'll vote for it. I've seen a horse racing without there wasn't any horse to swap. I think that's it. I want to comment on one thing. A few minutes ago a member said that on one particular bill in the legislature, one man changed, ten changed, that one changed back, people changed back, that one changed again, he changed, again, ten changed again. I went 15 years without missing a day of the sessions and I guess there are one of the reasons you didn't know about. I haven't seen that happen yet. I think sometimes these conditions are magnified. I see nothing wrong with that board. If you are not going to show the board, then let's save the money -- two, three or four thousand, or whatever it cost to put it up there and get it back. In fact, the delegation got at this site, I can't see about that name up there anyhow. I think I can find mine because I'm right down the bottom, about where I belong. But I can't just imagine the idea of blanking out a vote, everybody up there, seeing how everybody voted, then let's go back and go to following. Whatever our leader is. There's a lot of fields I'm not knowledgeable in and I readily admit it. The field of journalism is one of them. If something up here is affecting the field of journalism, I'm interested in John Thistlewaite's opinion. I'm interested in how he voted, and if that's a vote that's in that field I'm not too knowledgeable about, and I have seen occasions when most of the speakers were not too knowledgeable about it and the individual that probably had the broadest knowledge had no comments to make, it would be worth something to me to know how he felt about it and it would be worth something to me in case my mind wasn't made up to see how that individual voted. Some 10 or 12 years ago I was asked about voting for a particular bill in 20 or 20 pages long and I had to decide then I didn't know anything about it. Let me find out a little about it. He handed me the bill, I looked at it and said I'll vote for it. He didn't say something to me, and I looked at it, and it was 20 pages long and you changed your mind or you made up your mind. I did make up my mind, because Ed Lancaster from Madison Park was with me at the time. He was on a bad bill. Not the years I knew him and that's a lot of years. So, it's worth something to me to see how delegates vote on issues that come up. We are going to here that many of you won't have your mind made up on this. You could go either way. About like one of our school teachers at home, [199]...
and I would venture to say that if this resolution fails that during the time of this convention and during the time of argument and during the time of debate there is not so a single member here that during that particular time would not feel somewhat that he could have carried his point if everybody could have voted without knowing how the other fellow voted, just knowing the result of what it is. I think that what Mr. Burns said, although he said it in opposition to the resolution, about the way that he saw it, that he, if he had had a perfect clear vision of what it was, that had good merit to it. They did not want to be too much influenced by what they considered the older members, and there are people that we do have a tendency to see how every issue is decided before we will make up our minds on the issue. It may be good, it may be bad, but I do think we ought to exercise our individual judgment and not be bound by the resolutions, our individual consciences on these matters before casting our vote. Now, I can't help but think that Mr. Fulco's statement with reference to some stranger in here looking up there and not knowing how the people voted, he is going to be able to see it. He can sit out there in that audience and look at that board when the voting machine is opened, he is going to know how every delegate voted on this, so it is not a closed vote. It is just a vote that will be your vote, an independent vote, and of the members of your own group which you may see and you want to take his judgment rather than what you know. Furthermore, it will keep somebody from roaming around and then after they see how the vote is going, to cast their vote rather than paying attention to what's going on. I just ask you that I think, without prolonging the issue because I think we are still going to come out all right regardless of how it goes, that we would do better if we could vote first and then find out how our other delegates voted than waiting to see how the delegates voted before we cast our own. That's the way our city council down here votes and they do fairly well. They push their machines and then after everybody has voted, then the vote is reflected upon the voting board. I know it can work, I know it has worked, and that's why I would like to see us consider it. And so I ask you in all good spirit and conscience, let's try it and let's see. If we can't make some real progress and I believe those of you here who are opposed to it now, if we would do it, would feel like we have made a step in the right direction and I ask you to go along with it. Thank you very much, Mr. Chairman.

[Substitute motion rejected: 35-39. Motion to reconsider tables. Motion to withdraw resolution adopted without objection.]

INTRODUCTION OF PROPOSALS

[Int Journal 131]

[Rules Suspended to revert to Introduction of resolutions.]

INTRODUCTION OF RESOLUTIONS

[Int Journal 131]

[Resolution on second reading and referral]

PROPOSALS ON SECOND READING AND REFERRAL

[Int Journal 134-136]

RESOLUTIONS ON THIRD READING AND FINAL PASSAGE

[Committee Resolution No. 4, at 364 from the calendar.]

Mr. Poynter: Committee Resolution No. 4, by Mr. Stovall; a resolution introduced by Mr. Stovall on behalf of Committee on Rules, Credentials and Ethics; a resolution relative to amending the standing rules of the convention to provide for regulation of lobbying before the constitutional convention. It comes from the committee on rules, credentials and ethics reported with amendments.

Committee Amendments

Mr. Poynter: The amendments read as follows, Delegate De Blieux, on page 2, line 31, after the word "proposition" and before the word "nor insert the words "nor any delegate". Yes sir, on page 2, line 32, after the word "proposition" and the semi-colon thereafter, and before the word "nor" insert the words "nor to any delegate". It excludes the delegations from application under the rule.

[Int Journal 122 delegates present and quorum.]

Explanation

Mr. Stovall: The amendment which the rules committee approved and has reported favorably is simply this. The provisions of this rule shall not apply to any person who merely appears before a committee of the convention in support of or in opposition to a proposition nor to any public official acting in his official capacity nor to any delegate. In other words, the original rule which you have does not include the words "nor to any delegate". And the fact that the rules committee inserted these words means that Delegate De Blieux with your permission, and I was authorized by the convention to come and seek to influence your vote in any matter relating to the convention and he is not affected by the rule of this resolution. It simply makes clear that individuals can speak to you as a delegate without coming under this rule which is before us. Senator Rayburn asked me just a moment ago if someone from Rogelius could come and talk to him and whether or not I have to register and I said under the proposed amendment which had
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been approved, no, absolutely not.

[Committee amendments adopted without objection.]

Explanations

Mr. Stovall Mr. Chairman and members of the convention, first of all, I would like to apologize to the people of this state for the delay in its being placed on your desk. It was my understanding that it would be there, but possibly because of printing difficulties, it was somewhat delayed. This was the reason for the delay in its being placed on your desk. This resolution deals with the question of lobbyists registering and was originally presented before the convention at an earlier date. At that time, it was felt that the resolution was not in proper form, that it could go again before the rules committee. The resolution was improved, was presented to the rules committee, and the resolution which presently is before you is the one which has been discussed rather thoroughly and is now before you for consideration. The resolution is patterned after the lobbying resolution which governs the House and Senate and we patterned it after that as closely as we could. Let me remind you that most legislative bodies have a rule similar to this provision. If you will turn to page 2, you will get the essence of the resolution which in effect says any person who engages himself for pay or for any consideration to influence matters before this convention, shall register with the clerk, shall give in writing under oath his name and address and the general description of the services which he will be kept by the secretary of the convention. A list of these persons will be made available to the members of the convention. The persons who are registering as lobbyists will have a ten dollar fee which will be used by the clerk to defray the cost of publishing the booklet and identification badges. Please note that the resolution does not apply to persons who merely register as a committee or a convention or before a delegate of this convention or to an official who is acting in keeping with his official capacity. Nor, does it apply to the newspaper and the media personnel. Please note on page 3 that persons who are registered according to this rule shall be issued an identification badge and shall wear it when engaged in the activities regulated by this rule. There is a mild penalty for persons who violate the rule. A hearing will be held if there is a violation and after a presentation of the facts before the convention and a decision by the committee, persons who violate the rule would then be subject to dismissal or inability to participate in the functions of the convention. In conclusion, let me say that it seems to me that this resolution serves two important purposes: Number one, it gives dignity and recognition to the lobbyists. Representative omack said a moment ago that he is not an expert in many fields. He needs information from other sources. There will be lobbyists, persons who are specialists in different areas of information, which will be helpful and of value to many of us who are serving on this convention. This is a means of registering these people. Of letting all of us know who they are, and if we feel the need of their expert information, we can turn to them for their help and their guidance. This I think is the first and most important purpose. Second, it gives us some protection from abuses which some lobbyists might seek to perpetuate. This simply gives to us information concerning who they are and who they are, and we feel that this very simple resolution will be a service to the lobbyists and it will be a service and a protection to those of us who are members of the convention, and I encourage your favorable consideration.

Questions

Mr. Duval Reverend Stovall, so that myself and some of the other delegates can understand the basic intention of the Rules Committee in this proposal...this resolution, I'd like to ask you a couple of questions. The first question is, on the second page under "C-1" do you notify the word "person" as defined in the first page under "B", persons to whom applicable, because, and "B", you say it is applicable to anyone in whatever manner whatsoever directly or indirectly solicits, collects or receives money of any value to be used. I'm talking about lines 28 through 33 defining persons to whom applicable. You say, "by used to aid in the passage or defeat of any proposition by the convention." Then you modify the deposition, the deposition, the definition of person under "C-1" because it only refers to persons who are compensated or receive pay. Therefore, under that modification, someone could receive a hundred thousand dollars not for his own use but merely for the use to spend for other reasons other than his own use, and they would not have to register because of the modification of "B", of "C-1." Do you understand my question? Do you see a contradiction?

Mr. Stovall No, I don't, Mr. Duval.

Mr. Duval Could you tell me why? Alright. One other question.

If a group of...under this, if a group of, let's say, Jayces from Terrebonne Parish wanted to come up here and they will be given a little compensation from their club, would that be under this provision? Would they have to register as lobbyists or advocates?

Mr. Stovall Yes.

Mr. Duval Thank you.

Mr. O'Neill Delegate Stovall, this question is more directed towards the chairman and the clerk of our convention in regard to the badge requirement. I'd like to know what kind of badge you could produce for the ten dollars and just tell us a little bit about these badges because if it's going to be anything, any major production or anything, I'd like to find out about it because I think it's kind of "Mickey Mouse" in a way. Could one of you give us some information on that?

Mr. Stovall Delegate O'Neill, as soon as the parliamentary procedure will permit, there will be an amendment and I would like for you to consider those amendments at the present time which I think will serve as an answer to the questions which you have raised.

Mr. O'Neill Thank you, Reverend Stovall.

Mr. Brown Reverend, in terms of the violations and the penalties thereto, do you think that we as delegates can list specific penalties, in other words staying away from the convention as a whole? In light of the fact that the bill that authorized this convention stated that all citizens shall have free access to this convention. Can we legally do what we are trying to do in terms of the violations?

Mr. Stovall Yes, I think that this convention would have the right to fulfill the penalty which is presented herein.

Mr. Brown Even though the bill setting this thing up says that you have free access to the convention, any person, any citizen can...

Well, Reverend, I definitely disagree with you. Let me ask you this. On page 3, this is not permissive legislation. This says that the convention shall instruct the Sergeant-of-Arms to deny. The penalties are set out and this convention has no say-so over it whatsoever. Don't you think we might give the convention a little bit of flexibility in giving them the permission to do this rather than ordering the convention to instruct these penalties? Do you think the "shall" should stay in there on page 3, line 32? Or do you think it's necessary that this resolution instruct this convention to definitely impose these penalties?
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Do you think that's necessary?

Mr. Stovall I think these are very moral penalties, Senator Brown. And I think that in order to have a lobbying resolution which has any meaning it needs to have a penalty and certainly this convention has the power to do what it deems necessary for the orderly procedure of the convention.

Mr. Brown Alright, one more question. On line 35, page 3, "This convention can order that any lobbyists cannot have any rapport or say any word or do anything that I have to do as a delegate."

As I read this, what this means on page 3, line 35, this convention can order that anyone who is deemed to be a lobbyist cannot come talk to me. And as a consequence, I can't talk to them. What I'm saying is, if I am interested in some information, if I want some background information, if this penalty is imposed, I can't go talk to this lobbyist, he can't go talk to me by order of the convention. You think it's right for this convention to order, to put me in the situation that I can't converse with any lobbyist who comes under this provision?

Mr. Stovall Senator Brown, line 35 on page 3 refers to persons who violate the earlier rules of this provision.

Mr. Brown I would agree with you. But it still lets the convention order that person not to have any liaison with me as an individual delegate, is that correct?

Mr. Stovall If he has acted against the rules of the convention, that would be the intent of this rule.

Mr. Brown Well, would you entertain an amendment to delete the words, "or delegates," so that I would have the right to talk to anybody I wanted to and get any information that I wanted to as a delegate. In other words, would you entertain letting me delete the words, "or delegate."

Mr. Stovall Senator Brown, earlier we added the words delegate to make it crystal clear that any individual can talk with you as an individual delegate without registering as a lobbyist. The reference to which you are making is on page 3, and that has to do with a lobbyist who has violated the rules of this provision. If you desire to make an amendment, that's your privilege concerning any matter relating to this if you so desire.

Point of Information

Mr. Brown In terms of an amendment, now, we have a rule that says that these amendments have to be given out to everyone. But if I understand it correctly, does that mean that...is the chair going to let us sit here for thirty minutes while I prepare an amendment to delete a word or what's the procedure in terms, I'm asking that an amendment be prepared right now, but I understand that it has to be sent upstairs, be xeroxed, be...

Mr. Henry Delegate Brown, I think that you will have ample time to have your amendment prepared because we already have at least two sets of amendments and I understand that they might be controversial so I believe that you will have time to have your amendments prepared and circulated to the delegates.

Mr. Brown Thank you.

Questions

Mr. Nunez Reverend Stovall, rather than go to the lengthy procedure of registering with them, giving them a badge as such, I understand the House has a complete list of lobbyists, has a complete brochure on them, portfolio, whatever they do, and etc. Why don't we request the Speaker or the Clerk of the convention just to bring that list over here? I think there's a hundred and some odd of them and if anybody wants to know who's lobbying, I don't think they are going to be any different from those who lobby the legislature and there will probably be a lot less. Why don't we just request, and may I suggest to you, request the Speaker or the Clerk of the convention the requests that the House furnish their list of lobbyists to the convention. Put it up here on the front seat. Anybody who wants to look at it has the right to come look at it unless maybe you want some of the delegates to register as lobbyists. But I am talking about the regular lobbyists.

Mr. Stovall Senator Nunez, this Constitutional Convention is an independent group and these are rules provisioned to govern our work here together. Now I think that this will probably be an appropriate thing for us to do as a Convention. What you all do in the Senate and in the House of Representatives is your business and, but this is a different set up. I'm certain that many of these will be the same persons, but it simply means that they will register here and provide the necessary information.

Mr. Nunez Reverend, I certainly didn't mean to infer that we adopt House...I don't think the Senate has that, but I just merely suggested since the data is available now, and it's probably sitting over there not being used, that we prevail upon the...the people who have it just to bring it forth and allow us to use it, rather than going through a lengthy procedure of having them pay a registration fee, getting them a badge and all these other things you have in here. Now I think we can do essentially what Roy wants to look at it through the procedures by just prevailing upon existing, as we have in the past in this convention.

Mr. Stovall Thank you, Senator Nunez.

Mr. Roy Delegate Stovall, I'm like Delegate Brown. There's a little confusion on the fact that it looks like the mandatory word, "shall," used in line 32 of page 3 makes it imperative that the Sergeant at Arms deny the...violate any regulated activities. Line 32 through 35 do seem to imply, though, that this would be only after the committee would make its recommendation with respect to any penalty. Therefore, it seems that it would be in order, or you should maybe allow an amendment to change the word "shall" to "may" of line 32, which would be consistent with what the committee would do. Am I correct in that?

Mr. Stovall Delegate Roy, you may prepare amendment with that effect, you may want to check with Senator Brown concerning it.

Mr. Roy Well suppose, let me ask you this. Suppose the committee does not recommend a penalty to be imposed, you have in lines 31 and 32 you have the mandatory language, "shall," but if you find the person was guilty of violating, that there must be an imposition of a penalty and the two don't seem to jingle with me and all I'm trying to do is to make it the sense of this rule that the committee's recommendations be given to the violator and that would be mandatory. I mean the Sergeant-at-Arms would have no choice once the committee would so move. Isn't that right?

Mr. Stovall I would think so.

Mr. Roy And you still wouldn't allow "may" to be inserted?

Mr. Stovall Yes, I would if you would...you...

Mr. Henry The gentleman has exceeded his time.

Amendments

Mr. Poyneter Amendments have been distributed in accordance with the rules of the convention. Amendment No. 1 (by Mr. Cawthon) page 2 amending the original resolution with respect to Article 12, line 26 after the number, quote, "to delete the remainder of line 36 in its entirety and delete
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delete line 27 in its entirety, and beginning of line 28 delete the following, quote, "... of the booklet for identification with badges..."); and at the end of line 27 delete the last part of the line, "... I'm not sure what kind of copy that gentleman... Ladies and gentlemen have in front of you..."

I may not be the original in which case the lines would not coincide. Amendment No. 2, on page 3, delete lines 10 through 13 in their entirety.

Explanation

Mr. Stagg. If the delegates would please refer to that language beginning at the beginning of section 2 on page 2, on my copy it's line 26, 27, and 28. It is the purpose of the amendment to eliminate the line which requires the paying of a fee and of the wearing of a badge.

On page 3, lines 10, 11, 12 and 13, require the issuance of an identification badge to be worn at all times when engaged in activities regulated by this rule and it is the purpose of the amendment to do away with the necessity of the paying of the fee and of the wearing of a badge.

... if we have been here... believe all of us will become aware of those who are lobbyists and if you wonder about someone there will be a book at the desk with the pictures and the names and who they are and who they represent. I think the wearing of a badge simply by all lobbyists would be a demeaning thing to men who are professionals in the best sense of the word and it would be contrary to what the purpose of this convention can possibly learn a great deal. If the badge provision is not removed, then I have a little more restriction to the Chairmen of the convention that the badge be made in the shape of a small cow bell emblazoned "CC/73 Lobbyists," and that the clapper of that bell be made out of fresh garlic so you can see them night or day.

Mr. Leithman. Mr. Stagg, I agree with part of your... my original question was this that I thought the amendment was drawn incorrectly and that it removed the registration fee which I think is an excellent idea because we do have quite a bit of additional cost involved with the book and additional help to hand in the registration and lobbying area. I don't think any of the lobbyists would object to the ten dollar fee and I don't know Mr. Stovall's, Delegate Stovall's intent, but my question is that did you all determine... of this resolution intend to remove the ten dollar fee, in fact?

Mr. Stagg. We voted on this same amendment in committee this morning and that amendment failed in committee and the reason for the amendment being on the floor now is that I believe that the payment of the fee and the wearing of the badge can be dispensable with. A three ring notebook costs about a dollar and a half and the resumes can be required to be on a form furnished by the convention, three hold punched and all the lobbyist has got to furnish is a resume and a photograph, and I don't think it would require a ten dollar fee for that.

Further Discussion

Mr. Arnette. I would like to speak against the amendment for several reasons I met in committee and discussed this particular issue... it was actually suggested by a couple of lobbyists that they do wear badges. One reason was they could get to know everybody who they work for and you would see the name on there and you would see everything about them and it would help them out a little bit. Also, if any lobbyist is above board, he should be proud to say who he represents. The second thing about wearing a badge and the reason it would be good is because of the policing efforts. You can always tell whether somebody is registered or not by the fact whether they are going to come up to you and talk to you... they do have a badge... at that particular time. If they don't, you have to assume that they are not registered.

... a third thing is that I think this is the purpose of all lobbyist registration, is that the delegates will know who they are talking to and whom they represent, and I think this is the thing that any lobbyist registration goes to. If you don't know who you are talking to and who they represent, there is no point in having lobbyists registered at all. So if you put it out there, you might as well vote against the entire lobbyist provision, and because it is totally meaningless once you knock out any wearing of badges or anything like the sort to do that. I'll express my remarks and I believe that if we are going to have any teeth in this at all, we definitely need to keep the provision about wearing some sort of identification.

Thank you.

Further Discussion

Mrs. Warren. I'm rising to speak because I am against the amendment... if you notice, I have my badge on, a delegate to this convention, and I'm not pleased of the idea that lobbyists, lobbyists with badges on, not that I'm afraid of them, and don't think anybody else in here is afraid of them. But it would be nice to know who you are speaking to with the representatives or the agencies of this convention can possibly learn a great deal. If the badge provision is not removed, then I would agree that the Chairmen of the convention that the badge be made in the shape of a small cow bell emblazoned "CC/73 Lobbyists," and that the clapper of that bell be made out of fresh garlic so you can see them night or day.

Mrs. Stovall. I would also like to speak about the issue of lobbyist registration. I think it is important that we know who we are talking to and whom we represent. The idea of requiring a lobbyist to wear a badge is important because it would help us, as delegates, to know who we are dealing with and it would also help us to keep track of our discussions and the legislation that is being presented to us. Thank you.

Further Discussion

Mr. Jack Madam Chairman and members of the convention, I'm in favor of this amendment. I've been listening to these talks. The people that oppose this amendment, when they talk about lobbyist, they are talking about the people they distrust, people with sinister motives and the like. I cannot say about lobbyists in every state in the Union, but beginning in 1940, my first experience with lobbyist in Louisiana as a member of our legislature has been one of fine cooperation, furnishing information and educating members of the legislature. Let me tell you something. In 1940, there was no Public Affairs Research, there was no Governmental Bureau, there was no Legislative Council and the only way a member of the Louisiana Legislature learned about legislation was what he or she could dig out plus lobbyist. I don't want to call names, but you in the history of 1940 and since have had fine, upright men and women lobbyists and I think to draw a distinction against them by saying they should be labeled is making fourth, fifth class citizens out of them and is ridicule. If they should have the badge on them, why shouldn't they have? I'm happy to wear a badge that says I'm a lobbyist. I'm happy to wear anything in this bill. We haven't had a Constitutional Convention in fifty one years and I want everybody in this state and from out of the state that owns property in Louisiana and has interest or stock in a company and plenty of women and minors have stock in companies and they've got to be represented by someone, whether it's a lobbyist or
otherwise. And I want everybody to be heard from and I don't know about all these penalties, but I do know that no reflection should be drawn against the lobbyists. We couldn't have operated as well as we did under the old legislation. But in 1940 and theretofore we had a Legislative Council unless we had had lobbyists and always good lobbyists. Now I'm for this amendment and I hope you will be for it. I think it's a case of downgrading people that I've heard here already. If a stranger came in here and had listened to the prior talks, he couldn't have helped but feel a resentment of some of you against lobbyists. I thank you.

Further Discussion

Mr. Derbes Ladies and gentlemen, I rise in support of the original proposal, certainly in support of the tenor of the original proposal and also in support of the amendment. I'd like to call your attention to the fact that unless the amendment carries as those who, your constituency and my constituency who come here and who merely have their expenses paid, will be required to wear a badge and to pay a ten dollar registration fee. I frankly don't think that's necessary. All I would like to see is disclosure. I think what if this resolution as amended accomplishes disclosure, provides an opinion of what we are dealing with when we deal with the lobbyists and for what a lobbyist is working, I think that's really all that is necessary.

Finally, I opposed an amendment to the penalties portion of the present resolution which will merely provide that upon majority vote of the Executive Committee, a person who violates these provisions may be denied access. I shouldn't say access, may be denied the opportunity to speak to any of the committees of this convention. That will supplant the present penalty. I frankly don't think that you can tell a person that he must speak to a delegate of this convention, whether he violates these provisions or not. I think that's an abridgment of the First Amendment of the United States Constitution and I just don't think it's enforceable. We have a certain problem with enforcement, we have a certain problem with registration. Of course we're going to affect a certain small number of people that we would prefer not to affect because the only way we can get a representative registration. And I would seek to justify is to pass a fairly broad provision. I think this provision is that type of provision. It merely identifies the agency relationship where somebody is getting some compensation or for something of value in order to influence the product of this convention.

So I commend to your attention the original resolution. I believe that the amendment is well-founded and I support it and as soon as my amendment which will somewhat modify or substantially modify the penalty provisions is available for distribution.

I think the entire body of the proposal as amended will be very acceptable and that we can all vote for it without fear of adversely affecting any of the little folk who merely want to speak to us personally or to our committees and who are not being remunerated in any way. So I thank you very much.

Further Discussion

Mr. Derbes Ladies and gentlemen, I rise in support of the amendment and I'd like to elaborate on my reasons why. This convention has grown to great extent to involve the public of this state in the drafting of a new constitution and the ultimate ratification thereof. They formed a composite committee to go all over this state and to hear the view of all those who merely want to speak to us personally or to our committees and who are not being remunerated in any way. And I am for the amendment. I don't know about the lobbyists and maybe they figured that they couldn't have a Legislative Council unless they had lobbyists and always good lobbyists. Now I'm for this amendment and I hope you will be for it. I think it's a case of downgrading people that I've heard here already. If a stranger came in here and had listened to the prior talks, he couldn't have helped but feel a resentment of some of you against lobbyists. I thank you.
can influence us one way or the other under the technical language of this provision, they would have to.

I am opposed to having lobbyists be as Delegate Jack says, some type of second class citizen. I think if we are going to do anything, we may ought to be rid of just making them wear badges something like these peregrine falcons. If you want to get ridiculous about the matter, maybe we could only have the badges in places where if they were going to influence you. It would be under the influence of some alcoholic beverage. But that's not what lobbyists do. Lobbyists serve a very useful purpose. Anybody who is in this convention who is not going to bother to know who the lobbyists are, and when they represent when it is required that they register, that is if you have to rely on some type of badge being presented to you to know what's going on, I think you are remiss in your duties to the Constitutional Convention as well as to you constituents.

One last thing I want to make obvious is that no lobbyist, if he is worth his salt is going to bother to lie to you. He may lie one time, but that is because he has not the job to do. The only way he can do it is to be honest and above board. Anyone who would come to you and mislead you for any reason, you know would never be able to do so.

So these fellows are professionals, they have my opinion, a very high standard and code of ethics, they are very intelligent, most of them, and they try to do a job.

With all those reasons, I now move the previous question on the amendments.

[Previous question ordered: 2-241. Amendment adopted: 91-21. Motion to reconsider tabled.]

Point of Order

Mr. Fontenot. I don't recall the exact time when the reading of the amendments in this particular time, but right at the last vote, I would appreciate it, and I don't remember if the rules stated this or not, but at the very last vote, if you read it one more time, I think the rules provide for it, that I have heard the original proposal, then all these amendments came in and came out and I don't remember what happened, but I think that the rules require it be read one last time right before the final tally. Am I correct, Mr. Chairman?

Chairman Henry in the Chair

Mr. Henry. I don't recall such a provision as that, Mr. Fontenot, but we will check that and usually as a matter of motion to reconsider the question, I think we may do that, but we are trying to learn to preserve and we probably made a mistake there, but if it caused any inconvenience, we will try to rectify that in the future. Thank you, sir.

Further Discussion

Mr. Tapper. Mr. Chairman, and members of the convention, I don't know what other amendments are coming up, or what they may do, but I do want to go on record as being opposed to this particular resolution. I think this is the wrong way in which to start this convention. I believe that there is no way that we can word such a resolution, or a proposal, that would not hinder the ability of some portions, some people of this state from coming to this convention and voicing their opinions. If this proposal is designed to in any way control or regulate the professional lobbyists, I think it is a waste of time. I agree that we need them here, and I do not want to cast any aspersions against any lobbying group in this state. I think that they all have a vital interest in this constitution, and they are going to do the best that they can to try to portray the image of the people they represent. The people that I am concerned about are the Boy Scout, as someone mentioned, and the League of Women Voters, other organizations throughout this state that may not have to comply, or may not know what they have to do to comply with the rule that is proposed here. It may be lightened up a little and explained a little more with the amendments that are coming hereafter. However, I do not believe that this is needed in this convention. I believe that people expect us to have it here. I believe that we should allow our citizens to do what is best for them, and I urge you, that in matters when they do want you to please reject this resolution, and let's keep this a wide open convention. This is the first one in 52 years. Let us not shut the door to any citizen of this state or any group of citizens. Thank you.

Personal Privilege

Mr. De Blieux. Mr. Chairman, and ladies and gentlemen of the convention, I just wanted to ask and beseech you to very sparingly use the motion for previous question and the motion to table. As all of you know by now, each one of those motions are not subject to debate and automatic cut off anybody else from being heard upon the motion. I know that I have seen too many times, not necessarily in this convention, but in other meetings that I have been present, that a motion, you know, it has come up to hear his say about the motion that is pending on the floor and as soon as he has got through saying his piece, then he immediately asks for the previous question. This is why I am asking members. I hope that no delegate will come to the mike and be very repetitious on a subject matter, particularly whenever he feels that his remarks will not be heard and he will not be able to change anybody's mind or opinion upon a matter that may be under discussion. But in all good grace, politeness and courtesy, let's don't try to cut off the other fellow from having his say about it because sometimes we may learn something that may change our opinion on an issue, and I would hope that this would be an open, complete convention where we can have a full and open discussion on all matters without trying to cut the other fellow off after we have had our say. For that particular reason, I just ask for fair play and let's let somebody want to be heard, let's don't ask for the previous question. Thank you very much.

Further Discussion

Mr. Rayburn. Mr. Chairman and fellow delegates, I am a little concerned about some of the language I read on page 3 of this resolution. Where it says that reports and statements under oath, "All reports and statements required under this rule shall be made under oath before an author authorized by law to administer oaths." I am just wondering if we have some club, some teacher's association, some Lyons Club, coon hunter's association or likewise to appear before us, are we going to have to put each and every one of them under oath before they make any statement or before they address any commission on the proposal? I am concerned for the author of the resolution to more or less elaborate on this when he does get recognized or when he closes, because I don't believe that you or I want to place everybody under oath and swear everybody in that might want to appear before our committee hearings, or might want to say something to some delegate. Maybe that is the way you want to do it. I see no objection to lobbyists registering. I am glad that we took the fee out and took the badge away, but I do, I am concerned over saying that person who would like to be before our various committees would have to be placed under oath if they only made a report or made a statement. I don't think that is the proper procedure.

Further Discussion
Mr. Kilpatrick

Mr. Chairman, delegates to the convention, here again we have a resolution that came before the state legislature that we are discussing in this convention. Some of my friends that live up there in the northern hills of Union Parish don't read these newspapers like a lot of you do down here, and they need a printout. I couldn't print all the things that go on up here. You could throw it out and read it from front to back before it hits the ground. Get these people down here that want to talk to us about the Commerce and Trade Tax. It is going to scare these people to death to come down here to talk to us about these things. If you know, you are going to get that delegate in trouble and you are going to get us up here and the people who are coming down here to talk to them in trouble. Now this thing is closing the doors in this hall here, to people who want to be heard, and people who need to be heard. It behooves us, as delegates, to listen to everyone who wants to come down here and make a statement to a delegate, to talk with us, to plead with us, to talk about something that is his own personal interest. It doesn't mean that he should be able to be told with these people and listen to the views of the people from the deepest part of this state to the northern rolling hills, and from the west coast, west part of the state, that has Mississippi River. I don't think this thing is correct, I don't think this resolution has any merit to it. We have fitted this amendment by bad amendments, bad amendments. You all are going to ask somebody from the Jaycees come down here to talk to us, and you are going to put this man in a very embarrassing position. He is going to accept a little gasoline to come down here that is given to him by the Jaycee organization. Man is going to be in trouble when he gets here because he doesn't know to register, and half of our delegates that come down here, are not going to go back home and tell these people what is going to happen here on this very resolution. We have here, at the front of us, Senator Stovall, I can't understand why we have to attack those good people who are down here who have been here for years, and put them in an embarrassing position to make them register, put them under oath and create a lot of hard problems on these people who need to talk to us. But this isn't a problem, it is a poor devil that comes down here that doesn't know about those rules and regulations that we are trying to impose upon these people. This is a bad resolution. I ask you to vote against it.

Amendment

Mr. Pojnter

Amendment No. 1 [by Mr. Nunez], on page 4, line 5, insert the following, "All lobbyists currently registered with the Clerk of the House, the Senate and the Secretary of the Louisiana Legislative, the Louisiana Legislature for the year 1973 shall not be required to reregister with the Clerk of the Constitutional Convention; such lobbyists shall be required to pay any fees imposed upon lobbyists under the rules."

Explanations

Mr. Nunez

Mr. Chairman and fellow delegates, this simply does what I was explaining to Mr. Stovall before. It allows us to go ahead and utilize the present registration. Why make the current statutes or the current resolution, which limits it to such of a delegate, to register currently every year. They should have a current registration. They shall pay fees. If you are ever going over there, there is a complete statute, a complete book on what they do and how they, who they work for, and etc. So, why should we go through the expense, and it is an expense, by the way, and tell you that I am sure that what we have did as a subcommittee on printing, the printing of this convention is costing considerably. Nothing is coming into how he votes on the convention, but I am sure it is going to cost a lot, and all I am trying to do with this resolution or this amendment is not to duplicate what you have already done, but the state has already done, and I ask you to adopt it just in case the resolution is adopted. If you have a lobbyist that is registered with the state, we utilize that material that he has already provided for the state. He is already registered. He is meeting state law, he meeting the requirements that we have, if he has already registered. The information is available to us, we just request it from the Chairman. I think it is a sensible thing that we wouldn't think of the community, or women, or children, or what have you, if, in fact, they are already registered to lobby in this state. I think this convention is part of the state and I just think that we have what we presently have, and if you do have an inkling to do for the amendment, or for the resolution to make lobbyists register, it is just saving us a lot of time and it is saving a lot of money and it is saving lobbyists a lot of time.

Questions

Mr. Derbes

Mr. Nunez, as I read the proposal as amended, the only thing that a lobbyist will be required to do is fill out a form. Do you agree?

Mr. Nunez

Well that would be a form he wouldn't have to fill out. If you mean the amendments that were passed, then these people who have registered, if he doesn't have to wear identification or he doesn't pay a fee.

Mr. Derbes

Right, is that your understanding? That all he has to do is fill out a form under the proposal, as amended.

Mr. Nunez

I don't know what the form would consist of. The form that they have, that the now have, is quite extensive. It would probably be a lot better to utilize that form and utilize the material that they have there than just what do you mean fill out a form? His name and address?

Mr. Derbes

Well, I assume you have read the proposal, and the proposal merely sets forth, I believe it uses the word, a resume, of his affiliation, of the compensation that he receives, his name and address.

Mr. Nunez

Well, what do you consider a resume? The resume they have on them now is quite extensive and if you can utilize something that you already have, why require them to do it again. Why require lobbyists to go through the process again if we have it already printed? You can just add additions to what you now have. Just trying to make it where this convention doesn't go into extra procedures, so if there is in the state registered, now, from my information, there are now that many registered and let's say that there are 15-20 that want to register. You would just add to that present situation. I see no reason why we shouldn't adopt something and utilize the present information.

Mr. Derbes

I realize that you are trying to make it easier for the state, but I wonder if you are not also trying to make it a little too easy for the lobbyists, and I frankly think that if this constitutional convention is important, that it should be sufficiently important that each of the individual lobbyist will merely fill out a form which will be complied and made a part of the existing records of this convention. Don't you agree?

Mr. Nunez

No I don't, because I don't know what your setup in the form will be a complete resume or a resume. I don't know they are going to spend in a resume. I do know what they now have, they are a very comprehensive register, and my amendment just simply utilizes what you presently have in the form of lobby registration and allows them, allows the constitution or allows whoever is going to handle it to go ahead and utilize that lobbyist who is presently registered under state law. See nothing wrong with it, I think it is a good amendment.

Mr. Derbes

I make you, to clarify for the moment,
it simply says, a resume including all details with respect to the names and addresses of the person, group, or persons, or organizations whose interest he represents including the kind of business in which each is engaged. The resume shall be filed with the clerk before engaging in the activities described in this rule. It seems to me that if, that this convention being the most important political event in the history of this state in the last fifty years, it should be of vital importance that we could ask each individual lobbyist to fill out a form, and I frankly don't understand why you feel differently.

Mr. Nunez As I said before, gentlemen, and ladies of the convention, I believe that the lobbyists that are now registered should be allowed to submit their, or allow the clerk or the chairman to gather those registrations, they are currently registered under state law, under state statute on the provisions of the House and the Senate. Those registrations are valid registrations, they have to register every year. Let me tell you, they are quite extensive. You will probably get a lot more information than you get from this resume. If you have them, they would be good registrations and I don't think you would get too many of them that aren't registered as lobbyists for the convention. As I have said before, if you are inclined to adopt this whole resolution where lobbyists have to register, I think you would be saving the convention money and I think you would be speeding up the process where the registrations would probably be readily available to the convention a lot faster than going through the whole procedure of filing the resume. If they have placed them over there, you can see who you are talking to. I think that is a good idea. We might as well go all the way. If we are going to allow them to register anyway.

Mr. Shannon Delegate Nunez, under your amendment here, would it not put back the fees upon the lobbyists which we, by prior amendment to this, we have eliminated for registration in the last sentence here?

Mr. Nunez Mr. Shannon, the amendment, as you know the amending process is about 45 minutes behind in the actual proceedings. The amendment was being drafted when the fee was still in. The way I read this, "Such lobbyists shall be required to pay any fee opposed upon lobbyists under the rules." Now if I read it, I would oppose it because lobbyists, they are speeded up the process where they won't be required to pay any. That would be my understanding of it.

Mr. Chairman and gentlemen of the convention, if there are no questions that I would adopt this amendment, I think it is a good amendment, I think it is a time saving amendment, and more important, I think it is a money saving amendment. I think it is going to save this convention...I don't know how much it is going to take to compile and print the amount of material that the lobbyist would have. If it is already compiled, if it is already printed, if we already have a brochure on them, why not utilize it. Why not utilize what you presently have? So I ask you to adopt the amendment.

Mr. Case Mr. Nunez, the question I have is just one of mechanics. Of all of you, under the law, the lobbyist information that must be kept by the House and by the Senate, apparently must be maintained in those chambers by the Clerk of the House, and the Secretary of the Senate rather than the President of the Senate. Under the law, my understanding is that the booklet information that must be kept in those legislative chambers. My appreciation of the lobbyist registration for this convention, I would think would require that information be available to the delegates while we are in session in this chamber. This just happens to be the chamber we are meeting in in lieu of a legislative chamber. Do you not think that if we adopted your amendment that there

fore, that information pertaining to lobbyists would then not be available to the delegates because that information should be here where the delegates are meeting.

Mr. Nunez Representative Casey, if I thought that I wouldn't have introduced the resolution, or introduced the amendment. If I thought that very simply by registering with the state, they wouldn't have to register with this body. Clearly the whole purpose of the resolution was to utilize the same information that is presently being utilized by the state, and I think it is public record and it is over there and I think that if we get that record just like we get all the others. I think just a simple request of the Clerk or the Chairman would provide those records for us, and if I felt that by passing this amendment it would deprive the convention, deprive the delegates of those which are preregistered, certainly I wouldn't introduce it.

Mr. Casey But Mr. Nunez, my problem is one of mechanics that the law requires that it be...those records be kept in the custody of the Clerk of the House and the Secretary of the Senate. The mechanics require that they be kept here and I do not believe, or do you agree, that these gentlemen could not release those documents to the custody of the convention and be brought here.

Mr. Nunez Mr. Casey, our appreciation of the problem is somewhat different. Certainly they are to be kept in the House chambers and the Senate chambers, for the very reason you want them kept here, for the House members and the Senate members or anybody else to go view them. They are public records, but there are also copies of those public records that could be kept over here, and this is my only point in the whole thing for the amendment. They must be kept over there because that is where they are being utilized.

I think it is a good amendment and I think it is going to save the convention a lot of time and a lot of expenses, so I ask you to adopt the amendment.

Further Discussion

Mr. Stovall Mr. Chairman, as an individual, I see nothing wrong with Senator Nunez's amendment. I feel we should vote on it, enough of you like it, we'll keep it, if not, we will reject it. The only problem which I see is that there may be some persons who are registered lobbyists in the House or Senate, who might not choose to be registered as lobbyists here in this convention. But other than that reservation, I certainly have no objections, provided those records would be made available to us at the convention here.

Questions

Mr. Tapper Reverend Stovall, this is a...you are the sponsor of this resolution, are you not?

Mr. Stovall Mr. Tapper, I am Chairman of the Rules Committee. A resolution on lobbying was presented to this convention, soon after we convened, and was referred to the Rules Committee. Chairman of the Rules Committee I am returning this to us for consideration.

Mr. Tapper I understand that, and the reason I wanted to clear it up is before I ask this question. I wanted to make sure you were very familiar with the resolution that was presented. Do you know that there is a consensus of opinion of the delegates here that when you refer to lobbying in this resolution, that the referral is here in this particular chamber, and here at the convention. But isn't it a fact that this resolution is all inclusive and also includes lobbying back home in our particular districts where there is a setting? I did you know that there is a consensus of opinion of the delegates here that when you refer to lobbying in this resolution, that the referral is here in this particular chamber, and here at the convention. But isn't it a fact that this resolution is all inclusive and also includes lobbying back home in our particular districts where there is a setting? I did you know that there is a consensus of opinion of the delegates here that when you refer to lobbying in this resolution, that the referral is here in this particular chamber, and here at the convention. But isn't it a fact that this resolution is all inclusive and also includes lobbying back home in our particular districts where there is a setting?
of lobbying, not only here in Baton Rouge and in the convention hall. Isn’t that a fact?

Mr. Stovall The point of order, Mr. Chairman, the thing that is before us now is Mr. Nunez’s amendment and not the resolution, at the moment.

Further Discussion

Mr. Derbes I am reminded of the joke where a fellow said... when in a fellow... I am reminded of the story where the fellow was telling a joke to a friend and after a good bit of time he said, well, to make a long story short, and his friend said, you late didn’t make up too much of your time, except I hate to see Mr. Nunez’s proposal go up with opposition on discussion. I simply have the following feeling, that this convention is important enough that we should require, if we are going to require any registration, we should require individual lobbyists to fill out one simple form which this convention shall promulgate. It is just as simple as that. I don’t think we... I think probably as much money will be saved the state had Mr. Nunez’s amendment been proposed as will be saved the state if Mr. Nunez’s amendment is adopted. It is a simple matter of filling out a few forms, and nothing more. We will have a complete file with individual access by all the delegates. To me it is very simple; I would urge you to defeat the amendment. Had the original proposal not been amended to delete registration fees and delete badges, I think Mr. Nunez’s proposal would indeed be well taken, but in fact the original proposal has been amended, and based on the amendment, I see no undue hardship involved in asking each individual lobbyist to fill out a form.

Question

Mr. J. Jackson On your point of concern of Senator Nunez’s amendment, what happens in the case of a particular lobbyist is not registered with the House of Representatives or with the Senate? How would we have access to that information here in the constitution?

Mr. Derbes I can only imagine what Mr. Nunez would say in response, and that is that the provisions would operate with respect to his registration here, but I believe your point is well taken.

[Previous Question ordered.]

Closing

Mr. Nunez Mr. Chairman and gentlemen of the convention, ladies of the convention, certainly it is a good joke, that was a good joke. If a lobbyist is not registered, he would be required to register. It just says all lobbyists who are currently registered with the state. I thought I had a good, simple amendment, and let me tell you something about saving, saving money, saving money. I don’t know what it is going to cost to compile this, I really don’t. I don’t think that any of us do. I do know, as the chairman of a Sub-Committee for Printing, that we started looking into the printing of that official journal. It cost the state or it cost this convention some considerable consideration. In the consideration, we got that cost cut down to one-third of its present cost. And if you look at that journal on your table, the official journal of this convention, it is presently being printed at about one-third it would have been printed had we not looked into it. I am not saying it is a lot of money, but there are costs involved, and I am just asking you to take advantage of an existing law that lobbyists shall register with the state. And I am reminded that once again, once there, it is quite a comprehensive registration. Much more so than I am sure you are going to ask of them. And if you look at the number of lobbyists registered in this state, you will realize that there is not many left to register to this convention, and all you will be doing is transferring those records and bringing them over here. And that is all and very simply I was trying to do. I’m not trying to keep lobbyists from registering, I’m not trying to keep lobbyists from paying a $10 fee, I just saw Mr. Derbes, an opportunity to streamline something and do it in a form that I think that the convention can live with. And that is what I did, and I hope you go along with it. It is a good amendment. It is a good amendment, we get the records, they are already registered and bring it over here, and tomorrow you can look right at who is registered and who isn’t, if that is what you want to do. I am trying to do a lot of stuff against the amendment, or vote for it, regardless of which way, to adopt this amendment because it will save you a lot of time, it will save money, and it will streamline the operations of fooling with registered lobbyists that are already registered. I would say they are all registered. I would say all you’d have to do would be to get those records and bring them over here and say these are the registered lobbyists for the convention. And I would say that you would save yourself, myself, the convention some time and make it easier that is all I am trying to do, gentlemen and ladies of... delegates, and I wish you would go along with the amendment. There is no reason why there is no reason why you don’t know if the lobbyists are for it or against it. I’m sure they are for it because they are registered already. Why should they have to register again. Why would you want him to register company B, under your resolution he would not... under your amendment, he would not have to reregister and make that disclosure. Would he?

Mr. Nunez All lobbyists currently registered with the Clerk of the House and the President of the Senate shall not be required to re register with the Clerk of the Constitutional Convention. I say that yes, if a lobbyist is not registered as a lobbyist, that he would not have to register. You now have me, let me ask you, let me elaborate on that a little bit. Suppose they register as lobbyist “A”.

Mr. Triche You want to let me have a little of your closing time, Senator?

Mr. Nunez Yes, I will be glad to, Representative. If under the convention he registers a lobbyist “A” and company “B” comes over here and hires him to lobby for them, does he have to reregister for company “B”? I think a lobbyist is a lobbyist. I think once he registers, he is registered as a lobbyist. Let me tell you, you are not going to have any difficulties finding out who the lobbyists are around here. When you have something that affects a lobbyist, he is going to tell you. When you are voting against him, he is going to get in touch with you. When he wants to tell you something, he is going to let you know it, and it is going to be very simple. The fact that he is lobbying for an oil company when he should be lobbying for the taxpayers or he should be lobbying for the Boy Scouts, I think is would be sort of superfluous. He is lobbyist. Now, if he is registered in one category that he lobby is, maybe we can amend it to that extent. You are not going to do it under this resolution that you adopted, from my understanding. But the change he could have a change to say he says he must reregister or he must get another job, well he would have to re register.

Mr. De Blieux Mr. Nunez, Mr. Triche has got me in
a dilemma now.

Mr. Henry That wasn’t hard.

Mr. DeBlieux I agree with you on that. But I am just wondering now the way you all are talking about if he is register for group “A” or registered for group “B”, does that mean that whenever you talk to one of these lobbyists you can’t discuss anything with him except those groups that he is registered for?

Mr. Nunez Senator, if you trying to prohibit a lobbyist or prohibit a delegate from listening, I don’t quite understand your question. If you want me to prohibit a delegate from listening to a lobbyist, if he wants to talk about, about the, about the cost of rice in the rice fields of south Louisiana, and he just happens to mention that I also have an interest in the oil business, the I don’t think... I don’t see how you can effectively do that. I just think that once they register, they will be registered lobbyists. Senator, you have seen the files over there, they are comprehensive and extensive files. I don’t think you are going to be able to do any better, and I thought I had a real simple, good amendment that we could adopt and have the lobbyists registered already. So, I don’t think some of the problems you are bringing up... I think they are real problems, and maybe we ought to go back and change what they have done over there, but I think if, when they register if they have to re-register we will just require them to re-register. All you are doing is getting this information. So, Mr. Chairman, if there are no further questions, I move the adoption of the amendment, please.

[Amendment rejected: 45-69. Motion to reconsider tabled.]

Recess

[Quorum Call: 94 delegates present and a quorum.]

Amendment

Mr. Poynter Amendment No. 1 [by Mr. Derbes], on page 3, delete lines 31 through 35 both inclusive in their entirety, and on page 4 delete lines 1 through 4 both inclusive in their entirety, and insert in lieu thereof the following: “Upon a majority vote of the Executive Committee, any person who violates the provisions of the rule, the privilege of addressing any committee of this convention for a period of time to be established by the Executive Committee.”

Explanation

Mr. Derbes Ladies and gentlemen, in order to make the entire proposal more acceptable to this convention, I felt that this amendment would be in order. It is my opinion, as an attorney, that we cannot tell a lobbyist or much less a convicted felon that he cannot speak to us individually. That is a right. I believe, protected under the constitution of the United States and under the constitution of the State of Louisiana. I do believe that we have the right to deny a person the privilege of addressing a committee of this convention, and, therefore, I modify the original proposal to simply state that the entire penalty for violation of these provisions shall be within the discretion of the Executive Committee. If any violation occurs under the discretion of the Executive Committee, the penalties are complete with the discretion of the Executive Committee. This has a great deal of flexibility, a great deal of discretion on the part of your Executive Committee. It is suggestive language rather than mandatory language, and I believe that this amendment will make the ultimate acceptance of the entire proposal more acceptable to the convention. Thank you.

Further Discussion

Mr. Jack Mr. Chairman, I rise to express my approval of this proposed amendment. I think the members of this convention can speak for themselves. This turns over to the Executive Committee the right to punish any violators and it gives an awful lot of authority. And it says that the Executive Committee can by majority vote make this punishment of depriving a lobbyist, or anyone else that comes under it, set such a period of time as they may think fit. They might make the period of time the whole length of the convention and as I recall to begin with, in Act 2 of 1972 when the legislature set up this convention, it provided that everybody was going to have access to these meetings and to talk to people. This thing just gets more confusing and complicated as we add each amendment. I hope you will vote down this floor amendment. The only reason I can be for this bill or proposal that is before us on registration is because I don’t think the public would get to read the entire proposal and would figure there should be some regulation. Now I think the regulation is all right now that we have taken out about badges and leave it like it is. I have talked to lots of people on it: members that are delegates are as others. When we met out punishment that might deprive a person from appearing before a committee, I as a delegate who was elected by the people, and the same goes for those that were appointed. I have a sense of saying and not just the Executive Committee. I want you to read this amendment closely. It has been put on the penalty. It is a bad amendment and I hope you will vote against it.

[Previous question ordered. Amendment rejected: 1-0. Motion to reconsider tabled.]

Amendment

Mr. Poynter Amendment proposed by Mr. Flory to Committee Resolution No. 4 by Mr. Stovall. Amendment No. 1, on page 1, line 25, after the convention, insert a period and delete the remainder of the line and delete line 26 in its entirety.

Explanation

Mr. Flory Mr. Chairman and delegates, what the amendment does, is on page 1 in the proposed resolution it says, in the definition of petition, it includes in that definition the following "and includes any other matter which may possibly be a subject of action by the convention." I propose to delete that language in that a person coming to the convention visiting, discussing theoretically some issue which possibly may be subject to the action of the convention, I would have judgment how could that person determine what could become subject to action by this convention. I see that it serves no useful purpose and would ask that you delete that language.

Further Discussion

Mr. Triche Mr. Chairman and ladies and gentlemen of the convention, I would like to request that we hear some discussion on this from the committee who helped put this draft together. I am open to doing this as to drafting this resolution as to why the language was put in and includes any other matters which may possibly become a subject of action by the convention. It seems to me that what the convention fails to adopt, as well as what the convention adopted, is a consideration for lobbyists, and something that they address themselves to. It is very successful by keeping certain proposals from being drafted and introduced in the convention. Their influence on the convention may be more substantial in that regard than if they influenced the convention to take some action. So it seems to me that the proposal as written makes sense and it ought to stand that way but I frankly prefer to hear from the people that drafted the resolution and see
Mr. Flory. Mr. Chairman, delegates, I just say in conclusion that if you want to require the registration of a person appearing before the convention, or discuss specific violation of this provision the Sargeant-at-arms may be instructed to prohibit any person from speaking with a delegate for any given period of time. I am going to vote against this entire resolution because I think it is useless. I think it serves no useful purpose at all. We have it in the legislature and it serves no useful purpose there. It hasn’t accomplished one single thing, there. I don’t think it will serve any purpose here or accomplish anything here except to deceive the public to a certain extent into thinking that we are doing something. If someone attempts to bribe someone, that is a violation of law. If they attempt to unduly influence anyone, that can be penalized by law. But, I’m not for things that are showcases and really accomplish nothing. The comment I want to make about this Section F is I just want to make it clear that as a delegate I reserve the right to speak to anyone at any time about anything that I choose, and if this convention should at any time say that a person can not speak to me, I will not abide by that. I will speak to anyone about anything at anytime that I choose. Thank you.

Mr. Jenkins. I hope you are right from a legal standpoint. The danger I see is the fact that it may chill the right of people to speak to us and appear before us. I think legally it probably is impermissible, but it will certainly have that chilling effect and that is where it is dangerous when we want to have an open convention.

Mr. Weiss. The delegate who introduced this, Rev. Stovall, said that he thought the language was uncertain. Some of the delegates here presenting their opinion say it would not be. Would Delegate Stovall please elaborate what he saw and can we get an opinion of some more authoritative nature.

Mr. Henry. Delegate Stovall will have the opportunity to close after the previous question is ordered, Mr. Weiss, and at that time I am sure he will accept and answer any questions.

Amendments

Mr. Poyniter. Amendments proposed by Senator Brown. Amendment No. 1, on page 3, line 32, after the word "convention" delete the remainder of the line and insert in lieu thereof the word "may." Amendment No. 2, on page 3, line 32, after the word "meeting" and before the word "convention", insert the word "or." Amendment No. 3, page 3, line 35, after the word "resolution and" insert the word "for" delete the comma and delete the words "or delegate." Amendment No. 4, page 4, line 2, after the portion of the word "tor" and before the words "be denied" delete the word "shall" and insert "may." Amendment No. 5, page 4, line 2, after the word "meetings" delete the remainder of the line, at the beginning of line 3, delete the word "delegates" and insert in lieu thereof the following "and sessions".

Explanations

Mr. Brown. Does everyone have a copy of the amendment? Have they been passed out? This does two things. First of all, on page 3, it makes the provisions of penalities in reference to the convention. As it reads now as you will notice on page 3, line 31, the language is that for the first violations of the rules of the session the convention shall instruct the Sargeant-at-arms and go on to talk about what penalties may be levied. This merely changes the shall to may. It is up to the convention to see if we think the violation is so severe that we shall impose some penalties. I would hate for the fact that someone happens to lose their badge one day and gets caught and talk to one of us and one of the delegates complains about it, and before you know it the guy is thrown out of the convention for two weeks. I think that we as a convention certainly have some judgment to see that there are no abuses and so the discretionary factor of changing shall to may. Number two, the second thing it does is to delete the provision of the single delegate provision. If we so censure someone in line with what Mr. Jenkins says, it still allows you, as a delegate, to talk to anybody you want to. As the provision reads now, if a particular delegate was brought and put in a provision and penalties imposed, then you and I as delegates wouldn’t be allowed to talk to him. He couldn’t talk to anybody. If the particular question about something that delegate was interested in, you couldn’t talk to him. It simply deletes the single delegate provision and allows you to talk to anyone. Two things, permissible legislation allows you as a delegate to talk to anyone you want to. If there are no questions, I ask for adoption of this amendment.

Mr. Wopack. Mr. Chairman and fellow delegates, the only thing in the world this convention can do is to control the internal activities of this convention. On the bottom of page 2 and the top of page 3, they have officially exempted certain of the news media, the press and the publishers of periodicals. Television is not excluded. I wonder what would happen if you look at page 3, a bill that is drawn up, if the television news analyst comes up and in presenting a full day’s session in one and one-half minutes, covering the highlights as they do, the preconception of people thought was a very slanted approach. They are not registered, I would assume the next action would be to remove the cameras from the hall. Maybe not, I don’t know. Then in another section here, it indicates that a lobbyist, if he does reg-
ister, has the right to come before this convention and address it, which he does not have... I would then, if we were to put to an issue of this kind, the first thing I want to know is what good it can do, and the second thing is to look at what harm it can do. If you put it to the political field and you don't look at the politics realistically, you are kidding yourself. You could carry that statement a good bit farther. You are almost an idiot. I feel that a resolution could go a long way towards changing anything in the world that would come before this convention. As of right now, there is not a lot of opposition to a constitutional convention. We can get that written on it and the opposition has started yet. You can rest assured it is going to be there. I wonder what advantage we would have in coming up with a lot of rules that could exclude a layman back home from coming down with part of his expenses paid, and not being registered; you say well nobody has been excluded, they could be under this. If they were presenting a side that someone on that committee objected to I think the question would be raised and I think the individual delegate who didn't raise a question would not represent the particular group that he was supposed to represent properly, if he didn't raise the question. So, then, it becomes my lot, as a delegate, the better what the people got accomplished by this and then weigh what conceivable bad could be accomplished by it. The bad angle is that it could be used by a fast talker at the last minute. In this program before the election on the adoption of this proposed constitution and I can tell you now, a professional what if man can ask more questions that there is no answer for and can make more statements that you can't cover up, he can make more of them in one ten-minute television program than you can cover up in a month if you had every night. If you go to the television you'll get. And, don't kid yourself. I am here because I hope we can put together a document that we can support and that we can get the public to adopt. I am sure that the support we will have a certain amount of organized opposition. Beyond any question, it is going to have some organized opposition. There is a good bit of the work of the committees that is going to have organized opposition in the convention, because primarily the committees are made up of people who more or less belong to the protective side of the committee that they chose to be on. That is the reason they chose to be there. You would find in education, a vast majority of the educators wanted on the education committee. In agriculture, naturally, when you come out with a proposal in the committee, it is primarily going to phase and favor that particular profession. Quite possibly, when they present it, they say it, they don't not see it quite like the professionals in that field saw it. When you get ready to submit it to the people they are not going to see it quite like this. The individual at home that you are not going to hear about is going on a whispering campaign and they will ask if you have been down to see the convention and he said why, I'm not registered. I can't talk before them. Here are the rules that came out in the paper, and don't think they are not going to carry it. Putting this in the rules is just about the, the little man. They are there, but what good are they. You can put this in there. I just can't conceive of any good or anything it is going to do. I am not worried about the AFL-CIO, the Louisiana Retailers, they are already registered, they are going to register. They probably would be doing then a favor. They can work with them. We give them where they are. The internal lobbyists who are there, that there is no registration for, we might be a little more concerned about them. Quite possibly may have a few hands on the fence. You are going to get at those. The professionals are here, they are willing to be registered. The only thing I want to see so that we are putting that rule clause would be to give the opposition to our final document a little more to talk about. While I am here, I will cover one more thing. When we were here last, I expressed an intent, I was very sincere in it, that I would put it as a resolution in authorizing mileage for the delegates to this convention. I still think it should have been done but the powers that be, including a unanimous vote of the Executive Committee when the Constitution was passed, they voted unanimously against it. Why, they everyone thought it was in line, nothing wrong with a person being paid, they felt that down the line it could be detrimental towards the final adoption of the work that we do here. I told Chairman Henry when that approach came up that I had no alternative other than to back off because if you tear that draw that broke the camel's back, I would go to my grave regretting it and I feel that way about anything else that we do that is not constructive, far more harm than the good it could do and certainly I see this rule as one of those. I went through a session of the legislature, a thirty day session, the last regular four-year term, of which we spent twenty-seven days adopting the rules for one particular member who didn't return to that house and we got rules adopted to suit him, he never did get to use them. We have been now going into the seventh month and still haven't come up with a set of rules. A pretty good story could be written on that. I am going to say this real seriously, this is constructive, I think it would be well to consider it. I think it is well that we discuss these things, but I can see more harm in it than I can good.

Further Discussion

Mr. Roy: Fellow delegates and Chairman, I agree essentially with everything Delegate Jenkins said and with what Delegate Womack said, however, we have finally come to the point where we have got to make a decision in this matter and we have got to have some way, this Section E, page 3 of the resolution, there is adequate protection for those people that I am really concerned about, namely, the little citizen who comes down here last decodes to talk and is paid a portion of his travel expenses; the League of Women Voters, the League on the Humanities, and what have you. I think it is implicit that only a delegate, under Section E, may file a formal charge pertaining to some improper conduct on the part of a person. I would think that using our discretion that we would not be worried about these people, if they don't read newspapers and accidentally or intentionally talk to us about some things that are very close to them personally, or professionally, then the provision provisions thereof, and especially since Delegate Brown's amendments, that the committee will hold a hearing and determine what, if any, penalty will be imposed. I think it is implicit that we are giving the committee the opportunity or the fact that we have any such proposal with reference to lobbyists may end up where somebody's constitutional rights were being violated, however we have been talking about the lobbyists issue for a long time, the newspapers have picked it up, and I am afraid that if the public feels that the legislature has deemed in its wisdom, to have a provision pertaining to lobbyists, that we have no alternative. Although, like I say philosophically I don't see the need for it and personally I would never be worried about. Going on with respect to the provision that the rule or the resolution also provides that it does in fact provide, it says that the committee may make such regulations, if they wish, as to be imposed and then, under F, there is even an additional protective feature to be given to the little person who accidentally or intentionally does something that violates this rule. It says that we can optionally on our own decide what we are going to do about it. For those reasons, the reasons that we find in Section E, whether we should have a lobbyist provision or not, we have discussed it, we've got it as fully, we urge you to vote for the resolution as a whole. Thank you.
Further Discussion

Mr. Arnette I definitely agree with the two previous speakers in one particularly thing. That is, I am against this resolution. I'll make it very short and sweet. The reason I am against this resolution is because it no longer does anything. It no longer accomplishes any purpose. It has been amended out of existence to do anything useful whatsoever, and I don't think we ought to make the people of Louisiana think that we are actually passing something that is going to regulate lobbying when it doesn't do anything at all in effect. That is why I am against it.

Amendment

Mr. Poynter Mr. Shannon sends up amendments as follows: Amendment No. 1 page 2, line 5, immediately after the word "pay" delete the remainder of the line. Page 2, line 6, at the beginning of the line before the words "for" strike out the words "any consideration".

Explanations

Mr. Shannon Mr. Chairman, ladies and gentlemen of the convention, I am putting this in for the poor man 1 myself, am puzzled about what "for any consideration" can be construed as. Mr. Rayburn talked at one time before this convention about his coon hunters' club and they might give him some gasoline to come down here and lobby for the coon hunters. That is my interpretation for other considerations, so I would ask of you in this convention to accept this amendment. All it does is take out the words or for any consideration because that can cover a multitude of sins and it leaves it "for any person who shall pay himself for pay for the purpose of influencing legislation", and I urge your acceptance of this amendment.

Questions

Mr. Derbes Delegate Shannon, I don't disagree with you. I am just curious about the amendment. It says immediately after the word "pay" delete the remainder of the line. Then all you would be deleting would be the word "or for".

Mr. Shannon Correct. Amendment No. 2, on line 6, at the beginning of the line, before the words "for" strike out the words "any consideration".

Mr. Derbes I see. Thank you.

Mr. Alario Mr. Shannon, I am not in objection to your amendment. I am just wondering if it covers enough. On page 1, it says "persons to whom applicable" and your amendments do not apply to page 1. It says "the provisions of this rule shall apply to any person who by himself or through any agent or employer or other person in any manner whatsoever directly or indirectly solicits, collects or receives money or any other thing of value to be used principally..." I am wondering if your amendments would cover that particular section also.

Mr. Shannon Mr. Alario, I think it would but I am not sure legally.

Mr. Alario Of course, I guess you could come back with an amendment right after this and cover that section also and if your amendment passes, then I think we need to address ourselves to that area.

Closing

Mr. Stovall Mr. Chairman, ladies and gentlemen of the convention, I appreciate your patience in dealing with this resolution. I am grateful for your serious consideration. I think that in many ways you have improved the document. I think that possibly in others you have weakened it, but I feel that this resolution will serve a very useful purpose for the convention and in the state. I think it is clear to us that this resolution does not exclude anyone. Instead, it encourages persons throughout our state to express their views to us and also it lets persons who have expert knowledge of different subjects know that we will be open to them and we show them the courtesy of asking them to register and lobbyist registration will be distributed to all members of this convention so that all of us will have this information of people who are interested in these different items. I think that Senators Tapper, Kilpatrick, Representatives Jenkins and Womack have not found the lobbying resolution under which they work in the Senate and the House limiting to them, and certainly it is no reason to assume that if we have a lobbying resolution here that it will limit our procedure and what we do. I think this resolution will protect the convention if there should be those who might misuse the lobbying privilege which is extended to them. It is not all that any of us might ask for but I think it will be a witness to our state that we are an open convention. We want to hear from different ones and at the same time we do want to have this form of registration. I encourage your affirmative approval of the resolution.

Questions

Mr. Stovall I am rather inclined to feel that we have discussed it adequately.

Mr. Duval Rev. Stovall, just wanted to point out that you have a few questions and perhaps clear up something in mind. Alright, we have adopted some amendments here. One amendment says it has to be one matter pending for election convention, therefore, you can lobby your eyelids is out to get something in that nobody's proposed. Don't you think that's rather inconsistent? That's one question.

Mr. Stovall Mr. Duval, when that amendment was before the convention you should have come at that time and had discussed it at length with whoever presented the amendment.

Mr. Duval I take it your answer is yes.

Mr. Stovall The matter with which we are dealing at this time is not those amendments.

Mr. Duval Yes sir, and finally another question, you say now you have to be paid, therefore, if you are not paid, you can spread millions of dollars around that you're not receiving and still not sure under this provision. Is that correct also?

Mr. Stovall Mr. Duval, you are a distinguished attorney from Houma, Louisiana and I'm sure you are very capable of interpreting this matter.

Mr. Duval And finally sir. Don't you think that this convention should adopt things that make sense and are not so-so scattered with inconsistencies as to set a very dangerous precedent by adopting something that is so nonsensical and full of nonsequiturs--don't you agree.

Mr. Stovall Mr. Duval, have you quit beating your wife?

Mr. Nunez Rev. Stovall, I just had to occour me that there are a number of--of delegates that are not registered as lobbyists, or who would be under your resolution. They are not delegates, but they are currently lobbyist. They lobby for particular groups of people. What would be their status under this resolution? Would they have to register, or would they just be a delegate and be allowed to lobby for their particular interest of the particular group that they are registered to lobby for now.
Mr. Stovall  Mr. Nunez, you too are a distinguished attorney and I think you could answer your own question. I think the answer is quite obvious that any member of this delegation is at liberty to speak with other delegates about matters of concern to him.

Mr. Nunez  Thank you for the distinguishedness, but I'm not a distinguished attorney. I'll take the distinguished but leave the attorney off.

Mr. Henry  They didn't make you an attorney one time--That was a Judge they were going to make you, wasn't it?

Mr. Nunez  You make me a lot of things, Mr. Speaker. I got something we'll make you in a little while. I got a little present for you. Did you understand my question because there are a number of people here that do lobby--registered lobbyists and they will be delegates--they are delegates as elected delegates maybe some are appointed. I really don't know.

Mr. Stovall  I understand your question Sen. Nunez, and I answered in the affirmative that these persons have the right to contact different delegates as they see fit.

[Resolution rejected: 49-68. Motion to reconsider tabled. Rules Suspended to revert to Introduction of Resolutions.]

INTRODUCTION OF RESOLUTIONS
[2 Journal 138]

[Resolution to suspend rules to consider Delegate Resolution No. 25 rejected: 35-78.]

INTRODUCTION OF PROPOSALS
[2 Journal 138]

Announcements
[2 Journal 139-140]

Report of the Secretary
[2 Journal 139]

[Motion to adjourn to 12:00 o'clock noon, Wednesday, July 11, 1973. Substitute motion to adjourn to 1:00 o'clock p.m., Tuesday, July 10, 1973. Motion adopted: 105-14. Adjournment to 12:00 o'clock noon, Wednesday, July 11, 1973.]
Wednesday, July 11, 1973

ROLL CALL

[122 delegates present and a quorum.

PRAYER

Mr. De Bieulx Let us bow our heads. Our heavenly Father, thank Thee for the privilege of gathering here, considering what our state needs are, developing them to our best ability. We ask that Thou would come with us, that we do our jobs in the light that you would have us to do it to the best of our ability. Our work is not over. With Your help, we ask all of this in Jesus name. Amen.

PLEDGE OF ALLEGIANCE

READING AND ADOPTION OF THE JOURNAL

INTRODUCTION OF RESOLUTIONS

[Rules Suspended to allow consideration of resolutions.]

Explanations

Mr. Stovall Ladies and gentlemen of the convention, the purpose of this resolution is to change the requirement of the permanent rules which were adopted which called for the signatures of the majority of the committee presenting the report, and this resolution simply calls for the names of the majority of the members of the committee in order to present it before the convention. It changes the word signatures to names.

Questions

Mr. Alario Reverend Stovall could you tell me what the necessity for requiring delegates to sign this? As I understand it now, our present procedure is that the committee would refer it out favorably or unfavorably. When they refer it, it is favorable. It means there is a majority vote of the delegates. What is the necessity of having people sign it?

Mr. Stovall Mr. Alario, the permanent rules called for signatures and a majority of the rules committee felt that if that requirement was there, it would create difficulty in many cases of getting the majority of the signatures and they felt that it should be entered as a substitute.

Mr. Flory First, I'd like to know if copies of this resolution are available to the delegates, but directly to Reverend Stovall, did I understand him to say this committee recommended this?

Mr. Stovall Yes, sir.

Mr. Flory At what meeting?

Mr. Stovall At the meeting which was held about two weeks ago at which you were not present, Mr. Flory.

Mr. Flory I never did get a copy of it. I think as a delegate I was supposed to have gotten a copy of what the committee recommendations were. Is that not true, Mr. Stovall?

Mr. Stovall That's true and the reason you did not get a copy was that the staff, in going through the minutes, somehow overlooked this particular resolution, and they did not send out copies of this particular resolution to all members of the Rules Committee. But the rule was properly processed through the committee at its regular meeting.

Mr. Brown Reverend Stovall, do I understand this is an amendment to a previous rule we've adopted? Is that correct?

Mr. Stovall It's a change to a previous rule.

Senator Brown

Mr. Brown So this isn't really an amendment. Has it been passed out to the delegates? I've got my rules but I don't have what you're trying to do here [...].

Mr. Stovall It has not been passed out. Actually I did not know that the Chairman was going to call for a Suspension of the Rules in order for us to deal with this matter today.

Mr. Henry It was my understanding that inasmuch as it was basically technical in nature, that it was the desire of the committee to suspend the rules and that under a Suspension of the Rules you suspend all the rules and there would be no requirement for placing it on your desk. Now if this is going to get to be a controversial issue, perhaps it should be referred back to the committee. But under a Suspension of the Rules, the placing it on your desk, now Mr. Thielsewaite is pointing out that he's got a copy of it back there at his desk. But even when you did not have one, if the rules were suspended, then of course that rule would be suspended at the same time.

Mr. Stovall It's a very simple matter and I certainly feel that we could vote on it at the present time. It is simply a technical change. If there is any question about it, I certainly would be happy for it to be referred back to the committee but it seems to me that it would simply be that it's merely a technical matter and it is something which I would feel that we could vote on at the present time and get out of the way.

[Resolution read.]

Questions

Mr. Lambert Reverend Stovall, I'd like to ask you this: Is it not correct, correct me if I'm wrong, that we agreed in this convention that each delegate is to have a copy of whatever is being proposed prior to the time it's proposed? Is this a rule that we're going to follow from now on or not?

Mr. Stovall This is a rule which we will follow. Senator Lambert. There was a motion for the Suspension of the Rules in order to deal with this technical amendment. Now if you feel strongly about this, I think your motion would be to refer it to the Rules Committee.

Mr. Lambert Well I don't, my point is not whether or not I feel that strongly about it. My point is a precedent that are going to set. We are either going to have a copy on our desk or we're not because this is going to happen continuously and on and on and on that's the point I'm concerned about. But I think it would be wise if you would not object, I would like to see you withdraw it and refer it back to the committee.

[Motion to refer resolution to Rules Committee for consideration.]

REPORTS OF COMMITTEES

[Resolution read.]

Point of Information

Miss Zerfong I have a Personal Privilege feeling about this, or at least ask a question about what we are doing, Mr. Chairman?

Mr. Henry Well, let me explain what has taken place. As you know, last week when we adjourned, we had hoped that we would be able to begin our proceedings by considering the legislative articles which the Legislative Committee has been dealing with for the last several months. It was the feeling of
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Senator Blair and the members of that committee that they were not sufficiently through with their work. That they had a few more changes that they wanted to make and consequently the feeling of Mr. Stagg and the members of the Executive Committee that perhaps there was no hesitation to be beginning their work. The purpose of the Suspension of the Rules for considering the report at this time as to allow us to expedite the enrolling of the bill so that we can begin considering, tomorrow, if it is the wish of this body, to deliberate the article on the executive branch. Now if we don't suspend the rules today, then tomorrow we would consider the report. Therefore, if tomorrow we could consider the report without until tomorrow we would consider the report, then we wouldn't be able to do anything tomorrow because the, unless suspended the rules tomorrow. We need to adopt the technical or do whatever we are going to do with the technical amendments that were put on or suggested by the committees this morning so that the bill or the resolution can be properly enrolled over the night and placed on your desk so that we can, if you desire, begin deliberating this tomorrow. Now that's the purpose of the Suspension of the Rules.

Miss Zervinni: And what would the procedure be tomorrow morning?

Mr. Henry: The procedure tomorrow would begin to discuss the article on the executive branch of government.

[Motion to suspend rules adopted: 80-18.]

Point of Information

Mr. Jenkins: A point of information, Mr. Chairman. I am a little bit concerned. I spent the whole weekend preparing for the legislative article and now I fine out that we may have to deal with the Executive Department tomorrow. I'm concerned. How do we know what to depend on when we get these general instructions about what we are going to discuss next?

Mr. Henry: Well, Mr. Jenkins, in view of the circumstances I know that you must be frustrated, and I certainly share your frustration at this particular point. I think once we get into the workings of this convention and get through with all of the confusion that we are having to go through insofar as complying with the rules, that we will be able to decide what it is we are going to consider and when we are going to consider it, but we have got to get through with all of this business that we are going through with right now and get down to work and that's the direction that I hope we are beginning to move toward.

[Committee Report read.]

Mr. Henry: Mr. Stagg, I think that you would do well to come explain the committee's amendments.

Explanation

Mr. Stagg: Mr. Chairman and delegates of the convention, at its meeting this morning, the Committee on the Executive Department considered Committee Proposal No. 4, which you will find in your binder on your desk, and I would sincerely request that each of you refer to the printed version of the bill CCl054, Committee Proposal No. 4.

Nearly all of the amendments that we took up this morning were in the final amendments. These amendments will be reprinted into the committee proposal tonight and a clean copy containing these amendments will be on your desk in the morning. We did not, we did not at our meeting today, complete consideration of the last three pages of our report and the Committee on the Executive Department is meeting at 9 o'clock in the morning for the purpose of the last three pages of our report. Amendment No. 1 on page 1, line 11, in order to be stylistically correct, the word department was changed [...].

Mr. Perez: I know that we are going very far afield in these matters when the deleterates' rules strictly provide that we are not authorized to bring on the amendments on our desk before we move. I did not rise earlier, but in my judgment we are beginning to steamroll, if this is the direction in which we are going. This is a matter which should have our serious deliberation. We come here prepared to go into the legislative matter, now we are being given the letter on the Executive Department, now we are being told that we are going to have an amendment without us even seeing the amendments and we are told they are technical and my point of order is that I can upon the Chairmen of the Committees proposing the amendments to provide us with those amendments before we proceed. To put them on our desk.

Mr. Henry: Mr. Perez, the rules provide that in case of floor amendments, the delegates are required to have copies of the floor amendments placed on their desk. The amendments which Mr. Stagg are explaining now are amendments recommended by the committee. There is no rule that those amendments be placed on the desk of the members. The amendments are, they are all and completely technical in nature, and we can go ahead and let them lie over and we can have them printed and we can put them on our desk tomorrow, if that's what the delegates want. It makes no difference to me at all, but I think it's rather foolish for us to come here today and vote on five minutes is that we can come in tomorrow and work about five more minutes and then go home. Now, we are complying with the rules after the rules were suspended to advance the committee report. So that we could consider that. We are complying strictly with the rules at this point, Mr. Perez.

Mr. Perez: I ask what rule it is that you refer to that says [...] and Mr. Henry: It is the absence of the rule as a matter of fact. There is no rule that committee amendments must be placed on members' desks.

Personal Privilege

Mr. Blair: Mr. Chairman, we could have done the same thing, but we chose to wait and get all of our amendments, get them printed and all so everyone would see what we have decided on, and my point is this, I think we would start this convention much better if we had these things before us and it would only take a day or two to do it. We recessed in our committee at the present time to go back and consider other amendments, but when we come with ours on the floor, we want you to see everything that's in it.

Point of Information

Mr. Flory: Wouldn't it be advisable, even in the absence of a rule to take the amendments that have been reported by the committee, recess for five minutes to allow for the xeroxing of those amendments so that each delegate could have a copy to follow those amendments along with the printed bill to be sure that they are only technical in nature.

Mr. Henry: Mr. Flory, I personally think that your point is well taken. Inasmuch as there is no evidence of these amendments on the members' desk, and of course the bill, the amendments have not been availed and the bill certainly hasn't been engrossed, so if there is no objection, we will take a 20-minute recess and I will ask the Clerk to xerox these committee amendments so that the members might have them on their desk.
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subjects of Dual Office Holding, Reorganization and Impeachments and, inasmuch as if this bill is on the floor today for amendment it is out of the hands of the committee under the rules and it is on behalf of the Committee on the Executive Department that I ask the convention and I so move that the bill on the Executive Department be recommitted to the Committee for further action.

Mr. Henry. Now, in that connection inasmuch as there has been some concern and I think, rightfully so, the fact that many of the delegates spent their time in the last few days studying the article on Legislative Powers and Procedure that perhaps we would do well to take this article up first. Therefore, if this motion passes what will be suggested to you by me, is that the Legislative Committee which plans to meet upon adjournment this afternoon meet this afternoon into the night and tomorrow to bring to us its committee report tomorrow afternoon. That committee at that time will ask you, although you will be supplied with a copy on your desk of their amendments, to suspend the rules in order that we might advance the article and begin considering it on Friday morning. This will give us a full day of committee hearings for all committees tomorrow. It will not cause us to lose any time insofar as the full convention is concerned because we can begin meeting early on Friday morning. And that's the purpose and the intent I think of Mr. Stagg's motion.

[Motion to recommit adopted without objection.]

Point of Information

Mr. Lambert. I would like to know and maybe I should know, but I don't what are the rules regulating the dissemination of various materials to the desks of each delegate. I have about four or five things that have been dropped on my desk recently--who authorizes I'd just like to know.

Mr. Henry. Senator there's no rule authorizing it nor is there a rule prohibiting it to my knowledge.

Mr. Lambert. In other words, anyone can put anything on the floor--

Mr. Henry. That might be something worthy of the consideration of the Committee on Rules--

Mr. Lambert. It concerns me a little bit because I just would like to know who put it there. You know if--cause I don't know it confuses me somewhat--I'd just like to know if it's going to be passed out maybe--it's further.

Mr. Henry. And apparently xeroxed at the state's cost.

Mr. Lambert. Well, that's what I'd like to know. I mean I don't know who handed--

Mr. Henry. I have [...] inquiry into the same question about the same matter and going to discuss it with Delegate Stovall the possibility of some action taken along those lines.

Mr. Lambert. Thank you.

INTRODUCTION OF PROPOSALS

[Journal 142]

RESOLUTIONS ON SECOND READING AND REFERRAL

[Journal 42-44]

PROPOSALS ON SECOND READING AND REFERRAL

[Journal 143]

Personal Privilege

Mr. Newton. Mr. Chairman, I am very much concerned about these things that are being passed out. If these things are being printed at the constitutional convention's expense I think we've got about a hundred dollars worth of this stuff passed out already. Considering the printing cost and the time of these girls to do it and come around here and pass it around and I strongly recommend that the Rules Committee get together and put a stop to it.

Mr. Henry. Delegate Stovall has just advised me that the Rules Committee is going to take this under consideration immediately.

Personal Privilege

Mr. Baybourn. Mr. Chairman, I'd just like to make the point that I did ask the page who she worked for and she said she worked for us and I asked her where this material was printed and she says in our office, so I don't know maybe that's all we've got to do.

Mr. Henry. If it was printed, it was printed at the request of some delegate. I agree with you that it is quite expensive and quite unnecessary, but again, there is nothing to prevent it--nothing that approves of it and Mr. Stovall is going to make some recommendation here I think just momentarily.

Motion

Mr. Stovall. Members of the convention I make a motion that the staff be enjoined to abstain from printing or distributing this material until the Rules Committee can act on it and give the staff and the convention some guidance concerning the matter.

Questions

Mr. Brown. Does this motion mean--Mr. Stovall--Reverand--any material? Like if I've got something that I happen to have printed back home can I have it passed out--cause I want to do so.

Mr. Stovall. This would restrict the passing out of material until the Rules Committee can act upon the matter.

Mr. Brown. Any material? [...] Rev. why can't you limit this to this material--material printed on the machines here. I think that's the point--everyone is concerned about isn't it?

Mr. Stovall. This would exclude materials which tends to propagandize it would not include official documents which need to be distributed to the delegates.

Mr. Brown. I was going to say anything--what if I want to send something out here I think you all are going to meet pretty quick but--can't we limit it to what is printed on the machines of the convention.

Mr. Chehardy. I want to particularly object to all this material of the Times Picayune being photographed and distributed around.

Mr. O'Neill. Mr. Stovall, your motion goes to an excess as usual. I would suggest that perhaps our staff be required simply to put the name of the delegate who asked that such printed material be passed out. Now I had an editorial passed out the other day which I thought was germane to the discussion, and I'm not ashamed to say that I had it passed out. So perhaps instructions to the staff that the delegates name be required on all material passed out would be more in keeping with what this convention feels like doing.

Mr. Stovall. Mr. O'Neill, the motion is that the staff be restricted on matters of this kind until the Rules Committee—an act accordingly.

Point of Information

[216]
Mr. Flory. Mr. Chairman, I just rise as a point of information to ask a question to Reverend Stovall in the purpose of this meeting. I think we need to prohibit the distribution of this kind of material, but I certainly don't want him to preclude the staff from xeroxing copies of proposals or things that might be proposed by a delegate or something to that effect. I think we could take care of this without all this hullabaloo between now and tomorrow.

Mr. Henry. I think your point is well taken and I think we can instruct the xerox people on the manner in which it could be taken care of until such time as the Rules Committee adopted any rule it needed to adopt, but we've got the motion before us, and Senator Rayburn, you are recognized.

Further Discussion

Mr. Rayburn. Mr. Chairman and fellow delegates, I don't know if you know how costly printing is or not. We have been told in the Legislature that a simple resolution, one page long, costs approximately three hundred dollars. Now I certainly want every delegate to have all the material he or she might want printed or xeroxed pertaining to some subject matter that they might be interested in. But I don't think we can afford to let anybody come in here and print anything they want to and have the pages distributed on our desk and have the staff to take the time of producing it for them, and I think the motion is most timely and I think the Rules Committee should adopt some procedure as to how this will be handled in the past because this can be real expensive. And when they go to tallying up how much we cost for being down here, I don't want none of this by my name.

Mr. Burns. Mr. Rayburn, under the authority supposedly just because you are a delegate as Mr. O'Neill suggested just now, do you think that carries with it the right for a delegate to bring here and have articles from newspapers reproduced and spread over the desk of the delegates?

Mr. Rayburn. Well, Mr. Burns, I'm a member of the old school and I guess it might be right with some of these good government guys but we can't do this in the legislature and get by with it. Now this might be a good government move. I don't know. But it's one I've never enjoyed in twenty-four years in public office.

Further Discussion

Mr. Landrum. Mr. Chairman, I fail to see what is so obnoxious about the editorials from throughout the state. I think it should be rather helpful to delegates more than detrimental. Certainly it may be costly. But after all, we are supposed to be doing a job here and all the information we can get our hands on would be helpful. And I certainly welcome these editorials.

Further Discussion

Mr. Fontenot. I like editorials, also. But I don't like editorials to be put on our desk at the state's expense. I'm in favor that this motion -- I think we ought to get on and let the Rules Committee come up with a suggestion. I therefore move the previous question.

[Previous Question ordered: 73-17. Motion adopted: 105-15.]

Point of Information

Mr. LeBlanc. Mr. Chairman, I just wondered if procedure that we are following is maybe not going to waste a lot of our time. As I understand it, each delegate would have an opportunity to offer any proposal as a floor amendment. If we take these proposals and refer them to a committee hearing, even if their committee rejects them, that delegate must still have the opportunity to present that proposal as a floor amendment and I just wonder if we are not duplicating some of our efforts and maybe save a little time if we have the Rules Committee consider dispensing of the hearing of these proposals in committee and hear them as a committee as a whole.

Mr. Henry. Mr. LeBlanc, until such time as we were to change the rules of procedure of the convention we are going to have to proceed in this manner. Of course, any resolution to the contrary would certainly be given due consideration, I'm certain. But we are locked in by the rules to this point.

Announcements

[1 Journal 143-144]

[Adjournment to 4:00 o'clock p.m., Thursday, July 12, 1973.]

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Friday, July 12, 1973

PRAYER

Mr. Abraham Direct us, oh Lord, in these our doings and may all our works and all our efforts be toward Thine end. Amen.

PLEDGE OF ALLEGIANCE

Mr. Conroy I have point of information and procedure. In each of the committees, as we consider parts of the constitution, I understand we will do with the proposal tomorrow, we had before us on committees the provisions of the present constitution and ultimately, when we were finished the work of the committee, the committee had not only a proposal but also a schedule of what happened to the present provisions in the constitution. As I gather, tomorrow we will begin final consideration of the Legislative Committee proposal and I wonder whether the delegates will have available to them, this same sort of data and information. Will we be able to see what is in the present constitution and will we be able to see what has happened to those provisions other than what is in the proposal itself?

Mr. Henry I am trying to find out myself whether that information is going to be available. There have been no plans to my knowledge, Mr. Conroy, to provide that information at this time. I think we could request that the staff provide us with basically the same information that the committees had in their considerations, if that would...

Mr. Conroy I assume it would take a while for the committees...

Mr. Henry Excuse me, Mr. Poynter says that it was reported in the Journal. That all of that information which was contained in your report, is contained in the Journal which you received. Perhaps that would suffice insofar as the information that you are concerned with.

Mr. Conroy No, that is not the information I am concerned with. The information I am concerned with is, are the actual copies of the present constitution, the material in the present constitution which were considered by the Legislative Powers Committee and whether we would be able to see what changes are being made, how they would work out, and what disposition was made of those sections.

Mr. Henry No provision has been made for supplying that information insofar as each delegate is concerned, Mr. Conroy.

Mr. Conroy Well, I don't recall that any motion was made for the committees, themselves, to be provided with this information, and I would hope that the staff could provide it, because I don't see...

Mr. Henry We will attempt to provide it. I don't know what the mechanics of it are going to be, but we will attempt to have that information on your desk in the morning, Sir.

Mr. Conroy Thank you.
14th Days Proceedings—July 13, 1973

Friday, July 13, 1973

ROLL CALL
[117 delegates present and a quorum.]

PRAYER

Mr. Kilpatrick: Our gracious Heavenly Father, we are thankful for this day and the many blessings of life. We are thankful for these people who are assembled here together. Give us the strength, oh Lord, that the things that we do here today may be pleasing unto Thy sight. These things we ask in Christ's name, Amen.

PLEDGE OF ALLEGIANCE

READING AND ADOPTION OF THE JOURNAL

INTRODUCTION OF RESOLUTIONS
[Journal 149]

REPORTS OF COMMITTEES
[Journal 149]

PROPOSALS ON SECOND READING AND REFERRAL
[Journal 150]

Mr. Poynter: Delegate proposal No. 7 by Delegate Burns, a proposal making provisions for gambling, features of agricultural products and lotteries and necessary provisions with respect thereto.

Mr. Henry: Should be referred to Committee on Revenue, Finance and Taxation. Under the rules, is there objection? You object, Delegate Stovall? And what is your motion, then? Come to the mike, please sir.

Motion

Mr. Stovall: It would seem to me, Mr. Chairman, that should be referred to Education and Welfare.

Mr. Henry: Well, certainly you can make that motion if you want to make that motion, but under the rules, now this is to prohibit lottery and it doesn't say what, and I'm sure a fellow could get an education if he bought a lottery ticket and it didn't pay off. But I don't see any way in the world, of course you have the opportunity to make that motion. But I want to clarify the reason that I referred it to the committee.

Mr. Stovall: Why do you rise, Senator Rayburn?

The motion is to refer it to Education.

Point of Information

Mr. Rayburn: I understand one committee has already heard this proposal. If they have, I would just suggest that it go back from whence it came.

Mr. Henry: Well, I'm not sure, Senator, which committee has heard it and you might elaborate a little if you have because all I'm trying to...

Mr. Rayburn: Legislative committee headed by Senator Blair has heard this proposal already.

[Substitute motion to refer to the Legislative Committee.]

Further Discussion

Mr. Burns: Mr. Chairman, as the introducer of that proposal, I already know it has been through... has been discussed by the Legislative Committee and I certainly object to going back to there. I prefer that it go to the Judiciary Committee, but if it is the ruling of the chair that it goes to the Committee on Revenue and Taxation, that is acceptable to me. But I'd certainly object to it going back to the one that's already discussed it, and I understood that they had a tie vote. That's just a...

[Previous Question ordered.]
Questions

Mr. Abraham Mr. Conroy, I am not in disagreement with what your amendment, but wouldn't this be handled better in the article dealing with elections?

Mr. Conroy I think that one will be proposed in there. I don't think it would be effective in the drafting dealing with elections that would deal with all public bodies. However, I don't want to run the risk of getting to that point and then finding that there is some quarrel as to whether it should apply only to the House of Representatives, only to the Senate, rather than to local governing entities. So that at this point I want to make sure that at least we have the legislature elected by single-member districts.

Mr. DeBlieux Mr. Conroy, what I am thinking of is that at the present time, and I might phrase my question with this statement so you'd know where I stand, that I was one of those members who supported a single-member district in our legislature before the court decreed it to introduce legislation to that effect. So you know that I am in favor of the single-member district and I would not want to abolish them as they are now constituted.

But don't you realize that we might come to a situation, maybe some ten or fifteen years from now when it might be desirable to have a multiple district because of the make-up and composition of the vote at that particular time. Now if we insert this particular provision in the constitution, don't you realize that we would not be able to do that?

Mr. Conroy I think that the single-member district is so important that if you start to determine in an area the right to have a single representative that you should submit that to those people. So I would intend not to delegate the authority of the legislature throughout the state to have the right to change the representation from another area of the state. The way this article is written, the legislature would have the right to decide that in one particular area there would be a multi-member district without the vote of the people in that district, without any voice whatsoever from the people in that particular area.

Mr. LeBlieux Mr. Conroy, no mention is made as to the number of seats in the House or the number of seats in the Senate which would reflect the number of districts. I just wondered if this was considered in some other section.

Mr. Conroy Yes, it is.

Mr. Roy Mr. Conroy, hasn't the Supreme Court of the United States recently allowed much wider latitude in the percentage of vote difference and said that on Senatorial Districts you could go by old, established lines and would your amendment necessarily preclude the legislature from re-establishing Senatorial Districts on more the parish, maybe, boundary line as opposed to single member districts?

Mr. Conroy Mine was to have single-member districts. If a parish is large enough to have several senators or more than one senator, then they can be divided up within that parish. But I don't think that we should look to the Federal Courts, the United States Supreme Court or U.S. District Court to... for guidance or determination as to how we think that the legislature should be composed. And I think that the single-member district is desirable and we don't see that we should rely on the court to decide whether it is or isn't in any particular instance.

Mr. Roy Well, I don't necessarily agree with that, but the question is, isn't it a matter of fact that for years before we did arrange Senatorial Districts on some type of geographical boundary and does your amendment preclude that from occurring, notwithstanding the Supreme Court has lately said it will tolerate that.

Mr. Conroy It would not preclude using geographical boundaries. It would preclude electing more than one senator to the same district. Yes, it would preclude that.

Mrs. Taylor Mr. Delegate Conroy, wouldn't you also say that with single member districts, legislators would be more accountable to their constituents based on the fact that in multi-member districts where there are two or three persons representing one geographical area, it's very difficult to tie one individual down to responsibility.

Mr. Conroy Definitely.

Mrs. Taylor Thank you.

Mr. Juneau Mr. Conroy, I agree that the concept in this year, 1973, is a good concept. But aren't you, by your amendment mandating to the people in year 1980 and year 2000 how they should elect their legislator?

Mr. Conroy I am saying, that before you change the single-member districts, you go back to the people and ask them, do they want to change it? That's what I'm saying. If it's sufficiently desirable to change it, you won't have any trouble getting it changed. I think that it's sufficiently important to have a responsive legislature that you assure the people in the constitution that they have a responsive legislature. Now...

Mr. Juneau In other words, you would require a constitutional amendment. That would be your intent?

Mr. Conroy Yes, so that the people would have a chance to decide whether they wanted to be represented in some other fashion. That's absolutely correct.

Mr. Kean Mr. Conroy, I'm a little confused about your reference to each senatorial district and each representative district. Do you intend to offer a further amendment which is going to define these particular districts? Or is it something you leave to the legislature?

Mr. Conroy They are already... the provisions on those are elsewhere in the article as proposed by the Legislative Powers Committee.

Mr. Kean This provision contains the specific delineation of the district.

Mr. Conroy Not a specific... it lets the legislature decide where the districts will be. But this simply requires that each district will have one representative or one senator. But the legislature could draw the lines.

Mr. Kean Under your proposal, the legislature, through the establishment of senatorial districts and representative districts could completely abandon parish lines as they presently do.

Mr. Conroy I don't recall how that part of the proposal by the Legislative Parish [Powers] Committee reads. But that is not before us now. This is just simply a question of whether there will be one representative and one senator from each district.

Mr. Lambert Mr. Conroy, I would like to ask you this: You may have answered it. Maybe I missed it. Basically, what you are doing here with this amendment is more or less adopting a general concept I don't quite, of the single-member district, placing it in the constitution, you are not fixing the lines as they stand at this time, but you are leaving that authority to future legislatures to set up the single-member district, but you are just proposing the general concept be put
Mr. Derbes  My point is that that type of decision to change a single-member district to a multi-member district would inevitably be made to protect the vested political interests of people in government rather than to promote the accountability of public officials to the public. That's my point.

Mr. Casey  I think you're making an assumption which could or could not be true and you are prejudging a situation, the facts and circumstances we have no idea of at this time. There are many situations that would have to be considered in any legislation which would offer in the future, political compromise by public officials. I don't condone necessarily that thought, but it still could happen. My main point is, let's stay within the single member area and I think this vote on this subject matter is important because I feel very strongly that throughout this constitution, we should offer to the people a real working, flexible, versatile document, and I think this is a good vote to see how the convention is going to go.

Further Discussion

Mr. Landrum  Fellow delegates, somehow my name got to be co-author rather than the author. This particular amendment, I put it before the committee twice and now I appear to wrong. Well I need your help now. I disagree with Mr. Casey and I'm very much with the idea of whether for today or years to come, when you force a person to vote for more than one against their will, then it's wrong. I believe that if an individual wants to vote for one person, they should have to be compelled to vote for someone else. Or, we'll turn it around. If someone wants to vote for somebody else then he should not be compelled to vote for me, and that's what happened with this multi-concept when you have to vote for more than one person. Now I have been a victim of it. I ran for office once and I got in a run-off and in that run-off I was the only black in the run-off with three white opponents. No white opponent wanted to support me, fearing of losing white support. Yet, black people who would vote for me or white people who would vote for me only, that vote didn't count. Now I don't see how we can justify that type of thing. You are forcing people to vote for somebody that they don't really want to vote for. I believe that if we would allow an individual to vote for me or against me, that's individual prerogative to vote as he wishes to. And that's the way I think we should try to keep it that way, and really this is what I believe is the true errors about why some people have objection about it. It gives people a chance, it gives black a chance to have better representation. It gives females a chance to have better representation. It gives young people a chance to have better representation, and this is what our government is all about. It is that the people would be better represented. For this reason I urge you to support this amendment.
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Questions

Mrs. Warren Senator De Blieux, if I'm quoting you, you said situations or more that would arise. Can you see any of those situations arising right now? You say you could see it and I would like for you to explain what you see. If you see now, right now, where we are going to need to go back to the multiple districts then tell us about it. That's all.

Mr. De Blieux One situation where you can have that is an increase in population to a certain extent to where that there would be most difficult to make a division in that district for a single-member district. I can see that the possibility, particularly whenever you have got, you might say natural boundaries to an extent that would prohibit you from having a single-member district that would be fairly representative, where that the portion of a district would lie on two sides of a river, or something like that. Where that one side would have a lot more population than that of the other. I can also realize that it might be a situation which you might want to polarize a particular area so that the people in that particular district do no, you might say, real voice in the elective body after they are elected from that district. I can see those situations what you might want to change that a little bit for, to give them a little bit wiser influence in voicing the Legislature. I can visualize several instances which it might be desirable to have a multiple district or two or three, but I certainly am in favor of the single-member districts at this time and I want to keep it that way until the need arises for changing it.

Mr. Alexander Senator De Blieux, is it not a fact that under the basic concept of reapportionment, that if there's a judicial district which you refer increases in size, that the reapportionment will be based on the total population of the state, and not that single district. Is that not a fact? And specifically, are you trying to force something that in the event the courts ever say that you can go back to multiple districts they would be in a position to do it? Is that what you're trying to do?

Mr. De Blieux No. No. Not necessarily because I'm definitely, Reverend Alexander, I'm definitely in favor of the single-member districts as currently constituted, and I can't say that I see any need at the present time for changes regardless of what the Supreme Court may say. But, based upon our population, if we were to increase, if we should ever want to create a multi-member district, I think we ought to have the privilege of doing so.

Mr. Alexander Now the first question on reapportionment. Isn't it not a state wide thing and not based on one district? Only the boundaries of that larger district would be retracted and drawn in and it may become two districts or one and one-half or one and one-tenth. Isn't that a fact?

Mr. De Blieux That could be, but when you start changing lines and you are changing voters and so forth, you do upset the political climate to a larger extent and I like to be in a position to minimize that as much as we possibly can.

Mr. LeBlieux Senator De Blieux, since the Congress has one House apportioned on population, the other House apportioned on factors other than population, would you give the reason why the court says that the two Houses of the Louisiana Legislature must reapportion on factors other than population rather than pattern after the Federal Congress.

Mr. De Blieux Yes, I think I can Delegate LeBlieux. The, when the states formed the Constitution of the United States, they also put in the provision that each state shall be guaranteed a republican form of government. Now that is not the Republican Party, but the representative form. And as a result of that proviso in, I think it's Article 6 of the Constitution, it means that the state shall have a representative form of government and if they are going to be represented, then it must be equal representation. I think this is Section 1 of the 14th Amendment to the Constitution.

Further Discussion

Mr. Newton In view of the number of speakers yet to come, I'll try to be very brief. I have voted consistently for flexibility in this constitution as I think we can possibly get, and I think we ought to have a lot of flexibility in the Legislature and have a proposed amendment to the next section coming up which would provide maximum flexibility. However, I believe there are many reasons which override the question of flexibility in this question of single-member districts. I just want to point out two of them. Where you have a single-member district, there's no buck passing. That Representative or that Senator represents you, and he can't say well I got to check with so and so and so and so and see how they're going to go and then you never hear from him. You either get an answer or you don't and an answer and you know how he stands or whether he has a stand or not and you can determine that very quickly. I'd like to make one other point. This is possibly the only place in the constitution that we can't fix, we can't cure one of the horrible problems that we have had in this state, and that is the problem of the amount of campaign spending. Where you are running in a small, compact single-member district it is definitely less expensive and you know what that means, I hope it means better government for the people of the state of Louisiana. Thank you.

Further Discussion

Mr. A. Jackson Mr. Chairman, fellow members of this convention, I rise in support of this amendment and I do so because I believe it is in the interest of the people of this state that we maintain the concept of single-member districts in the constitution. That we place it in the constitution that we will submit to the people of this state. Now I am all for flexibility. I believe in it, I think it is a concept that we ought to remember and one that ought to guide us, but when we talk about the important branch of government that is before us this morning, we are really talking about one branch of government that is an extension of the people. This is the way that people are heard. This is the way the feelings of individuals and the wills of individuals get to Baton Rouge by way of the members of the Legislature. Now I think that the only justification for government is the fact that it ought to serve people well. I think there is no question that single-member districts enable government to serve people better, and therefore I think that it is important as a concept, to place it in the constitution that we will submit to the individuals of this state. Now I also believe that single-member districts are important because it helps to democratize the Legislature, and I think that all of us want to remove all of the incumencies of the past that have failed to enable the Legislature to represent the individuals and to reflect the will of the people back home across this state. I think people are better represented because we have single-member districts. Somebody has suggested that there may be a time when we can act and we might like to be in a position to act, rather than pattern after the Federal Congress.

Further Discussion

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Mr. McDaniel, fellow delegates, I also rise to support this amendment. As one of the representatives from a dwindling minority in this state, and that the rural areas, I think here you are looking at a fundamental thing that we are trying to determine early. Are we going to look at this constitution as a protection for the people or the flexibility of the document? Now I wouldn’t attempt to deal with large areas, people with our legal training, but I think that this is a fundamental thing as I see it. I think you are looking here at this thing that’s been alluded to of accountability, you take in an area such as mine and the trends and population. This thing of size of area or two or more people from a district. Your size gets them. We’ve seen the past and what has happened when large rural areas are thrown in with relatively small urban areas. We sometimes see both of our representatives, neighbors within a block, and then various areas that are left out. I think when you’ve got one Senator or one Representative, that you can put the finger on him. I think you are more accountable or you can make him more accountable while he represents. And this is actually all that I ask. I believe with this provision, we can keep this thing more responsive to the areas that the people are representing. I urge approval of this amendment.

Further Discussion

Mr. Juneau. Mr. Chairman, and fellow delegates, I’ll make my remarks very brief. I want to state to you the issue is not whether or not you favor single-member districts. Before the Legislative Committee, as I recall, I think there was a unanimous feeling that we all favored single-member districts. That’s not the question. What we are talking about is whether or not the test that you want to put in today is going to be the decision of the future. I think this is a good indication of what any future will be about in the Senate and the House. Am I going to vote for it or against it? Am I going to start getting into looking in specific provisions. It seems to me that it is a little bit hard and presumptive in 1973 to predict what the population and status of this state will be in year 2000. As you know, we are now dealing in the areas of condominiums, apartment complexes, high rises apartments. I guess you could get into the situation where conceivably you could divide an apartment on the sixth floor. Everybody on the sixth floor belongs to district 43, everybody below is 44. This is going to be presumptive at this time, to project into the future what that may be, and I think it’s bad and it would be an erroneous way that that would project into year 2000. It can come back for constitutional amendment. The one mandate we have, is to write a document that we don’t have to go back every five, six, ten or fifteen years and get an amendment, and for that reason I oppose the amendment as introduced. Thank you.

Further Discussion

Mr. Burson. Fellow delegates, I speak in support of the amendment which is on the table. The issue is not whether we favor single-member districts. The issues as it is in the whole question of reapportionment, one of equal protection of the laws under the Thirteenth Amendment of the United States Constitution. Single-member districts do a number of things. They greatly reduce the opportunities for gerrymandering in a reapportionment, and if we put this amendment in the constitution, we will constitutionally decrease the opportunities for gerrymander significantly. This will guarantee that in the future when we reapportion, we will reapportion the sparsely settled areas, whereas the pine woods of north Louisiana or from the prairie area that I represent, we know that they will have at least one representative, and they will be represented. The sparsely settled rural areas of this state have suffered more than any other because of reapportionment. Now I agree with reapportionment. I think it is fair and I think it’s just, but we’ve got some large districts such as the one I represent. It’s 222 miles from end to end, and if you do not guarentee single-member districts, I can envision, as Mr. McDaniel said, that you would have a large rural area combined with a city area and you might have a representative or three Representatives or Senators all coming from a city, having no connection with the rural area but voting in the other rural area. I submit to you that this would be a denial of equal protection of the laws to the individuals in that rural area. I would also like to echo the sentiment of Mr. Juneau. We need single-member districts, more than any other device, reduce the impact of big money on elections. They also reduce interest because they have, essentially, is a vote of people for a man who is their neighbor, and whom they know, and I urge you to vote in support of this amendment. I think it is a principle that is too important to be left to mere legislation.

Further Discussion

Mrs. Taylor. Mr. Chairman, and convention delegates, I certainly rise also in support of this amendment for single-member districts. Some of the arguments that I have been listening to this morning, are basically some of the arguments that I heard when the Legislature was called upon to reapportion. I think that among all of the real problems are, we know the evils of multi-member districts. We know that when we allow multi-member districts that we cannot really tie our representatives down to their responsibilities. I know in the case of the New Orleans area there were about three state Representatives living within a range or maybe three or four blocks. It was very difficult for persons in those areas who had multi-member districts to really tie their representatives down. Some of you have mentioned flexibility of the Legislature to create flexible districts. It was necessary. Yes, the Legislature did have the flexibility to create single-member districts, but I ask you, did they do it? The answer is no. Before they came up with a reapportionment plan again with multi-member districts and multi-member districts certainly does not allow minorities to be represented. And when I speak in terms of minorities, I’m not talking only of black residents, but I am talking in terms of farmers, persons who live in rural sections. Because of their population in the rural areas, they ought to have representation in the Legislature as well as those of us who are from the city. I certainly hope that you will listen very clearly to the argument, and will vote like it. I think we have a state forward through this new constitution by allowing representation of all people in the Legislature. I certainly urge your support in this amendment.

Further Discussion

Mr. Planchard. Mr. Chairman, fellow delegates, it seems to me that this is probably one of the most important tasks we will have to determine from here on. I definitely, I can state from the beginning, I am for a single-member district. The reason I am for it is because I come from an area which before the single-member district idea came along, we didn’t have any representation in the Constitution, and we were overpowered by the urban area. All of the representation came from within one city of our particular parish. This is wrong. You’ve got to get the people involved in the political process and the single-member district has done this very thing. I think that any of you have noted that in rural counties those who are far removed from rural areas, if you were a Representative or a Senator or a delegate to this convention, there were many, many more people who were involved in the political process. I was fortunate to be elected to the Senate. Before this, when you did not have the single-member districts, you had to be among the favored few or you had to have unlimited resources before you began to
run for office. This is important now, to try to go back to the multi-member district as we had before. There's no problem with the opposition; it's not only for ourselves, but for the future because I feel that it is best for the future. As far as being pliable in the constitution, it is just philosophy. There's no problem with the opposition. We're talking about anything that has to be changed, we're talking about the change in the next twenty years. Well if it can't be an amendment process for twenty years from now, we may as well not have an amendment process at all in the constitution. I don't want to labor this thing too much, but I want to remind you that we are not only, we are asking you this thought, how many of you as delegates right now would be sitting where you are, if it were not for the single-member districts? And I think that this speaks for itself, and I think that this is cause enough to put it in the constitution and assure everybody of representation all over the state of Louisiana. Thank you very much.

Further Discussion

Mr. Stagg Mr. Chairman, delegates to the convention, I rise in support of the amendment. I believe that some of our constitutional safeguards ought to be locked up for the public to see. One of the previous speakers stated that we are at a point in this convention this morning, where directions will be established. I agree. The present single-member district system does not lend itself to a stronger Legislature with powers equal to those possessed by the executive branch. I do rise in enthusiastic support of the amendment, and I urge you to vote in favor of it.

Further Discussion

Mr. Alario Mr. Chairman, members of the convention, I believe the Conroy amendment to be a good amendment. I think it will set up the precedent in this state to allow a poor man to seek political office, particularly that of the Legislature. I come from a very large parish. We're proud of two single-member districts. We elected six Representatives parish wide. During the election of 1966, six were elected by the courthouse gang. All six were elected by the political machine in power at the time. Not one independent had a chance to run in the parish with 32,000 residents, because the county leaders were elected to run a campaign at that magnitude. The west bank of Jefferson, prior to single-member districts, because the east bank over populated us, had the greatest number of registered voters, we never had a Representative. Single-member districts came along, we were entitled to three, shared another with Orleans Parish, shared another with Plaquemine Parish and shared another one with Lafourche Parish. Had we all had to run parish wide, no doubt in my mind, again, they would have come from one side of the river, the heaviest populated area. There are those who tell me in my parish now, that eventually your side of the river is going to have the greatest number of population, and I don't doubt that, but I don't think it's going to be right either, for us to have them all on that side. At the time we had six Representatives representing our parish. I don't think they even knew where the city of Westwego was. When we'd ask them to help us with a project in our area, we'd ask one of them, he'd say well, I'll talk with the other six. Now with single-member districts the man that represents that area, and he's got to answer to those people of that area, and to do his job. Can you imagine it would take too much time to seek office? We have eleven Representatives. How could an independent candidate, how could one not tied into the political machines get elected?

I think this is good to put in the constitution. I think it's going to protect for the future and allow a poor man of modest means to be elected to the office of Representative or Senator.

Further Discussion

Mr. Abraham I am very much in favor of single-member districts and I have heard some of the people who are opposed to this particular amendment state that they are worried about what may happen in the future or that they wanted this flexibility in here, but they are in favor of single-member districts now. Now the reason why single-member districts is because you've had fifty years of multi-member districts. Everybody likes the system as it is now, and I think we ought to give another shot of fifty years of single-member districts. The thing is this, that if the people of this state are in favor of single-member districts now, and if the people of this convention are in favor of single-member districts, when the situation arises in the future, twenty, thirty or forty years from now, where it looks like it's to our advantage to go to a different type of district, then I think that this should be brought to the people and let the people vote on this type of thing since this is real important to the people and I am not concerned about locking this thing into the constitution. I think it should be locked in because it's a real good issue with people right now. Thank you.

Questions

Mr. De Blieux Mr. Abraham, if it was thought that a single-member district would be desirable in a certain portion, we may say like Orleans Parish, do you think the people of Shreveport or Alexandria or Baton Rouge would be knowledgeable enough to know whether or not that particular area would be better served by a multiple member district, because we would have to change the constitution to allow that if we just had one multiple member district.

Mr. Abraham I would answer that in this way, that you would not leave this up to a local option, that we will not want to get back into the position we are in now where one part of the state is operating under one set of rules and another part under another set of rules. Either it's going to be single-member across the state or it's going to be multi-member across the state.

Mr. De Blieux Well, certainly you wouldn't want all multi-member districts. I certainly see that that's not desirable, but you might have just one particular area, that it might be better served if you had more than one Representative or more than one Senator from that particular area. But in order to get that one district, under this proposal here that we have before us, we'd have to have an amendment which would have to be voted on by all the people of the state, regardless of where they may reside, and what I'm saying to you is even though that would pertain only to Orleans Parish if it was there where the district wanted to be, where we wanted to create the district. The people of Shreveport or Alexandria, or Baton Rouge would understand that situation, don't you understand that wouldn't it be necessary that the people all over the state vote on it before you could pass that particular district, even though it would only be a local matter.

Mr. Abraham I understand it, but I think that's as it should be. The people of the whole state should vote on it.

Further Discussion

Mr. Fontenot Fellow delegates, at the present time Article 3, Section 10, Article 5, Section 104, which we were elected here to rewrite, provides for multi-parish districts. The only reason we don't have multi-parish districts at the present time, is
because the United States Supreme Court said it violates the one-to-one state requirement of the U.S. Constitution equal protection clause. I'm in favor of this amendment because it sets up a policy decision that the people in this state are going to have to live with if it is put into single-member districts. Without this amendment, it does not necessarily require single-member districts. I say to the authority of the legislature if they wanted to try to set up multi-parish districts. I don't want to give the legislature power to do this. Now the U.S. Supreme Court, if the legislature tried to do it, it would probably knock it out. But I don't want to see that possibility and I don't want to see more court litigation, so I just as soon vote for the policy that we are going to live with single-member districts. I would appreciate everybody here voting for this amendment. Being from a rural area, we just cannot survive if we go back to the multi-parish district policy, and Mr. Chairman, I'm going to move the previous question unless there is a list of names so long that I might withdraw my motion. But at this time I move the previous question.

[Motion for the Previous Question withdrawn.]

Further Discussion

Mr. Champagne I'll be very brief. It's clear, it's concise, the issue is here. Is the single-member district so strong that it is so demanding that it deserves to be locked into the constitution. I judge that it is that type of issue. I want it if they wanted to try to set up multi-parish districts. I don't want to give the legislature the power to do this. Now the U.S. Supreme Court, if the legislature tried to do it, it would probably knock it out. But I don't want to see that possibility and I don't want to see more court litigation, so I just as soon vote for the policy that we are going to live with single-member districts. I would appreciate everybody here voting for this amendment. Being from a rural area, we just cannot survive if we go back to the multi-parish district policy, and Mr. Chairman, I'm going to move the previous question unless there is a list of names so long that I might withdraw my motion. But at this time I move the previous question.

[Previous Question ordered: 97-18.]

Closing

Mr. Conroy We are here to write a constitution for the people of the state of Louisiana. Not a constitution just for the Legislature of the state of Louisiana, for all the people. Many studies have been made about the problem of multi-member and single-member districts and I'm going to quote from one, it was made of Legislatures generally. He says: "The first thing a man must know before he can hold his Representative accountable is precisely who his Representative is, and before he can know that the Representative is he has to have at least two or three, but one." It's that that is the basis of my proposed amendment and I urge you to vote in favor of it.

[Record vote ordered. Amendment reread and adopted: 89-32. Motion to reconsider tabled.]

Amendment

Mr. Poynter The next amendment is sent up Delegate Alexander. The amendment is proposed by Delegate Alexander. Amendment No. 1 on page 1, delete lines 15 through 17, both inclusive in their entirety and insert in lieu thereof the following: "Section 1. The Legislature shall be composed of a single chamber consisting of one member to represent each legislative district."

Explanation

Mr. Alexander Mr. Chairman, delegates, the basic concept discussed here, of course, is the unicameral legislature. This is the first amendment and there will be many additional amendments offered to implement the whole question. Under the provisions of the unicameral legislature, first each legislature shall represent the population of the state and the Senate would be 144 single-member districts, reducing the constituency of each legislator from 30,000 plus to 26,000 plus. First, it would make it possible, as has been pointed out in previous arguments here today, for people of little means, for persons who are not able to campaign extensively in rural areas, to run and be elected, because the expense of running for office would be much smaller. In addition, it would guarantee that at least the representation of groups that are not represented in the legislature now, women, for example, and other groups, labor is another group, possibly religious groups and of course racial and ethnic groups could be represented. May I point to you, especially those of you from rural areas of the state, that some years ago the state of Louisiana was dominated by rural areas, but the pendulum is swinging back and that condition is reversing itself. Southern, major urban areas of the state of Louisiana where the population will be concentrated, eventually will control the state, and under the dual legislative system that we have now it means that it will be almost impossible for anybody who lives in the rural section of a small parish or in the elected districts to say to you by reducing the constituency of each legislator it would make representation possible to everybody. Then it would bring the legislator and the constituency closer together. It would permit the citizen to have direct access to his legislator. It would prevent buck passing. The member of the House would not be in a position to say go see your senator and vice-versa. So I appeal to you as delegates who are elected most of you, the overwhelming number of you, from single member districts and I reiterate you would not be here, most of you, because most of you are as poor as I, I hope, and you would not be here if you had had to run from multi-districts. Thank you, Mr. Chairman, I yield for questions.

Questions

Mr. Anzalone Mr. Alexander, how many members do you envision would be involved in this unicameral type legislature?

Mr. Alexander 144

Mr. Anzalone Where are we going to put them?

Mr. Alexander Well, you know there are some problems with everything you do. We didn't know where we were going to put this convention but we are here now, it's been extended to the walls of the House and convert the Senate chamber to private offices for members of the legislature.

Mr. Anzalone Thank you, Sir.

Mr. De Blieux Rev. Alexander, do you realize how many mistakes the Senate catches that the House makes, that we had to correct their bills when we get them that way?

Mr. Alexander Well, everybody makes mistakes and, of course, I think we have made a mistake for the last fifty years with the bicameral legislature, but I have subsequent amendments and of course the legislature, through statute, could set up a system which I would propose that a bill when passed by the single legislature would lay over for six days, during which time committees could be held. All over again, everyone who is vigilant could ask questions, make amendments and the bill then would go before the unicameral legislature for the second time to be finally passed.
except possibly from one or two delegates, but we did discuss the concept, a memorandum was prepared by our distinguished friend, Wessells, who advanced the theory of a unicameral legislature, thoroughly discussed the subject matter in our committee, and it was the decision of a large majority of the members of the committee that we adhere to the principle of a bicameral legislature for some very potent reasons. As a member of the legislature, I have occasion to observe thoroughly the legislative process and I believe the present process and the manner in which we operate at this time, and the time limits under which we operate, and the fact that we have volumes of legislation and during the 1972 session of the legislature we considered approximately 3,000 pieces of legislation during a six-day period, and apparently we are going to retain the type of limitation that we have, that we will be limited to a number of days in session for a certain period of time. For these reasons and the limitation of time, it is certainly quite important that we retain the concept of the bicameral legislature if nothing else and for no other reasons other than the system of checks and balances that we now have. Under the system of a House and a Senate, as you well know, you have committee meetings in both the House and the Senate to consider the legislation, and the legislation is then considered on the floor of each chamber. Through this process you at least amend extensively, if necessary, those measures that will be brought on many, many occasions, and I would hope on many more occasions that we do, that we would finally kill legislation that could be detrimental to our citizens. The theory of checks and balances is important because the process moves so fast and so rapidly that it is difficult for the individual legislator or any body to analyze each piece of legislation, so the checks and balances are quite important under the system that we have at this time. The House is the watchdog for the Senate and the Senate is the watchdog for the House, in trying to decide or kill that legislation which rightfully should be amended or killed. I think that the system we have for proper and more thorough consideration of the bills if we might put it, there is only one state, as you may or may not know, as far as I know that has the unicameral system, the state of Nebraska. Up to this point, I have heard no one really rave about the system that they have. I would urge that you defeat this amendment.

[Previous order dismissed.]

Closing

Mr. Alexander. Mr. Chairman, I will close briefly. I have heard the objections raised by Mr. Cassady and actually the objections have all been answered. The system as proposed in the amendment would not affect the checks and balance system as we know it in the state at all, because a bill as passed by the unicameral legislature would lay over for 15 days during which time any discussion, committee meetings, additional hearings, could be held, and I say to you that this is a good system despite the fact that it is untried and I know that man has a tendency to oppose that which he knows very little. I am asking you not to do that in this instance and I am asking you to move this state into the twentieth century and let’s go with this amendment. Thank you.

[Amendment rejected: 7-115. Motion to reconsider tabled.]

Mr. Henry. There are amendments to Subsection B, so we would ask you to explain that if you will, Mr. Fayard.

Explanation

Mr. Fayard. Subsection B reads--it says the following: "The legislative term shall be a continuous body during the term for which its members are elected." I would ask the delegates to refer to theEleventh Days Proceedings in the Official Journal of the Convention. On page 5 of those proceedings you will see comments underneath this subsection. The term "continuous body" is new, however, it does not mean continuous session. It merely clarifies the fact that the legislators take office and they do remain in office and that the legislature can function throughout the year, from term to term instead of having an adjournment. It is adjournment sine die. It further means that it eliminates the necessity for the creation of, say, interim committees, that is necessary now to meet in between sessions, and further, that the legislature could only meet in actual session as permitted by Section 2 which will follow. As stated before, this does not mean that the legislature will be in continuous session throughout the year. It can adjourn, come back into session, extraordinary session, or what have you. If you will look a little bit ahead into Section 2, this is where we get into the session, both annual and extraordinary. We debated this language at length, there was quite a bit of research on it, and the reason for the language is to make clear that the legislature holds its office and is functioning throughout the year and not just when it is meeting in session. We feel that this clarifies the problems which have arisen in the past and we would ask that you vote in favor of this subsection.

Questions

Mr. Flory. Mr. Fayard, you say that you gave a definition of what a continuous body is but isn’t that in truth and in fact only some interpretation given to the word "continuous." Isn’t it possible that there may be other interpretations of what is meant by the term continuous body?

Mr. Fayard. Mr. Flory, you are correct. But, you will note that we say continuous body and not continuous session, and I think that the following article will clarify that meaning, the article on sessions.

Mr. Flory. Isn’t it true though that under the term "continuous body" committees could meet during the year and actually consider for final action bills by that committee?

Mr. Fayard. Mr. Flory, we interpret it to mean that committees could meet, could hold hearings, under the rules provided by the legislature, but no final action could be taken unless the legislature was in session.

Mr. Flory. Assuming though that that is not adopted in that fashion, then what does it mean?

Mr. Fayard. What do you refer to in not being adopted in that fashion?

Mr. Flory. What do you refer to in not being adopted in that fashion?

Mr. Fayard. With the restrictions placed in Section 2.

Mr. Fayard. As it is presently proposed, we limit that. My personal opinion, and the opinion of the committee, is that committees could not take final action on matters even if Section 2 was amended and not adopted in the present fashion.

Mr. Triche. Mr. Fayard, could you explain to us what the purpose of this section is?

Mr. Fayard. Mr. Triche, I believe the comment that is written underneath Subsection B explains it better than I could go into it today.

Mr. Triche. I wonder if you would read that comment for me, please. I am not priviledged to have a copy of it.

Mr. Fayard. The comment says, in essence, as follows: The term "continuous body" means that the legislature is a viable and ongoing body for the duration of each of the terms of its members rather than it a year to year body. As you know, the legislature presently acts as a body only when convened in actual session and all orders, resolutions and proceedings cease at the end of the ses-
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sion unless otherwise extended. Under this provi-
sion, the legislature would be able to pass any legis-
lative actions or take action that would extend from session to session throughout the year and not just in session. It is my interpretation of this article that changes in the legislature may have been in the past. I do not have personal experience of this.

Mr. Triche: I just wonder if you could give us some examples of some of those problems.

Mr. Fayard: The fact that you now have to establish interim committees during the session for them to function outside of the session of the legislature. That, I think, is one of the primary problems that we have run into. Under this, the committees could be newly appointed and they could meet to take action.

Mr. Leigh: I am not clear as to what this does in addition to what we can do at the present time. Can't committees of the legislature meet at the present time when the legislature is not in session? Don't we have interim committees that meet?

Mr. Fayard: We have on our comment that we feel that it would do four very important things which the legislation would or may provide for and which may be subject to controversy or perhaps judicial interpretation. This would provide for the pre-filing of bills without any question. It would provide for the normal introduction of bills prior to the convening in regular or extraordinary session of the legislature. It would further provide for the assignment of such bills to the committees without any problems being brought up under our second section that we are going to come up with if the legislature would come into session for five days and then go home for 15 days, during this period of time these bills could be referred to committee without actual legislative action being taken on it. It would further provide for the pre-session committee hearings and the determination of reports.

Mr. Leigh: Can't they do that at the present time? Can't these committees meet? You are not proposing, that you can pre-file a bill in the middle of the between sessions, when the legislature is not in session, are you?

Mr. Fayard: This amendment does not propose that. This amendment gives more flexibility, in my opinion, to the legislature to allow it to determine what matters it would have to operate under without the question of judicial interpretation or someone raising the objection of, say, the legislature is not in session. Under this, we can only operate while we are in session.

Mr. O'Neill: Mr. Fayard, this can be construed, and correct me if I am wrong, that committee action can be taken on bills throughout the year, correct?

Mr. Fayard: Well of course, it could be construed to that effect if the legislature would so provide.

Mr. O'Neill: Is it true, Mr. Fayard, that the Legislative Committee rejected a proposal, in line with this, that public hearings be required at all committee sessions?

Mr. Fayard: We rejected a proposal to place language requiring public hearings in the constitution. I think, under the present rules that public hearings are required by the legislature.

Mr. O'Neill: So, by passing this and not requiring public hearings in the constitution, it is very conceivable that committee action would be taken on bills without a public hearing. Am I correct?

Mr. Fayard: Mr. O'Neill, there is quite a bit of language that we cannot include in the constitution to safeguard every avenue. We would leave it to the discretion of the legislature. By not passing this, it would still be possible for the legislature to act without a public hearing.

Mr. O'Neill: Mr. Fayard, would this effect provide, could it be construed to provide for year-round legislation?

Mr. Fayard: No. I disagree.

Mr. Weiss: Delegate Fayard, if this Section 1B were to pass, would this allow committee meetings to be conducted for extended periods, perhaps uninterrupted? For example, 250 days at which time the committee members would receive per diem.

Mr. Fayard: It would be possible for committee meetings to be held at the discretion of the legislature and within the rules of the legislature. However, other provisions that we have set forth the salary and what compensation the legislature should receive.

Mr. Stinson: Mr. Fayard, it is my understanding that in a session of the legislature, if this is accepted, that the session of 1974 would never end. Suppose that a bill had passed the House, gone to the Senate, and approved by the senate committee and referred back to the committee. At the end of the session no action was taken, but the next year, when you met, the Senate could go ahead and call it up for passage without any committee hearing, without ever returning it to the House and vote and pass it and it would become law?

Mr. Fayard: Delegate Stinson, it is not the intention of the committee for this term to mean that, however, this has been brought to our attention and we do have an amendment I think that is in the hopper that will clarify this language. We at no time intended to mean that and that is why we distinguished between the term of continuous session and continuous body.

Mr. Stinson: In other words, using the rather rude expression, unless something is done, a bill would be revived at any time after it has been killed in any house, would it?

Mr. Fayard: That is not my opinion of the meaning of the term but because of the objections that have been raised, we do have an amendment to try to clarify that for you.

Mr. Jenkins: Calvin, I am concerned about whether or not, in fact, not only this provision, but other provisions when read in connection with this one, would simply be interpreted as providing for an extended period of time the legislature may be convened at other times by the Governor or shall be convened upon the written request of a majority of the elected members of each house. This, of course, being the provision with regard to special sessions. Now, unlike the present law, there is a requirement here that only a majority of the members need to call a special session, whereas the present law provides for two-thirds vote. And also, under the present law, it provides in the case of fiscal or budgetary sessions that there must be a thirty day delay before or after any budgetary session before a special session could be called. My question is, isn't it true that under the totality of these provisions, the legislature, at the end of a regular session, could simply by majority vote, vote to go into a special session for thirty days and at the end of that period vote by majority vote to go into another special session and, in effect, have a continuous meeting of the legislature throughout the year?

Mr. Fayard: Woody, I would agree with you that there are possibilities. While I feel that this wise, would so desire a special session that they could meet in special session right now pretty much year round on some item or the other, but the insertion of the words continuous body would not aid, or abet, or hinder this.

Mr. Jenkins: But, you will admit then that read in
with other provisions of the constitution, that a simple majority of the legislature could keep the legislature in continuous session.

Mr. Fayard I would admit only that there would be a possibility that special sessions could be called, and that might be the case. I would not rule out in conjunction with the other sections that we have provided.

Mr. Roy Delegate Fayard, if, as you pointed out, this section apparently is redundant because the legislature may do exactly what this seems to provide for and has caused a lot of trouble, why not just delete the entire matter?

Mr. Fayard It is not redundant. It allows the legislature more flexibility in the operation of its committees and carrying on business outside of regular sessions. It may be redundant as extraordinary sessions are concerned but I don't believe that it is...

Mr. Roy Can't they do that right now?

Mr. Fayard No. On some items, they can not.

Amendment

Mr. Poynter Amendment proposed by Delegate Flory to Committee Proposal No. 3 by Mr. Blair. Amend the proposed engrossed proposal as follows: Amend No. 1, on page 1, delete lines 18 and 19 in their entirety.

Explanation

Mr. Flory Mr. Chairman and delegates, the amendment purports to take out the entire language as it refers to a continuous body after the amendment in the spirit that I do not want to confuse Judge Tate when this matter reaches the Supreme Court for interpretation, in that I believe that the word continuous body could mean very easily that there could be a 365 day session each year. I don't think that is what was intended by the committee. I submit to you that it is ambiguous, that it has no place in the constitution, and would allow for brevity in the constitution by the deletion of these two lines in the proposal, and I ask for the adoption of the amendment.

Further Discussion

Mr. Casey Mr. Chairman and members of the convention, I realize that those who have expressed opposition thus far are certainly sincere in their conviction, but I honestly haven't heard any of the objections that might be expressed by many of the members could come from the fact that possibly we really don't thoroughly understand the concept of the wording "continuous session" and I think Rev. Alexander certainly very nicely expressed that thought about being opposed to something because it may be something new or because we don't understand it, when he expressed his comments on the concept of the unicameral legislature, and I have to admit that I am somewhat conventional and traditional and maybe some of my hesitations against thoughts of that type would come from the fact that it is something new or that I did not understand it. But, I think that permeates some of our objections here. Here, again, we are trying to give to the legislature of our state, that will serve our people, the method and the tools of maintaining or achieving the very efficiency and care that people deserve from our legislature. Now, granted, you as delegates are going to have to place, if you wish, if it is your thought, a certain amount of trust in these bodies. We have heard it said many, many times that the legislature is becoming better all the time and I am the first to admit that on many occasions it does not carry the best interest of the people that it properly deserves or that it should have. But, I think we are going to have to be trail blazers and try to give to the tools of our legislative body the ability to properly function. One objection was raised that would this not permit the committees to meet 365 days a year? If this is the aim. Ladies and gentlemen of the convention, that can be done right now by a simple concurrent resolution establishing the committees and having them to function throughout the year, if that is the desire of the legislature. But, you know and I know that the legislature, I hope and I hope you agree, is composed of good citizens, who want to do a good, intelligent job and they are not going to do something like that. We want to give them the authority and the thought that you are a continuous body, that you select your speaker or your presiding officer in the Senate, that those gentlemen are elected for four years and not just for one year. That those committees of the House and Senate that you establish, are established for four years and not just for one year. That if the legislature, in its wisdom, deems it advisable to hold committee hearings on legislation which may be introduced and considered at future sessions of the legislature, that it may be done there. This is in the interest of perfecting legislation and I tried to comment on that before, that the problem we have now is the volume of legislation which is considered in only a sixty day period that the limitation of time prohibits us from doing a thorough, intelligent job that we should. This would provide the mechanics to our committees to thoroughly study, perfect and submit to session, which is the legislative body, going intelligently, well thought out legislation. Now, for those who fear the thought of a continuous legislative session for 365 days of the year, need only look to Section 2, which very clearly, to me and I hope to you, limits the length of the regular session. And I would also refer you ladies and gentlemen to a provision contained on--since I last looked at it, it must have been amended out. There is a provision referring to the method of considering legislation and bill by the legislature which requires that a bill be read three times in each house, that a bill be considered and reported by a committee of the House and be considered and reported by a committee of the Senate. Things will not be railroaded because of this modern concept that we are advancing here. We hope to have and maintain and slow up, if possible, the legislative process for considering legislation, and make it more intelligent, more thorough and more modern. Gentlemen, I urge you to retain the concept of a continuous body.

Questions

Mr. Conroy Mr. Casey, you are absolutely right (C) That fear of do something like it and I listened to what you just said and I still do not understand what this particular provision would do that the legislature at the present time can do not.

Mr. Casey I would like, first of all, to refer you and every member did receive a copy of the Official Journal from Friday, July 6, 1973, which on page 5 contains explanatory comments of the words "continuous body" so I would first like to refer you to that. Secondly, that I may have the advantage of your question in answer to other objections by saying, and this was brought up by Mr. Stinson, that his fear is that legislation might be retained in bill form after the session is over, or on the calendar, and then at the next session would automatically pop up and be considered in whatever status it is in at that time on the calendar and immediately acted upon. Mr. Perez has an amendment at the Clerk's desk at this time which I am wholehearted agreement with which solves that problem and requires that any reintro duction to the next legislation must be reintroduced. I know that I'm not giving you a satisfactory answer.

Mr. Conroy I read that section, but my question still is, what does this do that the Legislature
Mr. Casey: I think what it does, is merely confirm more so than grant additional powers. It confirms the fact that we hope, as we are acting today, that our Speaker is elected for four years and we hope, that standing committees can meet during the off times when the Legislature is not in session and properly make studies and make recommendations and things of that type. We hope that that's legal.

I am this would confirm in effect what we are attempting to do today—modernizing our Legislature and reforming the method of handling legislation. I have let it all back at our ability and giving it the thorough study that it deserves.

Mr. Convy: Mr. Casey, just to clear my own mind on something, if the Flory amendment was defeated, your committee would support then the Perez amendment which would be tied onto line 19 which is what we really want.

Mr. Casey: I would hate to say that my committee does because I don't want to speak for my committee, but I have the one to fifty percent of them and nobody is against it.

I have not spoken to the ten members of my committee so all I can say is that individually, that it has not been spoken to one in favor of his amendment and I would strongly urge that you adopt his amendment.

Vice-Chairman Miller in the Chair

Further Discussion

Mr. Abraham: I am in favor of the language as proposed by the Committee on Legislative Branch. I understand the intent of it, I think it is good. I think it would do a lot towards strengthening the position of the Legislature. Now, prior to this convention, I heard many people talk about—we've got to make a Legislature more responsive. We have got to make them more responsible to the people, we have got to make them assume the duties they are supposed to be doing. We have got to eliminate the restrictions we have placed on the Legislature. All of this type of thing and I think this is a move to do this, if we feel that the Twenty-One Constitution is too restrictive, then let us get back away from that. Let us get back to the regular session and if we are worried about them meeting down here all year long with per diem and this type of thing---the proposal on page 3 where the Legislature shall be compensated much as an annual salary is going to take care of that, so I don't think that there is any real fear about them being down here too long.

They, themselves, are going to want to fix their annual session. The people of the state want regular sessions there is no question about that and I think most of the majority of the convention wants this, so I don't think that the legislature is just going to go hog wild and say we are going to do everything we want to do, but this does give them the flexibility to run their business as it should be.

And if, if it is an effective check on government and I do believe in this, then somewhere down the road we are going to have to trust our elected officials and I see a change in the legislatures during the past few years and think they merit our trust. Now, let us let go away from the feeling of the Twenty-One Constitution where we don't trust anybody and do everything we can to tie these peoples' hands.

And I strongly urge the rejection of the amendment and adoption of the language as presented by the Committee on the Legislative Branch.

Further Discussion

Mr. Womack: Madam Chairman and fellow delegates, to me this is one of the worst offerings that I have seen.

Under this proposal of continuous committee meetings, any special interest group—let us just take labor on one side and industry on another. With a pro-labor committee, they could harass industry with continuous bills in a committee 365 days in the year.

Or, you can turn it around the other way with a continuous committee—a pro-industry committee could harass labor 365 days in a year.

I have heard it said in the past, the people are lucky they don't get as much government as they pay for anyhow. And probably one of the breaks is the advantage of being able to go home. I think as time goes on, the legislature needs to go home— they need a rest, the public needs a rest. I know I need it, those of us that is pushing—the adoption of a constitutional convention. If I was fighting it I think this would be all the fodder I would need.

I can ask more questions about this and what-ifs in one day than anyone of you can answer in a month. And what good is it going to do? Absolutely nothing.

We are going to give them a chance to be here—we're going to give them a chance to have bills—we're going to give them a chance for continuous meetings—we're going to give them a chance for continuous introduction of bills. I just can't see it.

We wind up with 3,000 bills, we push them through. About three-fourths of them is correct in something you have done in a day. You spend, maybe you need more time, you just don't need this in the constitution. So I urge the defeat of it.

Point of Information

Mr. Jack: Madam Chairman, as I understand now we are talking for or against Mr. Flory's amendment. Isn't that correct?

Mrs. Miller: That is correct.

Further Discussion

Mr. Jack: All right. I want to state that I am for this amendment. Now the language we are knocking out here is B.

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

I talked to about twenty-five people out here and asked them if they knew what that meant. I don't know exactly and none of them. And all of them proposed when they would meet. They are going to delegate they are going to do their best to come up with a constitution that the laymen and everybody could understand. Non-citizens are going to listen to the author of this Section B that it will allow, according to him, committee amendments all year around, twelve months a year, but that there will be only one meeting the whole legislature unless he says under Section 2 there is a regular or special session. But let me tell you, it is bad enough to be devilled with taxes every year. Under the present constitution, the thirty day session you can't have them, but it is going to be unbearable if all year long—year in and year out continuously you can be devilled and bothered by tax legislation in the committees. Now whether they vote it or don't, they can be meeting and you can't be prepared to oppose bills that are bad for a committee twelve months out of the year.

This is a bad kind of thing and it is—a thing that may go beyond anything we can think of right now.

Mr. Womack: In a man in favor of this, says trust the legislature. I was in it 24 years ladies and gentlemen and I have always heard that. When I was a member I was afraid of that. I was afraid of what you can do in a committee and then someone asked him, what do you want this legislature to do for you? He said in all due respect Mr. Chairman, I am not concerned with what they are going to do to me, I am wondering what they are going to do to me. Now that is the thing that happens regularly.

This to me is going to even be going further than Congress is in being in some kind of committee meetings all year around. I don't know some people might
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Like further per diems. There is all kind of type things, but Louisiana is not a big enough state yet to have rules, constitution—everything for a legis-
lation to do like the Congress of the United States to do. In fact, incidently, I think the Congress of the United States has got too many meet-
ings, itself. So I hope you will vote for Mr. Flor's floor amendment and delete those lines which
read "the legislature shall be a continuous body
during the time for which its members are elected."
Thank you.

Question
Mr. Wowack Mr. Stinson, the question I wanted
asked—you realize that when I was speaking, as
against this proposal being in the constitution I
was speaking in support of this amendment.

Mr. Stinson Yes, I did, Mr. Wowack and I am hoping
all the others did too because I know how persuasive
you always are in your arguments. You are for this
amendment and against the regular proposals.

Further Discussion
Mr. Stinson Members of the convention, what con-
cerns me—if this amendment is not adopted—is, that
we are going to have to them elect and revert to
professional legislators.

No businessman, unless he is a foolish business-
man, can annually give up his business and come
and serve in the legislature. This continuous meetings
continuous—if it hasn't been it would be in.

If you are businessman of any type, lawyer, (that's
a bad word to use in most cases) no lawyer can give up
his legal business and come down here annually,
continuously, unless he expects to get something
out of being here. It is too great a temptation.
Many of us have single law offices and if we
leave our office of 65 days a year we are not going
to have an office to return to—unless it is just to hang
your hat in.

I think that when you are not a professional
legislator that you are closer to the people. As
Mr. Wowack's remarks were—"you need to be at home" so
they can tell you something about what their
wishes are and I still believe in the old adage
"the least government the best governed. We are not
supposed to be herded around like sheep, contin-
uously.

Now the promoter of this original amendment said
that the hands of the legislature had been tied be-
cause some matters that came up during the time that
we were not in session. There have always been
plenty of interim committees that consider anything
that may come up.

We don't have to be in session to consider those
things that might be brought in the past and in the future it can be just as well
under our present law. And I would like to urge you
to let us vote for this amendment and leave it like
it is so the people will not be regimented and con-
tinuously harassed by what the legislature might do.

Some legislatures are fine, but there have been
some legislatures that were not fine and I am sure
in the next fifty years we will have some legisla-
tures that will not have the confidence of the peo-
ple. And if you are in session that long, and
you want to be re-elected, the best way not to be
is---be in Baton Rouge all the time and someone at
home says---well where is Ford Stinson---well he is
in Baton Rouge as usual, he stays down there He
never come up.

So you better vote and let us vote for this
amendment and leave it like it is. I think it has
worked remarkably well in the past.

Question
Mr. Weiss Delegate Stinson, do you think the peo-
ple of Louisiana, if Section 1-B were to pass, can
afford that type of legislation?
Continuous body.

Mr. Stinson Well Dr. Weiss, I don't know whether
you refer as to the salaries and per diem and mile-
age or as to whether they can afford to have done
them what might be done, but the answer to both,
would be I do not think that they can afford.

Further Discussion
Mr. Triche Madam Chairman and ladies and gentle-
men of the convention, I can about sense the mood
of this convention and about predict the outcome of
the vote on Mr. Flor's amendment. But, I just can't
let this pass, without letting you hear from the
country platter, from Plattenville.

Now here we are, at it again, all of the evils of
this state has been brought to the legis-
lature. All of the problems we have--people just
sit home and wring their hands and knit their brows
and worry about what that horrible legislature is
going to do to them. The states that we are going
to put on Mr. Jack and the per diems we are going
to take out of the state coffers the horrible things
that we are going to do to this state. Well let me
remind you, gentlemen, that the state legislature
is the representative of the people of this state
and as we are a convention of the people in Baton
Roug assembled, the legislature is the people of this state
the people of this state assembled and the legis-
lature is as responsible as the constitution will
allow it to be and it is as loyal and is as faithful
and devoted to this state as the people want it to be.

Now, make up your mind. How loyal and devoted
and responsible do you want your legislature to be? Now do you want it to be a part-time Saturday night
legislature---or do you want it to be dedicated,
to full-time professional. You want it to be dedicated
to the business-like house or do you want it to be
dedicated to the government of this state.

I have served in the legislature quite some time
and I know a little bit something about passing
taxes. If tax proposals passed by the legislature were
introduced in pre-session filing months in advance of
the legislature and if the Ways and Means Commit-
tee in the House and the Finance Committee in the
Senate held public hearings on those tax measures
weeks in advance of the session, I can guarantee you
there would be no taxes passed in this state except
as those wanted by the people of this state.

And I think the same thing would be true to ev-
evry other proposal adopted by the legislature. The
point to make---the proposal that we have
with our legislature, ladies and gentlemen, is that
it does not have enough time. It is not a continuous
body. It meets in one session a year and for the first fifteen days we introduce proposals
and the next forty-five days we have got to get them
passed. And we handle in that short length of time
thousands of bills. That is the trouble, and the
same thing with the odd session years where we han-
dle the general appropriation bill. We consider
sixty, seventy, eighty schedules— we spend over
two billion dollars and we do it in thirty days'
deliberation. And in addition to that, we handle
hundreds of bills in thirty days. I would suggest
to you that is the problem. That is why we have
an anti-legislature syndrome in this state.

That is why whenever we consider the legislature
meeting people worry about the per diem—poppy cock
---what man is going to sell him thirty-five
dollars a day. What man or woman among you, raise
your hand and none of you here. I don't believe
there are any in the state—would sell this state
down the drain for thirty-five dollars a day.
That is foolishness. Let us throw off the legisla-
ture syndrome that we have. That the evils in this
city are brought by the people themselves. Let us
throw off the fear of the legislature and make it
the responsible body that represents the people of
this state, that is as it should be.

Now, continuous need not mean constant. Not contin-
uous session because the constitutional proposals
in Article 3 in my judgment set it out very plain
and very clearly.

The legislature can enact laws only when it is
in session.
It shall be in session certain prescribed days.

Continuous body, to comment, - tells you very clearly does not mean continuous presence. So that we cannot enact exact laws except when we are in session.

Continuous body means, however, that when your legislature adjourns sine die at the end of its regular session it will not meet until the next session. And that is what the law is today.

Continuous body means, that when the legislature adjourns sine die that we still have a legislature that will perform functions outside of the session and will function until the next session. Now what are those functions.

Prescribed rules for itself, to regulate the conduct and activity of its members out of session.

Its committees will have and be able to hold hearings not as directed by officers of the legislature, but as directed by the rules of the various \--- two respective bodies of the legislature. Those committees will be able to subpoena witnesses, will be able to hold hearings, will be able to study proposals, will be able to have the advice and input of competent staff and be able to draft intelligent legislation that will certainly be examined by the citizens before the next session of the legislature.

In my judgment, it will allow the legislature to get itself ready for the next regular session and will not be thereby prejudiced against the loss of business and bills that we find ourselves confronted with every session.

This is good, gentlemen. I ask you not to be stampeded into voting it because you have not considered it enough.

If we want to make our legislature responsible, and if we want it to function as the people of the state, I believe, want it to then we ought to provide it with tools with which to work and I think this is certainly one of those tools.

I hear the complaint all the time in the state every year. The legislature is controlled by the Governor. We haven't had an independent legislature in years and years and people think that that is bad. If the legislature is controlled by the Governor, gentlemen, and I am not willing to take that indictment but, if it is, it is because your legislature does not have the time to study intensely enough the proposals that it considers. And many, many times, the legislature votes on a proposal with tongue in cheek with the attitude, well, if there is a mistake the Governor will catch it and veto it. It is your position you put your legislature in unless you give it the tools to work with. This is one of the tools, it is not going to be abused. We may have it worth it. It is going to cost us Baton Rouge to raze the state for fifty dollars a day only. The committees are not going to search ways and means to oppress the people of this state when the legislature is not in session. Quite the contrary, the committees are going to search ways and means to better govern this state and gentlemen, I implore you -- reconsider your decision and vote this amendment down.

Questions

Mr. Stinson Mr. Triche, you understood that the remarks I made and most of the other speakers were not in criticism of the present or past legislatures, but simply grave concerns that a legislature be in session. It would be if this is enacted. Not the amendment as proposed. (You understood that didn't you).

Mr. Triche No, I didn't, but I stand corrected.

Mr. Stinson We did not in any way criticize you--

Mr. Anzalone Pappy, could you foresee that in this constitutional convention we are going to take up and pass as many as sixty months that the legislature has been forced to do every year in thirty or sixty days.

Mr. Triche I think we are going to take up a great deal less. The legislature wouldn't have had the time to spend on Article 6, Section A for example that we spent.

Further Discussion

Mr. Roy Madam Chairman and delegates to the convention, I must say that initially I was going to vote for the amendment of Delegate Triche. I felt all along that the work of the committee should be given first priority in anything that is close in my mind. In the future I will go along with what the committee has done because they have heard most of the testimony and I know how much we went through on my committee and I know what all you other gentlemen and ladies went through.

I came here with the idea after having talked with many people that I would support an independent legislature. That I would do everything in my power to ensure the independence of the legislature because I felt that the executive branch was too powerful. And that if we once had the opportunity to take some of the powers away from the executive branch and parcel it out to the legislature and make a more independent body out of it we would be a lot better and so would our citizens.

And I think that has made me see that. And I think the way I was against it until he spoke. But I am for an independent legislature. And if the hearings become abusive that have been prognosticated to some extent by those who have seen good and well those legislators are going to be on the carpet, they are going to be called down. They are going to be voted out and the voters will take what action is necessary.

I don't anticipate reasonable men calling committee meetings to harrass and intimidate any particular group in our society. But that is the price we pay. That is the chance we take if we are going to make for an independent legislature. I urge you to vote against the amendment and to vote for the proposition.

Further Discussion

Mr. Perez Mr. Chairman and delegates to this convention, I listened very attentively to Pappy Triche and his remarks were well founded and well taken. The only problem however, is the fact that there are some unanswered questions with respect to the legislature being a continuing body.

One of the problems that bothers me a great deal -- if bills will have an amendment to take care of in the event that the matter stays on the floor, but there are other problems that bother me particularly with respect to final committee consideration of bills. So I am afraid that the proposed law excepting only in favorably by a particular committee out of the session of the legislature or prior to the beginning of a session. It bothers me very much. I would like very much to see this matter reconsidered. I also take the position that if this particular matter is defeated at this time, that the legislative committee could come back with a proposal at a later time to better define the meaning of a continuing body and therefore, I am constrained to vote against the particular--or rather vote for this amendment against the proposal as it is now in its present posture.

I would like very much to see a proposal which would give the authority to the legislature to hold hearings year around. To have standing committees, I think it is a good concept, but unfortunately, I do not believe that there are sufficient limitations upon the proposal as it now stands.

Chairman Henry in the Chair

Closing

Mr. Flory Mr. Chairman, delegates to the convention, a great deal has been said at this microphone this morning about having faith in the legislature.

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Mr. Triche elaborated a great deal about that. Mr. Casey didn't speak too directly on the amendment but I, for one, have always had great faith in the legislature. I have said this repeatedly throughout this state. While I might disagree with them over issues, I have never questioned their integrity, their motive and I think what they ultimately attempt to do.

It was mentioned above that there ought to be a continuous body. When I asked Mr. Fayard originally in the interpretation of what a continuous body meant he said that you could not take committee action on legislation on interim period. Someone then subsequently asked him the same question and he said that you could. I think the illustration to point out to you the difference in interpretation of the word 'continuous'.

Now, Mr. Casey elaborated to the point that the logjam created in the legislature by the number of bills that are introduced. I submit to you that in 1968 in the regular session there were a total of 527 bills introduced in the Senate, 279 of which were introduced in the first five days.

In the House there were 1520 bills, 566 introduced in the first five days and so on--until 1972 402 of the 552 bills in the Senate were introduced in the first five days. And likewise, about a third in the House.

I think the point in this is, who controls when a bill is introduced? It's the members of the legislature. And if they wait until the last day that's their problem. Not the public's. They control when the bill's introduced within the prescribed period of time in the existing constitution.

Yes, the legislature has plenary powers and the constitution ought to put restrictions on the legislature. That doesn't take away from the integrity of the legislature, it just merely tells the public of this state who the constitution is supposed to guarantee the rights. They know what is going to happen when the legislature meets and when they are going to meet.

Mr. Triche said if they heard three or four weeks prior to a session a tax measure. Bear in mind that the legislature controls again when the bills are introduced. You think an author of a tax bill is going to present a bill three weeks prior to the session? I'll let you use your own judgment.

The point was made I think by Mr. Roy, that the number of measures will be considered by this convention in the next period of time in contrast to what the legislature does in considering approximately 2000 bills each regular session.

I submit to you that the legislature has proposed in its report for the first time in the history of our state a fulltime annual salary of the legislature. I support that concept. That they ought to be adequately compensated. I am not worried about how many days they draw per diem--not at all. And I too don't believe that a member of the legislature would sell this state down for fifty dollars a day or fifty five dollars a day or sixty.

So support the annual salary concept. Let the legislature be in office for four years but let the public know what their responsibilities are as a legislature and when they can consider that they will be in session. If you want it to be a year around legislature, say so in the proposal. Don't come through the back door and say that they are going to a continuous body. If you want a 365 day legislature--say so.

I see no reason for the word 'continuous body' in this proposed legislation. I think it is superfluous. It is ambiguous and I ask for the adoption of the amendment.

[Record vote ordered. Amendment rejected: 47-73. Motion to reconsider tabled.]
Mr. LeBleu. Mr. Perez, maybe the clerk could answer this better. I just think "withdrawn from the files" might pertain to House bills. Is there a term used in the Senate, "suspended indefinitely"? And would this apply in this case?

Mr. Henry. They withdraw it from the files of the Senate when they are Senate bills. We withdraw them from the files of the House then if they are Senate bills, we definitely postpone and vice versa, I believe.

Question

Mr. Tate. Mr. Perez, as far as the wording goes there probably might be a better word, but you envisage that to be the sort of function that Style and Drafting might perform if it can find a word that would suit the delegates?

Mr. Perez. Judge, as long as it does not change the meaning, I am sure that Style and Drafting might polish it up a little.

Mr. Tate. Alright. O.K.

[previous Question ordered. Amendment adopted; 89-0. Motion to reconsider tabled.]

Amendment

Mr. Poynter. Amendments submitted by Mr. O'Neill to Committee Proposal No. 3 (Delegate Blalock).

Amendment No. 1 goes to the reprinted bill, page 1 at the end of line 19, add the following, quote, "no committee of the legislature may take final action on any bill or resolution except during a session of the legislature," end quote.

Explanation

Mr. O'Neill. Mr. Chairman, members of the convention, I apologize for the delay. My amendment was put upstairs during lunch and I apologize for the delay and its not being sent down.

As the amendment reads, "no final committee action may be taken on any bill except during a session of the legislature." The language we previously adopted about continuous session, continuous sessions, tracts [tracks] the Florida Constitution. Many of you legislators will remember that Petition No. 2 promised every session what they spoke at your orientation session. He came and he told the Select Committee that in Florida, under the language which we have adopted, that a committee can have a bill referred to it at any time during the year. It can take final action on a bill, reported favorably, etc.

Now what does this and what would it do in Florida, and how it works is that the bill is reported to the House or into the Senate and it's not referred back to the committee. It goes straight to the floor.

Now, what this amendment will do and what the effect it is intended to have is, that the committee can take no final action. When it comes back to the floor of the House it must be resubmitted to a committee for final action. This will allow the public, anyone who is interested in the bill, to go to the legislature and be able to meet with that committee during the session when they know that the legislature is here. Not any time during the year when just any committee is meeting.

I think that this is what most of us would favor--that no final action can be taken. It is not currently stated in the legislative article as we have it. No final committee action can be taken during the interim between our interim session and the full session. That's all that it says. So please don't be confused about language that seems to track [track] us in our own proposal. I think that this measure has what we would want it to do, and I move what you would want it to do, and I move for favorable passage.

Mr. Rayburn. Mr. O'Neill, if we have committees of the legislature decide they want to adopt a resolution directed to some state agency, would this amendment prevent them from doing that unless we were in session? I see you make no references to whether it has the effect of law or not. I know of many resolutions that many committees, after making--having a long deliberation, have adopted and passed on to the various state agencies, their feelings or their findings and what they think maybe they should look into during the time and while the legislature was not in session. Would this amendment prevent that?

Mr. O'Neill. No, sir. I do not think that it will, and that is not the intent of it, Senator.

Mr. Rayburn. If I read the language right, Mr. O'Neill, I think it will do that. Maybe I am wrong.

Mr. Denney. Mr. O'Neill, you said that it tracts [tracks] the language. Actually, it doesn't. Is there a reason for using "vote" in one place and "final action" in another place?

Mr. O'Neill. I'm sorry, Mr. Denney, I can't hear you.

Mr. Denney. In your amendment, you said that "no committee may take final action". It says, "no committee shall take a vote with respect to any bill during an interim period. Is there a reason for the difference?

Mr. O'Neill. No, Mr. Denney, when I requested the amendment to be drawn, I didn't ask for it to attract [track] any certain particular language and I don't believe that there is supposed to be any difference.

Mr. Denney. Well, is there a distinction in your mind between take action, final action, and the word "vote"?

Mr. O'Neill. No, sir. None in my mind. I would suppose that Style and Drafting could take care of an inconsistency such as this.

Mr. Abraham. Gary, you made the statement that this would allow a bill to come, say, directly to the floor. Is that true? Because how would it get to the committee to begin with? Because the previous amendment we adopted said that all bills are wiped from the files at the end of the session, then how would this committee get a bill in the interim period that would go directly to the floor?

Mr. O'Neill. Mr. Abraham, in Florida where they ... whose language we have tracted [tracked] in a continuous session, a bill may be introduced at any time during any part of the year. Now, the bill comes into the legislature and by the speaker, not during a session, you know, just whenever it comes in, he refers it to a committee, and, in Florida, the committee takes action on it however it pleases. Now, we could have gone this route that you are asking the question about. We could have prohibited any bill being introduced in the committee except during the session and, I'm not sure that's what we want to do. What my intention is that no final action be taken on it.

Mr. Abraham. Alright, the other question then. What is wrong with taking final action, if necessary?

Mr. O'Neill. Because, Delegate Abraham, if you have an interest in the bill, then nowhere, not in any fashion, are you given an opportunity to know when the bill is coming to the floor. Therefore, any public hearing that the committee may have you may not be informed about it. If you are not informed, you cannot appear before the com-
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As you cannot appear before the committee, the question is whether you can have any objection to putting in your resolution where you say: "any bill or resolution," would you have any objection to inserting in there "having effect of law"? Because, as you have it written now, it may not allow us to do just that. I was wondering if you could ask the clerk to just add those words in and the delegates could make notes on the sheets you have here.

Mr. O'Neill: If the clerk will allow me to do that, Mr. Alario, I'd be happy to.

Mr. Alario: Delegate O'Neill, would you have any objections to inserting in your resolution where you say: "any bill or resolution," would you have any objection to inserting in there "having effect of law"? Because, as you have it written now, it may not allow us to do just that. I was wondering if you could ask the clerk to just add those words in and the delegates could make notes on the sheets you have here.

Mr. O'Neill: Well, Mr. Chairman, then, because I have been informed that I can tract [track] the language in the second section of our proposal and do what I would like for this amendment to do without any question, I ask that I be allowed to withdraw my amendment and resubmit it as with the language suggested by Mr. Alario.

Mr. Alario: Amendment withdrawn without objection.

Mr. Alario: Delegate O'Neill, I have been informed by several members of my committee that this language could be very appropriately inserted in a later section of our articles which lead to the convention, I would ask that I be allowed to withdraw my amendment.

Mr. Henry: They haven't been introduced, Mr. O'Neill. You are in real good shape if you don't want to go with them right now.

Mr. O'Neill: Well to expedite matters, Mr. Chairman, I'll do that.

Mr. Henry: Mighty fine. Thank you sir.

[Previous question ordered on the Section. Section passed: 10:17. Motion to reconsider tabled.]

Mr. Poynter: Section 2. Sessions—Annual and Extraordinary. Section 2 A. The legislature shall meet in regular annual sessions. Each year the regular session shall extend for not more than fifty-five legislative days. The legislature shall convene at twelve o'clock noon on the fourth Monday in April of each year for not to exceed five calendar days. During the legislative session the legislature shall report, and neither house shall adopt any bill or resolution which is intended to have the effect of law.

Not later than the close of the fifth calendar day, the legislature shall adjourn and stand in recess until twelve o'clock noon on the second Monday in May, at which time the legislature shall reconvene for not to exceed fifty-five legislative days which shall not extend at any year beyond sixty calendar days following the second Monday in May.

In the interim between adjournment and recommencement, committees of the House and the Senate may meet and hold hearings, they shall take no vote with respect to any bill or resolution referred to them. No new matter intended to have the effect of law shall be introduced during any regular session after midnight of the third Monday in May of each year.

Our legislative day is a calendar day on which either house of the legislature is in session.

The legislature may be convened at other times by the governor or shall be convened upon the written request of a majority of the elected members to each house by the presiding officers of both houses.

The governor, or the presiding officers of both houses, as the case may be, shall issue a proclamation at least five days prior to convening the legislature into extraordinary session. The proclamation shall state the object or objects for convening the legislature in extraordinary session, the date on which the legislature is to be convened, and the number of days for which the legislature is convened.

The power to legislate under the penalty of nullity shall be limited to the object specifically enumerated in the proclamation convening the extraordinary session. The session shall be limited to the number of days named therein, which shall never exceed thirty calendar days.

Point of Information

Mr. Tobias: Mr. Chairman, in examining line 32.

Mr. Poynter: read "five days" instead of fifty days. I assume it is fifty.

Mr. Henry: It is fifty. Yes, sir. You are correct.

Explanations

Mr. Fayard: Mr. Chairman, fellow delegates. This section actually sets up the sessions for the legislature in so far as regular, annual sessions are concerned. I will discuss only Subsection A of Section 2. It provides in short that the legislature will meet for a period of fifty-five days. Fifty of those days will be days in which the legislature may take final action on measures which are proposed to become law.

The legislature shall convene at twelve o'clock noon on the fourth Monday in April of each year for the purpose of organizing, enacting laws, enacting bills, referring bills and measures to committees.

Now during this period there will be no action, no final action on any other matter. This is merely a five-day organizational period. This comes into place particularly every four years in which you have perhaps new legislators elected. It gives them time to meet, organize, perhaps elect officers, establish committees, and refer matters which they have ready for introduction at that time to these committees.

Not later than the close of the fifth calendar day, the legislature shall adjourn and stand in recess until twelve o'clock noon on the second Monday in May. Now, during this period, the committees can possibly meet, have public hearings, do research, hear matters of interest concerning the bills that have been introduced. They may also give the legislature time to get its staff in order and prepare for the actual legislative session.

There is a specific provision which provides that the committees of the houses may meet, and hold hearings, but shall not vote with respect to any bill or resolution referred to them. This is a safeguard in the instance of the House committee, and finally on the motions referred to them, but to merely investigate and hold hearings.

No new matter intended to have the effect of law is the next provision shall be introduced during the regular session after midnight of the third Monday in May of each year. This is a cut off
point. We have heard many people speak on the proposal of bills being introduced late and having a logjam at the end of the session. This is an effort to close up that bill will be introduced in time to have an appropriate number of days for the committees to meet and act to hear all public bodies, or all public interests, and all people who might want to speak on these matters.

We further define a legislative day as a calendar day on which either house of the legislature is in session. In addition, we add the words "in the way to the proposition that the legislature has sixty days within to meet its fifty legislative day period. In other words, if the legislature so desires, it can adjourn for 2 or 3 days, go home, and listen to the constituents and come back and this will The legislative day which they can meet. As we have a problem in annual sessions, you come into sessions for sixty days and if you recess, well your time limit is still running. And we have heard many delegations, and many representatives, and many people professing that the legislature does not have time under the present provisions in order to take care of the business at hand.

This is a very important section. It further deletes the present system of sessions, and as the way you know it, by providing for general annual session. But I see that as an ancestor to the new legislation, and this is a latitude that it might need. But it also protects the public in that it allows the legislature to come in, organize, and take appropriate action that it may need in order to get its business in order before proceeding directly to considering legislation perhaps that it hasn't had an opportunity to review.

Questions

Mr. Derbes Mr. Fayard, as I understand the proposal, it provides for what I think is something very good, an interim period. But it also permits legislation to be introduced after an interim period. I see that as an ancestor to the new legislation, and the revisiting from it. Do you see a contradiction there?

Mr. Fayard Delegate Derbes, the way I see the figures that have been provided to us shows that the majority of the legislature, I believe that 8 to 10.5 is presently introduced in the first five days and third of a cent at that that extends beyond this. I feel that the matters there will be a great majority of matters introduced during this five-day period, but the committee helps that we do not absolutely limit introduction to the initial five-day period in the event that say, active committee hearing on some of the bills that have been introduced made the determination that new legislation, new bills, new measures would have to be introduced.

Mr. Derbes But as I understand the provision, the provision is not established in order to be for the convenience of the legislature. The provision is established to encourage public input during an interim period.

So, if that's the purpose of the provision, why not make the provision applicable to all bills, the interim period applicable to all bills and perhaps extend the interim period by ten days.

How do you respond to that?

Mr. Fayard Well, we had a great deal of research done in this, and it would appear from the results we came up with, that the five-day period would also be a hurdle to the majority of organizational purposes other than introduction of bills.

Now if, if...we came to the determination that if you limit the introduction to the five-day period, then it may take away time for other organizational purposes. Further, I believe the public is more safeguarded by the provision as drafted in that it would give the public an opportunity to see what legislation would be introduced during that period and make the commitment to get and for the legislature to allow them an additional week, say, to introduce more bills through their individual legislators.

Amendments

Mr. Powyer Amendments proposed by Delegate Rayburn, Kilpatrick, Casey, Fulco, Glenn, Juneau and many others.

Amending the reprinted as engrossed proposal as follows:

Amendment No. 1 on page 1, delete lines 21 through 32 both inclusive in their entirety and insert in lieu thereof the following, quote, "Section 2. A. The legislature shall meet annually in regular session for no more than sixty legislative days which need not be consecutive, but no regular session shall continue beyond eighty calendar days after convening. The legislature shall convene at twelve o'clock noon on the fourth Monday in April of each year. No new matter intended to have the effect of law shall be introduced or received by either house of the legislature after midnight of the nineteenth calendar day of the session except by a favorable record vote of two-thirds of the elected members of each house. A legislative day is a calendar day on which either or both houses are in session." Amendment No. 2 on page 2, delete lines one through nine both inclusive in their entirety.

Explanation

Mr. Rayburn Mr. Chairman and fellow delegates, this amendment does not make too much change in the present language that is now contained in the committee proposal. It does, however, take out the five-day period where we shall convene for a period not to exceed five days, introduce bills, hold hearings if we so desire, without being able to take any action, go home and come back, introduce bills for seven more days and continue our work for a period not to exceed fifty-five days.

These amendments allow the legislature whatever they should be allowed. It provides to meet on the same day and say that we could not meet over sixty days in an eighty day period which means that the legislative...necessarily both bodies of the legislature in session, that will be a legislative day. But it does prevent us from having Saturdays and Sunday charged against the legislature because the legislature are not in session. I have seen in the last session, when the legislature had to meet on a Sunday, and I don't think it's good for this legislature to meet on a Sunday as well because of the day element and because Sunday was a legislative day, we had to meet on Sunday to get our work done. I don't think that's right. These amendments give the right to the legislature to meet sixty days. If we want to convene, call ourselves in session, not necessarily call ourselves in session because we will be in session, introduce bills for fifteen days and go home for ten days, we can do that under the provisions of my amendment.

But I can truthfully tell you since with my experience in the legislature, if we meet five days and we are not allowed to vote, that's going to be five days wasted. When you come back and come back in session, you are going to have to go through the same procedure before you vote on a bill. You are going to have to have the same same arguments because it's a close vote, one side or the other won't yield, you are going through the same procedure again before you can take a final vote.

And another thing that I see wrong if the present committee proposal is adopted, in 1975, the legislature will convene on April 26 and will come back on May 13 which is a sixteen-day waiting period.

In 1975, and the calendar was, it will be in 1980, but I did find a '75 calendar, in 1975 the legislature will convene on April the 28th, the same month and same day as '74, we will recess five days
afterward which we will be May 5 and will come back May 12, a nine day lapse. So in the first two years coming up, we will have a variation between a sixteen-day waiting period and a nine-day waiting period. And I would agree that in any event in this convention, we were provided to meet from January to January. If you would provide the same period for the dates which I believe the fifty-five days is about nine percent. If you would provide the same period for this convention as the language it carries at this moment, we would meet over here one-third of our time or almost one month, I mean thirty days. We would meet thirty days and would not be able to vote or would not be able to take action.

I merely mention that to show you where I think this is going to cause a lot of problems. Now I know who wants this. And if your ears haven't been plugged lately, I think you know because it's been well lobbed. But let me say to the lobbyists in this state, that they don't need a cool-off period to lobby, they do pretty good lobbying when you are in session. They have in the past. But I know what they want to do. I know what they'd like to do. They'd like to get us over here and have us in session for five days, hear our arguments, hear how we're feeling, but no records. Then they've got a lapse of ten or fifteen days to try to persuade us to change our minds. Oh, it won't hurt you to change your mind. I really know you felt to start with. No record of it. I know what's behind it.

And I think that the legislature should have the right if they think we should meet five days or ten days and go home for ten days, that should be left up to the members of that body. And I may never be a member of that body after this term. I don't really know. But I don't think the constitution should say to the people who run for public office, "you've got to go to Baton Rouge, you've got to meet five days, you can't vote on nothing." Oh, no.

You can't take me there, but you've just got to go over there and be seen. You know how many would be seen? Not enough to see.

Who's going to sit in a committee all day, day in and day out, when they can't vote? Then when we come back, we've got to go over the same procedure again. And I have no quarrel with the waiting period. I think you're going to see that whether you put it in the constitution or not, I think you're going to see it. I think it's a good thing. But I don't think it's good to tell us that we've got to sit in session five days, we've got to come back, we've got seven more days to introduce bills, and then we go to work. I think that should be left to the members that desire to give a speech and get elected and ask the adoption of the amendments.

Questions

Mr. Roy Delegate Rayburn, I just have a technical amendment. On your last sentence, would you agree to atrode "or both" houses" and the word "are and it" and just say "legislative days of the calendar year on which each house is in session" because I think that's exactly what you mean.

Mr. Henry No sir, you can't amend the amendments now.

Mr. Roy I didn't think I could. I certainly have no objection to it.

Mr. Rayburn The purpose of that, Mr. Roy, is this, I think that we are entitled to a little leeway, and I can truthfully tell you that in the session that we are in now, I'm Chair of the Appropriation Committee, the House Appropriations, Mr. Munson, did you meet a week or ten days prior to the session?

Mr. Henry They met a week.

Mr. Rayburn Met a week prior to the session, then they hold regular committee meetings after the session convened. The Senate got a two million dollar appropriation bill five days before we had to have it on the Governor's desk. I merely mention that to show you some of the problems we are confronted with, some of the problems we have that if you have not served, you don't know. The reason that I'm asking you to adopt these amendments, let us meet sixty days. Let us figure out the way we want to meet. If we want to come in for ten days and introduce bills, this says it's got to be within fifteen days or nineteen calendar days which will give us an opportunity not to count Saturday and Sunday against us. If we want to sit over all, some of us have big families. It's all business people. You like to be home on the weekend, and I think it's not good for the dignity of this state not to have to have the session on a Sunday, but we've been forced, in the past, to that because the time element. And I'm merely trying to say that with this amendment, you will let us kindly arrange our working schedule in the manner that we think is best suited for us.

Mr. Flory Mr. Rayburn, you mentioned in your earlier remarks that the five day period would be a time which would be wasted. Do you think it is wasted if you allow the public to know what is being introduced and don't give them an opportunity to find out what's in the Legislature?

Mr. Rayburn Mr. Flory, there is nothing in here that says we shall not meet. There is nothing in here that says we shall hold hearings. It merely says we may meet. A committee may meet, and hold hearings if they so desire. It isn't that we couldn't have the Legislature for a long time, not quite as long as I have, but you have been there a pretty good while, and you've seen days and day when the Legislature was not in session. I couldn't get a quorum to have a committee meeting. You've seen that, Mr. Flory, and you know I'm telling the truth. And that's one reason that I think it would be five days that we couldn't take advantage of, and that's my reason for opposing it.

Mr. Flory If course I can't answer for the diligence of the members of the Legislature to when the attend meetings, but my second question to you is that if you have the pre-filing, and I think the committee proposal does require that they meet and have the pre-filing of the five day period, but allows them to adjourn prior to the expiration of the five days, and then you recess. Don't you think that if you go back and in the people and you find out from them what their views are if you have made up your mind and if they can convince you otherwise, don't you think it would be wise to do that?

Mr. Rayburn Mr. Flory, if I'd spend five days over here meeting with someone didn't have to vote. I might not know how he felt. I don't know what would be the final product of that committee. I might tell my people it looks like they're going to kill it and when I come back and take a final vote, we'd find that I didn't change my mind or some of the committee members had changed their mind. There's no way of expressing feelings from people that don't have a chance to vote.

Mr. Flory Isn't it true though, that they would have knowledge of what the contents of the bills are to discuss with you at that time?

Mr. Rayburn My people have that knowledge now. They see it in the paper every morning what bill was introduced, if there is something they want to know about, they call me and I forward then a copy of the bill as soon as I can get it printed. In this particular procedure, I believe we wouldn't even be printed. I couldn't send them a copy.

Mr. Nunez Senator Rayburn, in your proposal, it would seem to me that we are committing ourselves, or the Legislature is being committed, to an eighty day procedure. For instance, when I and everybody else who looks forward and says we will be in session for sixty days, what you're doing is changing that sixty day period to, in effect, would be an
eighty day period. We'd have to commit to eighty
days to attain a sixty working day period. Is that
correct?
Mr. Rayburn Well it provides for a sixty day ses-
sion in a very odd period not to exceed eighty
days, which means that Saturday and Sunday would not be
counted a Legislative day. However, under this
provision if the Legislature desired to meet and go
sixty days straight through, they could. If they
desired in the odd years to have a thirty day ses-

tion, they can. If they desire to have a 45 day ses-
tion, they just add a thirty day session in an eighty day period, Senator Nunez, and my purpose for that, the original provision adds
up to approximately eighty days, and the reason for
that was that they want to get away from work-

ing on weekends if we could, particularly on Sundays.

Mr. Nunez My point is, when you say the Legisla-
ture shall meet at 12 o'clock on the fourth Monday in
April of each year, and if I'm planning ahead, as
a Legislator and also as a businessman and what have
you, and trying to design my future time, in effect
I don't know what days we will meet, but I will have
to say from the fourth Monday in April I have to
look forward to eighty days, whether they be con-
servative or not, I will be working for sixty
days but it will be an eighty day period. The
point that I am trying to make is that if the prob-
lem is the 60 day session, and I think the prob-
lem, because winning it was in the Legislature for the past few years, the thirty day fiscal ses-

tion seems to present a problem. The sixty day annual session every even year does not seem to
have a problem. Would you be acceptable to a
provision that would just put us in sixty annual
days, sixty day sessions annually? And spell out
that we shall meet the second Monday of May, just
like we do now, and go to the sixty days, just like
we do now in the regular session, so to speak.
That would put the Legislature down to an annual sixty day sessions and the other terminology you have in here.

Mr. Rayburn Senator Nunez, if this amendment fails,
I certainly would welcome that amendment. I think
it is far better than the one we now have before us
in the original proposal.

Mr. Abraham Mr. Rayburn, you stated awhile ago
that this actually gives you a little bit more flex-

bility than the original proposal has, and this is
what you feel that the Legislature might do.
Would you be in favor of being constitutionally
provided with, the flexibility of saying that the

Legislature shall meet in annual sessions as pro-

vided by law, which allows the Legislature to pass
laws then, determining exactly when their regular
sessions will be and how they will set them up and
give this freedom to the Legislature to do this?

Mr. Rayburn I'm trying to do that. Not quite as
fully as you stated, but I'm trying to do that, but
I certainly would have no objections to it if this
fails.

Mr. Henry Senator, you might wind up your remarks
if you have anything else to say.

Mr. Rayburn Mr. Chairman, and members, I hope you
will go along and adopt this amendment. I can truth-

fully tell you that I think it's in the best inter-
est. It will give the Legislature a right to sched-

ule their work and to, I think, better handle their
work, and I think this is far better than to tell the
Legislature, and it's plain in the proposal here,
that you shall meet and convene at 12 o'clock noon
on the fourth Monday in April of each year, not to
exceed five or six days. I think that's go-
ing to be five days that will not be fully util-
ized by the legislature, and I ask you to adopt the
amendments.

Further Discussion

Mr. Fayard Mr. Chairman, and fellow delegates, I
would like to get up here and say that my commit-
tee is behind me 100% and I have previ-
ously explained to you. I was sitting down at
my desk just now, I counted on this floor amendment
the names of six of my committee members. I don't
know what happened. I just went home to
say hello to the people back home, but something
happened. So I'm speaking on behalf of myself. I
believe that, I think that, I do not have much in opposition to Senator
Rayburn's amendment. However, I think that the
section as presented to you by the committee is a
better provision. We studied the session period of approximately three to four months. We

started out with the premise of having wide open
sessions. The Legislature shall meet in annual
sessions as provided by law, and we have come down to a provision which I think, not only protects the public, but gives them in the terms, at least the
phrase of one of my committee members, a bargain.
It allows the public to be kept informed of exactly
what is going on. It allows the public to have an
opportunity to appear before committee meetings.
It allows the public to be more informed in bills
and measures introduced prior to the actual legis-
lative vote on those measures. There was mention
made about the different time periods as a result of
the sort of work the Legislature would do.
At least the public would know what these time
periods are. It's in the constitution. It's
established by the legislative session. It's very simple
if you look at the chart that was passed out on
your desk, and this is the way it will be. I do
not oppose the concept of allowing the Legislature
to be very flexible. However, I think the dates
and times on which the Legislature meets should be
established in the constitution. There may be a
difference between you and I that you allow the amendment to be passed, the legisla-
ture would be possible to come in in one year for
one day and then recess for twenty days. The next
year you could come in for two days and then recess for four days, or what have you. I don't see
how the public could be more informed by allowing the
passage of this amendment. I further think that
as far as the lobbyists are concerned, that it
doesn't bother me that much. I feel like that most
of the Legislators are over here for the public and
that they do what the public wants, and that they
want their public to know what is happening. It
seems very odd to me that every four years you have
new Legislators coming over. They are allowed
to take the place of one of the Legisla-
tures, and you are there on the Appropriations Bill and matters of public interest
the next day, and it was the intent of the com-
mittee to try to solve this problem by giving the
Legislature the opportunity at the time they may
meet for five days, organize, consider measures,
refer them to committee, get freshman Legislators
oriented and then come back to hear the matters
say within a week, fifteen days, whatever the law
provides. I further feel that this is the best
possible solution to two problems. One is the fact
that you have advocates of open-ended annual ses-
sions without any restrictions, and then you have
advocates trying to limit the Legislature to meet
say fifteen days a year, thirty days a year or go
back to keep the fiscal session. I think this proposal, Section 2A, as presently
drafted solves these problems, and it does allow
the public to know exactly when the Legislature
meets and it's a mandate to the Legislature that
they must be organized prior to taking final action
on any matter. Thank you.

Further Discussion

Mr. O'Neill Mr. Chairman, members of the conven-
tion. I rise with Calvin Fayard as a member of the Legislative Committee and I too ask what happened
overnight. By a vote of 8 to 1, late yesterday, we
adopted the proposal in full before you. I too wonder what happened overnight. Let me
say that from the beginning of our committee, the
beginning of our hearings, I have been in favor of
a short session. Various other members of our committee have voted from anywhere from a 45 day annual session to a 120 day session, so I really wonder where most of them do stand. I believe, with Mr. Fayard, that the proposal we worked out does have merit, and even though it does not have exactly what I want in it, I do agree to it. I do not see any other members of our committee whose names I see on the amendment now before us. In any length of time, the Legislature is going to what they usually do now. In 1972 in the fiscal session, a total of 171 bills were enacted; I'm sorry, a total of 144 bills were enacted. One hundred and thirteen of these bills were enacted within the last two weeks. In the 1972 regular general session, a total of 542 bills were enacted. Yet again, within the last two weeks, 440 of these bills were enacted. The library that I have explored before my committee since we began in January, is that work expands to fill the time, and any length that we have, the work is going to fill the time right up until the end. We're talking about an eighty day session right now. Sixty of those days in session. That's nearly three months. I really wonder if all of the legislators would really like to be here that long. It's the miracle of some strange things are happening, and I really wonder if they do really want to spend that much time here in Baton Rouge. Mr. Chairman, I am in favor of the idea that there are ten amendments to this resolution currently pending before us. I would hate for the fate of all these resolutions to hang upon the vote on this one resolution. Keeping the spirit of the facts hereby move that we take the committee as a whole to hear the rest of the amendments, to hear it discussed and get all of them before us. I know that Mr. Riecke has amendments, and I know that many other delegations have amendments. Therefore I request that we resolve into the committee as a whole to hear all of these. Thank you.

Questions

Mr. Tapper: Mr. O'Neill, would you mind telling us what the purpose of resolving ourselves in the committee as a whole. We are all here now on the floor. What would be the purpose? Do you have witnesses that you want to bring before the committee as a whole, or just what is the purpose?

Mr. O'Neill: Mr. Tapper, there are ten amendments pending right now. All of them different than the amendment we have before us. The fate of those ten amendments rests on how this one is voted. I should think that in committee, one by one, so to speak, that we would have a chance to hear each of them discussed. The merits of all of them. I've heard all of this testimony, that every member believes that we should ask that the whole convention be allowed to have the benefit of this testimony.

Mr. Tapper: Now don't you realize, Mr. O'Neill, that even in the committee as a whole we would be progressing in the same manner as we are here on the floor. That there would be no change in the rules of procedure in the committee as a whole except to bring in witnesses to testify.

Mr. O'Neill: Mr. Tapper, we can take no final action while in the committee as a whole. Am I correct?

Mr. Tapper: You are correct.

Mr. O'Neill: Well then, we can't take final action on any of these amendments. All we can do is hear them discussed.

Mr. Tapper: But wouldn't the better procedure be to ask the Clerk to read all of the amendments before we take final action on the floor rather than going to the committee as a whole? I can't see what your problem is in discussing them on the floor of the convention.

Mr. O'Neill: Mr. Tapper, if the Clerk can read them all that still doesn't allow the authors of these amendments to discuss them with us and present their views.

Point of Order

Mr. Stovall: The notion to go into a committee of a whole is not debatable, Mr. Chairman.

Mr. Henry: Mr. Stovall, you are exactly right, but I thought that Mr. Tapper had a point of order on information, which apparently he did. Now the notion as stated is incorrect, I believe, in accordance with the rules, Mr. O'Neill.

Mr. O'Neill: Mr. Chairman, I understand that the rules require that we state an allotted amount of time that we require to the committee as a whole. I would suggest two hours, and ask that all delegations concur.

[Motion to resolve into Committee of the Whole rejected: 30-79.]

Further Discussion

Mr. Derbes: What I like about the proposal as originally suggested by the committee, is that it is specific and it is reliable. It sets forth in clear and concise terms, a period of introduction and a period of deliberation and a period of input where various members of the state legislature can help reflect their back home resolve into a committee as a whole to hear the rest of the amendments, to hear it discussed and get all of them before us. I know that Mr. Riecke has amendments, and I know that many other delegations have amendments. Therefore I request that we resolve into the committee as a whole to hear all of these. Thank you.

Questions

Mr. Drew: Mr. Derbes, on the question of going home and discussing these matters, with fifty days, would you tell us when we are going home and discussing the bills that are introduced between the second Monday and the third Monday of May?

Mr. Derbes: I, like you, Mr. Drew, have misgivings about that aspect of the proposal. I assume that the proposal represents a promise. I can live with the compromise. I would rather see a reliable, specific period of deliberation on some portion of all of the bills introduced in any given session of the Legislature rather than in open, free-for-all type system where the public can only rely upon the will of any particular legislative session. I would rather see something specific that deals with some significant number of bills, rather than nothing at all.

Mr. Drew: Under that statement, Mr. Derbes, then should you not be supporting Mr. Rayburn's amendment which would give us the opportunity to do what
you're talking about.

Mr. Gerbes: Except that it is not as specific as I think it needs to be.

**Further Discussion**

Mr. DeBleux: Mr. Chairman, and ladies and gentlemen of the convention, I want to say, with reference to the drafting of this particular Section A, it's not exactly what I was seeking but I do have it. I can tell you I felt that being in the Legislature for some time, that it is a vast improvement over what we have now. I particular like the feature about the introduction of bills, which I think is important. I don't know if you are going to have only one time to introduce a bill or whatever period of time the Legislature wants to spend for that purpose, and then going home and looking over the bills, and going to your constituents. Sure, we might be subject to lobbyists, but who are your lobbyists? They are going to be your friends and neighbors back home. They are going to talk to you about these bills, and those are the type of lobbyists I like to listen to. There is only one little correction that I'd like to make on this particular provision which I think would make it a better one. In order to do that, I think I have to go back to reject Senator Rayburn's amendment. As I calculate the days in any sixty day period, you are going to have at least eight Sunday-Saturday. Sometimes you will have as many as nine Sundays and nine Saturdays. I don't like for the Legislature to meet on Saturday and Sunday, if we can possibly avoid it. I have an amendment proposing to change the sixty day period to seventy day period, and let the Legislature meet only fifty days during that seventy day interval, which will mean we will not have to meet on a Saturday or Sunday if the Legislature does not see fit to do that. Otherwise, I'd say leave the provision of Section A exactly as the committee drafted it, and pass it, for that slight change. For that particular reason, I'm going to ask you to reject Senator Rayburn's amendment because it will allow for a time to legislate, in the light, rather than in the dark as we have been doing over the past fifty years. I'd just like to close with this one statement with reference to answer Senator Rayburn's business about not voting in the five day period. I don't know very many votes we've ever taken that first five days of the session, anyway. We haven't passed any legislation that we've taken then, so I don't think it's going to make that much difference.

**Further Discussion**

Mr. Casey: Mr. Chairman, and members of the convention, I don't want to take much time on my remarks and belabor the question, but I do urge you to adopt the amendment proposed by Mr. Rayburn. The proposal as it exists, and I'm not referring to the amendment of Mr. Rayburn, the proposal as it exists really, and I don't intend to make any derogatory remarks at all toward anyone, but as drafted, it really presents, I think, a tremendous amount of difficulties. I think it's really a hodgepodge of wording which presents some problems, and I think the proposal of Mr. Rayburn really cleans up and makes a more perfect the proposal for the purpose of coming into the Legislature into regular session. Much has been said about the idea of introducing legislation and going back home for two weeks, and then coming back again and then introducing some more legislation. I have legislators the opportunity to go home and talk to their constituents and to their people about the legislation that is introduced. I feel that it is our duty to inform our constituents about the method of introducing legislation that the proposal has right now. In the first five days of a legislative session there will be so little legislation that the legislator to go back home and talk to his constituents about. Because, as it is right now, and human nature will dictate, that the large percentage of legislation will be introduced for this 60 day waiting period, so to speak. And what's that you're going to happen, and there will be the usual rush

then, it is to try to consider the legislation an committee to try to consider and pass it. And I think Mr. Rayburn's proposal solves many of our problems, permits the Legislature by its own mechanics, to finish the period of production. To have committee hearings without the Legislature being in session. To have committee hearings during this eighty day period to properly consider legislation. There are many merits to Mr. Rayburn's proposal, and I urge you to adopt his amendment.

**Questions**

Mr. Stagg: Mr. Casey, is it not correct that some one of the remarks you made, about going home one night and coming back and everything was changed. Did you hear that remark made?

Mr. Casey: I certainly did, Mr. Stagg.

Mr. Stagg: Well, it is not a fact that I appeared before your committee on Tuesday afternoon when the committee was discussing a sixty day session within a 120 day period and that motion on that afternoon passed 4-2. Is that correct?

Mr. Casey: That's absolutely correct, and if you would like, I might elaborate on that. There have been many proposals before our committee. Personally, I'm in favor of 60 day period, and I do not understand how long we're going to be in session, and I so moved during the considerations held by the committee, I was defeated. The sixty legislative days in the 120 days was a compromise, but you are absolutely correct that all of a sudden it wasn't an overnight situation. It was a morning situation where the present proposal was all of a sudden developed, and there it was. I was the only one on my committee that voted against it, and I have no complaints. That's the democratic system. Frankly, I'll tell you what happened last night. I don't like the present proposal neither did Mr. Rayburn, and we worked together on it, talked to people, got some votes and that's why it's before the convention today. I'll pull no bones about it. That's the democratic process.

Mr. Stagg: I share your approval of the Rayburn substitute and I shall support it. I thank you.

**Further Discussion**

Mr. Riebe: Mr. Chairman, ladies and gentlemen. I'm one of those who has an amendment that I've worked pretty hard on and I think it presents some merits about, and I've found my amendment quite popular, and I would like the opportunity for you all to hear it. If we pass favorably on this one, you will have all the changes that I've been working up. During the early part of this convention we were sent a lot of literature, one of which was notification that about six years ago the Louisiana Law Institute in studying the constitution had recommended at that time that there be a split session of the legislature for the purpose of first introducing bills and then a recess so that the legislators and the people back home could study the bills and vote more intelligently on them. You've heard it said earlier that there were twenty-eight hundred bills--some speaker's speech that those 2800 bills introduced in the 1972 session of the legislature. Nobody can tell me or you, I'm sure, that every legislator knew what was in those twenty-eight hundred bills, some of them 30 and 40 pages long in my campaign for this office, at which I was elected by the people of my district, this is one plank in in the platform, and I say if a split session in the first five days of the legislative session there will be so little legislation that the legislator to go back home and talk to his constituents about. Because, as it is right now, and human nature will dictate, that the large percentage of legislation will be introduced for this 60 day waiting period, so to speak. And what's that you're going to happen, and there will be the usual rush
one of you and everyone of you, would like to know in advance, thirty days in advance, before the legislature considers these bills that come up. This will give the legislators an opportunity to hold the committee meetings and there's some bill that's going to hurt your business or you think is going to hurt your area and you want to testify they'll set a time for the committee meetings. Then you go all the way up there from New Orleans or Shreveport and you find the committee meeting has been cancelled and you have to go back home. These are the things that we want to try to correct in this constitution. Gentlemen and ladies, please vote against this amendment.

Point of Information

Mr. Abraham Mr. Riecke made the statement that if this amendment passes, it kills all subsequent amendments to this particular section. That's not correct, is it? The other amendments will still be considered and might supersede this one if they're passed. Will it not?

Mr. Henry The other amendments certainly would be considered. If this amendment were adopted and we began considering the other amendments because of the way they were worded and it had been adopted they may have to be redrafted but they would be considered.

Mr. Abraham His amendment could still be considered, would it not?

Mr. Henry Yes sir.

Mr. Riecke May I answer that?

Mr. Henry Points of order I'm supposed to speak to, Mr. Riecke, but in as much as you still have the floor, I will let you proceed.

Mr. Riecke This is in direct opposition to a split session and if you pass this, there's no chance of the other amendments on a split session being even considered. You've passed what they've advocated.

Vice Chairman Miller in the Chair

Further Discussion

Mr. Florcy Madam Chairman, delegates to the convention, I rise in opposition to Senator Rayburn's amendment. He mentioned a little lobbying on the committee's proposal. Looks like there was a little bit of the lobbying going on last night and at breakfast this morning from what I am told. And that's good too. Let me say to you that those of you that can recall the last referendum election the issue of an annual sixty day session was submitted to the people of this state. And the people of this state decisively rejected the annual sixty day session of the legislature. Now, I submit to you that the work of this convention has to be adopted by the people of this state. I have for a number of years and the group of people that I represent, have taken the position that if used as intended when it was originally adopted by the people of this state. The fiscal session of the legislature where they would consider only fiscal matters delve into the anticipated revenues, look into the various state agencies of this state and the budget and determine whether or not these funds were being used as the reasons and purposes appropriated. That the state could save untold millions of dollars. I still believe that that and it appears based upon the actions of the legislature over the past years that they have no intentions of using the fiscal session for that purpose. Under it takes the fiscal session and the regular session to accomplish the business of this state I am now prepared to in light of that, support the committee's proposal because I think that proposal does provide adequate safeguards to the public. It does provide for a workable legislative session. Never, what is contained in amendment Senator Rayburn has an eighty day session of the legislature every year. Put it anyway you want to. That is exactly what it is. It is now time to spell out or.

It does not provide for a prefiling period and I have heard I would suggest a far majority of the legislature repeatedly over the years say that they needed a prefiling period. Then of time with which they could go home and get the reaction of the voters in their district as well as to interpret what is contained in the legislation that had been introduced. I admit that it is a possibility that Senator Rayburn's proposal that could be done. But there is no guarantee in that proposal that it will be done.

Let me suggest to you what could very easily happen. The legislature could be in session three or four days a week. Adjourn and hold committee meetings one or two days a week or a remainder of the week. And you've got eighty session days of the legislature. The last three regular sessions 600 bills, House and Senate have been introduced in the first five days and the legislature in good case load for the legislature to begin work after they come back during the interm period from the prefiling period and committees proposals and start work on the first day of the session when they come back the second Monday in May.

I believe that what is contained in Senator Rayburn's proposal will not be accepted by the people of this state. Already having spoken against the annual sixty day session without any restrictions whatsoever in the period prescribed in this amendment.

I can't help but believe, that the public of this state is entitled to know on an annual basis what they can expect and I can't help but believe that the legislature itself, would want to have a prefiling period spelt out for the purpose of prefiling. Where no action could be taken until the bills were printed to get some reaction. And let the public find out what is in those bills. Now if the public is not entitled to that, and they are paying the bill, then you tell me what they are entitled to.

I believe that if you reject this amendment that in the further deliberations upon this subject if the committee propose it does not mean that other proposals will be considered that you might find more possible than what is presented here. Once you adopt this amendment, for all practical purposes, the matter is closed. And as a practical matter, how can you get adopted a subsequent proposal that might even be a better proposal?

I ask you to give this consideration, reject this amendment. Let us establish in the constitution a prefiling period with a period of recess for the public's good. Let them find out what has been presented and give them adequate opportunity to come to the legislature and be heard. After all, that is what a democracy is all about, representing the voices of the majority.

How can that majority be heard if they don't know what's going on? Under the committee's proposal. I suggest to you that it can be done. Now, I was in attendance at the committee meeting when they adopted their proposal. I heard the chairman of this convention speak in favor of that proposal. I agree that perhaps it will be about what is presented. I am an annual basis what should be done with the sessions of the legislature and under what conditions they can meet and should meet. And I ask that you reject this amendment and give full consideration to the committee's proposal as it comes up.

Further Discussion

Mr. Juneau Madam Chairman, fellow delegates, some
reference was made earlier to I think six members of the committee as to where they were last night. Now I cannot speak for the other five but I would like to tell you what I did.

I went to my room but I slept. I saw Mr. Casey in the interim period and indicated to me he said 'do you think I should favor the proposal wherein we would remove the five year limitation which I publicly and in committee and in committee voiced objection to. And to extend the period to eighty days.' While I pressed considerable to the point yes I think that would probably be a little better than what we have. And he said if such a proposal would be considered favorably by a co-author then I said I would. If that is the overnight action that they are referring to I admit guilt. I might tell you I offered the original provision that would allow for a 120 day period for sixty legislative days.

I have backed off of my provisions to attempt to arrive at what I thought was a realistic strengthening of the legislature. And that’s why I think this amendment is good. I do not plead infallibility and I do plead that I am not an advocate of this or any of that. I thought for edification purposes you would like to know that we considered at length most of the proposals that are being suggested as amendments. And I feel we are in the habit of lobbyists pressing overnight may I remind you, that at the committee hearing yesterday, for the first time, to my knowledge an amendment was proposed by Mr. O’Neill which in essence would have reinserted into the constitution what we have now in fiscal sessions.

I submit to you, I think he did in good conscience but I do not apply where does it come from? Ladies and gentlemen, what I am attempting to tell you is this. Over the committee proposals the Rayburn amendment does nothing to mean more than reword the fifty day limitation which I think is a little presumptive on my part to say in the future that five days will be enough. Additionally, it extends the period from sixty days to eighty days and I favor that.

I think in contrast to some of the statements that have been made that the provision as now written allows for an extensive period and you can have split sessions. It does that. I think that that is a realistic, practical solution to the strengthening of the legislature in this state and for that reason, I favor its adoption. Thank you.

Further Discussion

Mr. Roy Madam Chairman and delegates to the convention, I want to basically reiterate most of what Delegate Flory said and just add a few other little concepts.

One, it appears to me that we are getting right back to the same situation of there being a difference in somebody’s mind between one, five, ten, twenty days when we have had a committee that has heard probably everybody’s argument and what have you.

Then we get to this other argument that is made that for some reason in a small state by some of these legislators don’t like working on Saturdays and Sundays.

Well, if we judge the future by the past we find that the legislature passes most of its laws in the last—probably ten days of the session. Therefore, under Senator Rayburn’s proposal since there is no specific time that they must meet probably the same thing will happen again. For fifteen, twenty days the legislature will diligently and finally it will have to get down to business and people will be more home Saturday and Sundays anyway. That argument doesn’t sell as far as I’m concerned. I think the idea that they are entitled to know when a legislature convenes and about when it will be meeting and to extend sixty days is enough. I don’t think we have to provide that the people should not be sure whether the legislature will meet last sixty days or sixty days is enough since we are now having annual regular sessions as opposed to the other session.

I think it is a good idea that any young legislator coming down here has a chance to get his feet wet by providing a grace period during which he may be able to return home if he chooses or he can sit back and listen to the comments that are made either by way of the news media or committee. As pointed out by Mr. Flory pointed out to some 800 odd number of bills that have been introduced in the past.

It may be that this provision could be worked out a little better but we still get to the same point of no return. That each of us has some little idea that we would like to get across that may be a little better than what we have and in the end, we’re just spending a lot of time.

I believe that the provision that the committee has come up with is a better way of the people. I think the best thing we can do I think all the other arguments are specious. I don’t think they hold weight about the Saturday and Sunday, I don’t think they hold weight about not—you’re [your] not being able to get to the pulse of the revolution of the people because you haven’t had a score vote.

I think that the young legislator having a chance to meet his fellow legislators and to know how they stand generally is in a better position in the final analysis to determine what legislation he will or will not support and then go back—come back here and get busy on it.

I move the adoption of the proposal of the committee and the rejection of the amendment.

Further Discussion

Mr. Womack Madam chairman, fellow delegates, I rise in support of the Rayburn amendment. I have been in the legislature now since Governor Long’s days. Two sessions with Governor McKeithen, one with Governor Davis and now well into this session. Having passed two legislatures already which normally is half of the time.

You hear a lot about what has happened last ten years of the members. Yes, yes, most of the bills are passed the last ten days. After ten days you finally concur in all of the bureau amendments. That’s the days that run the massive of suit bills authorizing suits through.

Yes, that is bogged up on the last few days. That’s the days that you catch the concurrence in the amendments from the other houses concur or not concur in the conference committee reports. And to say that is the time you pass most of the legislation is certainly misleading.

There is only two or three issues in this that I want to specifically call your attention to. Number one under the original proposal, the legislature is restricted from acting on anything the first five days.

Now, all I have heard since this started was we want a free legislature we want to have the right to serve the people. And now you want to tie them down in to [into] the constitution where they can’t even vote when they are in session.

It makes a lot of sense.

With the Rayburn amendment you still are going to meet the same sixty days and if you maintain the same system of compensation for legislators you are going to pay the same price for it. The difference is that you are going to be saving a minimum of twenty-five days before they can be paid.

That makes a lot of sense.

With the Rayburn amendment you still are going to meet the same sixty days and if you maintain the same system of compensation for legislators you are going to pay the same price for it. The difference is that you are going to be saving a minimum of twenty-five days before they can be paid.

That makes a lot of sense.
house why, because you are attempting to meet seven days a week and you had a number of people that had to go home one or two days to transact their own business. This leaves them the one or two days to go home and transact business. And certainly I wholeheartedly agree that there should be enough days in the week for us to transact business without having one or more on Sunday. This would leave you the Sunday to be retained as it set out in the commandments.

Would like to cover briefly the three or four things again that I think is the difference.

Number 1, you still maintaining the sixty days. You are releasing the hamstrings on the legislature and letting the above as the work load that they have. You will be permitting them to go forward with the special appropriation bill for instance, to pay the expenses of the legislature during the thirty days or more that they will pay their employees on time.

You will permit the members of the legislature.

As I say, you would take the five day restriction off the work then in accordance with their work load. They can meet, assign bills to committees and in a number of instances go ahead with committee hearings.

If you have the fourteen days waiting period. A five day introduction period at which time nothing can be done and there will require a suspension of every conceivable rule that you have and taking advantage of the House and the Senate taking up the same subject matter on the third day in the House and the first day in the Senate even to get by with twenty-five days.

And if you go the normal routine, you could easily run in the neighborhood of thirty days before you make a payroll to the employees.

Now, if this makes sense, there is something wrong with me.

You say that we want to give a legislature all the freedom and that is all I have heard since I got here. We want a free legislature that they can move independently. Leave them the five days, let them move as they see fit. And then let them move into other work as the work load would project. And let them assign the work load to go in this simply what the Rayburn amendment does. So I have urged the adoption of it.

[Previous question ordered.]

Point of Information

Mr. Keen: I understand the Chairman to have stated that if the Rayburn amendment passes, that the other amendments that are in the hands of the clerk will be then taken up for consideration.

I rise to ask the question if the Rayburn amendment passes, does that then become the matter on the floor and can that be amended.

Mrs. Miller: Mr. Clerk will you speak on that please.

Mr. Poynter: Yes, Mr. Keen. Certainly, as you stated it is absolutely correct. That amendment would be appropriate in the manner that it has been proposed to delete the previous amendments and insert in lieu thereof the language that they wish to insert. Or in the alternative, amendments could be proposed to the text of the language which would be inserted if the Rayburn amendment is adopted by this convention.

[Recorded vote ordered.]

Closing

Mr. Rayburn: Madam Chairman, fellow delegates, much has been said here about lobbying. I want to take just a moment and tell all of you and ask all of you how many times I lobbied. Yes, I talked to a very few of you, very few. But I want to ask you how many times you have been lobbied by someone speaking in opposition to this bill. And let's set the record straight. I oppose this original plan and I am happy some of the committee members have authored my amendments because they think I've got a bad plan or not. A lot of other people who discuss this.

They said--Mr. Flory said we would have an eighty day session. Well under his provision you could have an eighty day session if the days of the month fell right.

It is about a seventy-six day session like it is. You are going to meet on the thirty-first day of the eighth day and they are going home the fourth Monday of April you are going home till the second Monday in May. So it's according to where those Mondays fall. That could be three weeks or more to four weeks lap right there.

So there is no big difference in the days, may be [maybe] one or two not over a half a dozen at the most.

Well I want to say to you Rev. Stoval, if this committee proposal is adopted like it is it would put the legislature in about the same category as your Rev. Landrum.

If you were holding a revival, you would preach your heart out for five days but nobody could join the church. Then they go back and sit it over three weeks and come back and you had to start preaching all over again.

Now, let me say to you, if you don't think time changes things, then are all these amendments here. All of those that appeared this wonderful committee system that we have and it is good, it's awful flexible enough. Here's the proposal. Here's the committee. Several of them have had a change of heart. They read off something--the first time I ever heard of we introduced a lot of amendments, but I never had my competition read before but I actually don't mind, but you've done that and that's all right. That's all right, I guess. There are about fourteen others up there changed their minds. So the committee system is so fair--so great and so gracious we wasted a lot of time or this committee did that heard this.

You are seeing democracy in its truest form this moment. You are seeing people have a chance to change proposals. You are seeing committee members changing their minds. I have seen that for thirty-two years at the end of this session. Thirty-two years.

When you spend five days meeting, deliberating and don't take a vote and you go back home what are you going to talk about. You're going to tell your people what you talked about while you were over there. They say well did they do. Oh, he didn't do nothing--just talked.

They just talked. They are going to take three weeks to come back. They are going to start talking again. Oh, that sounds good for somebody who wants a little time that had to see a bill they wanted to kill. That would give them five days to kinda look it over and three weeks to kill it.

Well you don't think I would drop a bill that I knew I was going to have some problems with in that session the first five days, do you. I've dropped one or two when I first came here, but I learned. I caught on.

Any time you drop one in there you are giving opposition that much more time to shoot at it. You know when they get a chance at mine, the last minute the last minute before deadline for introducing. It's there's nothing wrong with the people. It is letting the legislature do a little bit of what the people elected them to do. It's an eighty day session, it's tied down in a sixty day session. It does give you eighty days to do your work.

And I don't believe that any legislature should convene on a Sunday. And that was one of my intentions was trying to prevent that from happening in the future.

I think I am entitled to a day or two at home to see the happy home folks. I would let us work five days a week, take Saturday and Sunday off. Go home and talk to our people if we so desire. Of course most of them.
Including myself, have usually got somebody who wants to take us on a fishing trip. Or some other kind of little trip. Well, I want to tell it like it is. But I would have to check if the legislature and meet for five days and discuss bills and go back home and maybe the farm bureau says well what did they do on that House bill so and so and what had so and so to do with--They ain't done nothing. Just talked about it.

In my opinion that would be five days wasted and this is my main opposition to the proposal in its present form.

I hope you will adopt my proposal. I'm not going to tell you it's perfect but I do think it's an improvement.

Chairman Henry in the Chair

[Amendment adopted: 84-14. Motion to reconsider tabled.]

Amendments

Mr. Poynter Mr. Newton has a set of amendments at this time.

Amendment No. 1. On page 1, delete lines 21 through 32 both inclusive in their entirety and on page 2 delete lines 1 through 9 both inclusive in their entirety and insert in lieu thereof the following:

"Section 2. [...] aid. The legislature shall meet annually in regular session convening at 12:00 o'clock noon of the fourth Monday in April for such terms and under such conditions as may be provided by law."

Amendment No. 2. On page 2, delete line 10 in its entirety and insert in lieu thereof the following:

8. During such times as the legislature is not convening in regular session, it may be convened by the--..."

And Mr. Newton, leave the delegates here at this time need to add an amendment No. 3 which would simply delete in their entirety Amendments No. 1 and No. 2 proposed by Mr. Rayburn and adopted etc.

Explanations

Mr. Newton This amendment simply allows the legislature to do all of what the people sent them up here to do. It is the purpose of just what they were sent up here to do as Mr. Rayburn said.

It allows the legislature to determine for itself by law, so that the people will have some idea of what the legislature is going to meet and how long it is going to meet.

It sets out the time that the time that the legislature shall convene which is the fourth Monday in April. The other amendment is in the nature of a technical amendment to conform the section on ordinary sessions with the provision of Section 2.

I don't pretend to the eloquence of Mr. Triche but with his permission I would like to adopt his remarks with respect to the responsibility of the legislature that he made earlier this morning. I think that during the last sixty day session the legislature of the House met fifty-five days during the sixty day session. Probably passed most of the bills. Was the last few and I don't know about the rest of you, but I have seen some pretty bad bills that came out of there.

During the thirty day session, I understand the House was in session for twenty-eight days.

I think that Mr. Rayburn's amendment is an improvement but I don't think it is enough. I think that this amendment provides sufficient flexibility for the legislature to be able to conduct the business of the state. There are all these amendments wanting different ways of the legislature to meet and perhaps it is unreasonable for the legislature to have to try some of these if they work fine, if they don't they have got the right to change it to get it like it ought to be.

I think there are going to be sufficient pressures on the legislators to keep them from being down here in continuous session. These are responsible people they are responsible businessmen, they are not interested in squandering the state's money as Mr. Rayburn can attest. They are let us turn this setting down here and getting their work done and going home.

I think there is going to be sufficient pressure from the different groups that are going to come in the sessions within reasonable bounds. That I personally am not worried about [ ... ] of the privilege or right that they would be given to conduct their business for themselves.

I think that one of the next sections proposed to put the legislature on a salary. I am in complete agreement with that. I think that if you are on a salary, they are adequately compensated let them come down here for however long it takes for them to take care of the state's business. And I think one further thing that allowing them sufficient time to meet to consider the budget, to consider any other matters that they need to consider is going to allow them to at least equalize their strength with that of the Governor. And I urge that you accept the amendment.

Further Discussion

Mr. Abraham Fellow delegates, I voted in favor of the Rayburn amendment because I felt we needed to give the legislature flexibility to conduct their work. I am in favor of the Newton amendment because I think we should go further than what we did in the Rayburn amendment. And I think this is going to be a by law, and they will have to do this, they will have to fix their sessions in the method in which they are going to operate, they will do it by law. So everyone in that is going to be acting exactly for how many days they are going to meet, and by what means they are going to go about their business. Now here again, and I do not have the eloquence of Pappy Triche but I wish I did, you hear him speak on the need for making the Legislature more responsible, if we are going to hold people responsible for building our cities and counties, we are going to have to give them a little bit of authority to go with it. Now let me tell you what this will do as I see it, and I think it is sorely needed. This allows the legislature once every four years, and this is needed to have an organizational session prior to the session, immediately after the election in which they can select their officers, in which they can review their committees.

Now this is simply good business sense so that when they do come back into session then they are ready to go to work. It is so that they don't have to have a furlough period. More importantly, it allows them time in which to conduct hearings, and it allows them time while they are conducting these hearings to take up the sessions that are extending to go report the bill favorably or unfavorably or however it may be so that when the Legislature does come back, the people know exactly what is in these bills they know how they are going to be presented. Now of all things we need time for the Legislature to deliberate and I believe in giving our legislators some flexibility, some authority. I believe in trusting them. Now the Legislators are not going to leave this as a wide opened deal. You heard enough debate here today that if they do not take heed of their colleagues and I don't know about the rest of you, but I have seen some pretty bad bills that came out of there.

I think that the last sixty day session the legislature of the House met fifty-five days during the sixty day session. Probably passed most of the bills. Was the last few and I don't know about the rest of you, but I have seen some pretty bad bills that came out of there.

During the thirty day session, I understand the House was in session for twenty-eight days.

I think that Mr. Rayburn's amendment is an improvement but I don't think it is enough. I think that this amendment provides sufficient flexibility for the legislature to be able to conduct the business of the state. There are all these amendments wanting different ways of the legislature to meet and perhaps it is unreasonable for the legislature to have to try some of these if they work fine, if they don't they have got the right to change it to get it like it ought to be.

I think there are going to be sufficient pressures on the legislators to keep them from being down here in continuous session. These are responsible people they are responsible businessmen, they are not...
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Come back in so many days. He needs to know from year to year, and for several years exactly how they are going to meet.

Now what we have done before the original proposal was actually writing statutory material into the Constitution, and I am in favor of taking as a matter of fact that the Constitution has power to do that. I think that this particular proposal by Mr. Newton does, this amendment that it says that the Legislature will determine for themselves exactly when they are going to meet and what manner it does fix their starting date. Now if I understand correctly, the Legislature itself, the House had a committee and the Senate had a committee studying its mode of operation both of which came out with recommendations which in effect said that they did need the flexibility of determining their sessions, it did state that they would like to have an organizational session in order to pick their speakers, or their presiding officers, in order to choose their committees and this should be done without the pressure of trying to get bills introduced or anything else. I would strongly urge that this Convention give the Legislature the authority to fix their sessions, if we are going to make them an independent branch of government, if we are going to give them the authority to where we have the Executive or the Legislative branch then we think that it seems to me that the Legislature may be able to get finished their business one year in ten days, the next year in eighty days but if it is going to take then eighty days to do a good job I would rather have them have a good job in eighty days than a poor job in sixty or eighty days. And then it seems to me that the Legislature is the best judge of how long it takes to get through its business.

Questions

Mr. Duval Mr. Denney, I certainly agree with you that we need a viable and strong Legislature, but the provision that is proposed by Mr. Newton doesn't allow such... a great deal of uncertainty in that it's possible that we could go back to a thirty day session or its... the public or the Legislature might not really know from year to year what the session of the legislature would be. Perhaps you could clear me up on that.

Mr. Denney Well I would envision that the Legislature would adopt a statute which would provide for that. If it chose to amend that statute in later sessions because it found it had made an error it would certainly have the right to do so but it would not require a constitutional amendment if we found that possibly, maybe the fiscal session is better than six or sixty day sessions. Personally I don't think so, but it is conceivable that it is, and I wouldn't have rather that in the hands of the legislature than to try to amend the Constitution every two years.

Mr. Duval Thank you.

Mr. Angalone Mr. Denney would you agree that the installation of the sixty day session in particular article would definitely be dating this constitution?

Mr. Denney Yes, I think it would be dating it.

Mr. Angalone Could you foresee at some time, the future point in time where in sixty days might not be enough time just as thirty days has proved not to be enough time?

Mr. Denney I agree with you, sir. That was my point in supporting the motion.

Further Discussion

Mr. Champagne I am going to make this very short and probably because it would probably be a very small minority, but that's not nothing that keeps me from voting my convictions, I want to assure you, and I feel that this provision is as strictly giving you no general guidelines to the legislature whatsoever. We sat here, we provided a continued session, we provided extraneous session and time and I ask you, shall these ever have enough time, and it is not a question of mistrust or dislike but I don't want to remind all of you, that you all have been exposed to these people. We find them to be likeable, fine, wonderful people, but ask you, have the people back home, who elected them are so convinced that we can just turn loose completely at their discretion, and let them do what they decide in their great wisdom forever, or shall they say, these people who met in Baton Rouge were absolutely wrong in their decision in turning loose completely the Legislature with absolutely no guidelines. I am, even though, I be the only delegate, I am opposed to this resolution, I am opposed to this amendment, and I definitely want a roll call vote on this amendment.

Questions

Mr. Jenkins Did you know, Mr. Champagne, that many of us in the legislature feel the same way, and that you are not the only one who feels that way.

Mr. Champagne That's right.

Mr. Jenkins How do you think it would be to have full time people, who are full time politicians running this big government who seldom ever had a chance to go home and be with the people who elected them? Do you think that would make for a representative government?

Mr. Champagne I think it probably, it would contribute to one of the faults that some people attain, is with the Federal Government, that we have people who do nothing but legislate, and that is one of the reasons why we have so much legislation from the Federal Government. I don't think that is the kind of thing that people want, I am told back home we get too much legislation and I think that if, you get people that are sent up here, and spend too much time here, you are going to end up with something very much like your Federal legislation, but you will get it from both sides, from Louisiana and from the United States.

Mr. Abraham Mr. Champagne, don't you think that even under the present system that you could have full time legislators simply through the committee system who would be down here all year long?

Mr. Champagne That's a possibility but it's not a mandate like this might be.

Mr. Abraham Do you have it now? Do you have full time legislators now?

Mr. Champagne We don't probably have it--in fact we do not have it.

Mr. Abraham Do you think there would be any more reason to have it in the future than you would have now under this system here?

Mr. Champagne I certainly think that the possibilities...
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It is in the minds of the people who are going to vote for this constitution.

Mr. Abraham Would the possibility be any greater then it is now?

Mr. Champagne I would feel that in their mind there is a definite greater possibility. I also feel that this would indeed give...you know how they say, give them enough rope and they will hang themselves...and this might do it.

[Previous Question ordered.]

Closing

Mr. Newton I can see that the most serious objection to this proposal is that the legislature might stay down here all the time. I personally think that these are responsible people. They are businessmen that have businesses to take care of and I think the pressures are going to be sufficient on them to only keep them down here as long as they need to be. I think that if the House can adopt a provision which will put them on an annual salary, I think that the pressure would be just that much greater for them to tend to their business and get back home. I urge your favorable support of the amendment. Thank you.

[Record vote ordered. Amendment rejected: 29-86. Motion to reconsider tabled.]

Chairman Henry in the Chair

[Quorum Call: 113 delegates present and a quorum.]

Amendments

Mr. Poynter Again we will need to add a fourth amendment to this.

Amendments proposed by Mr. Riecke.

Amendment Proposal No. 3 by Mr. Blair et al.

Amendment No. 1, on page 1, delete lines 21 through 32 both inclusive in their entirety and insert in lieu thereof the following:

"Section 2. A. The legislature shall meet in regular annual sessions. In each year the regular session shall extend for sixty calendar days, the first ten days of which shall be for the purposes of organization and introduction of bills. No bill shall be in order in either the House or Senate until the tenth day of the session. The legislature after the tenth calendar day, except by consent of three-fourths of the members elected to each house. On the tenth day of each session the legislature shall recess for a period of thirty calendar days and shall reconvene at noon on the thirty-first day following the year in which it recessed."

Amendment No. 2, on page 2, delete line 1 and at the beginning of line 2 delete the words, quote Monday in May period, end quote.

Amendment No. 3, on page 2, line 5 immediately after quote, then period, end quote, delete the remainder of the line and delete lines 6 through 9 in their entirety. We need to add an amendment No. 4, to strike out in its entirety amendment No. 1 and No. 2 proposed by Mr. Rayburn and adopted by the convention on July 13, 1973.

Mr. Henry The gentleman will explain the amendments.

Mr. Riecke Mr. Chairman, and gentlemen. I'm not going to take any length of time to explain this. I asked about the date and heard the clerk says it has been previously passed out and I think that's almost what happened to it. In view of the fact that there is some forty delegates who told me that they liked the amendment and that they thought it was a good one I'm leaving it on the calendar for you to vote. It's very brief. It sets up a ten day period for the introduction of legislation, requires the legislature to recess for thirty days to give them and the people a chance to vote, to study. It allows committees to meet in the thirty day interim, and it does not permit the introduction of any further legislation, except emergency legislation which requires a three-fourths vote. That's it simply.

Questions

Mr. Abraham Mr. Riecke, the intent of the thirty day recess you say is to allow committees to meet during the period.

Mr. Riecke Yes.

Mr. Abraham But there would be no restriction on them taking final action on a bill?

Mr. Riecke The committee could not take any definite action in that time. They would meet, they could hear people who were interested in the legislation that would be considered, but they could not take any definite action during the thirty day period until the legislature gets in regular session.

Mr. Abraham Well, there's nothing here to prevent them from doing this, is there?

Mr. Riecke If there isn't, then they want to make recommendations, they can't pass them anyway until they get to the legislature. I don't think it's important. Maybe you do, but I don't.

Mr. Alario Mr. Riecke, I don't see in any place in your proposal where you say what date the legislature shall meet each year. Could you elaborate a bit on that.

Mr. Riecke No, I left that to the legislature to decide when they wish to convene. It says how many days they shall meet. It shall meet ten days for the introduction of legislation and fifty days thereafter. That's provided, but the date of the meeting would be left to the legislature itself.

Further Discussion

Mr. Sutherland Mr. Chairman and fellow delegates, I want to rise in support of this proposal by Mr. Riecke because I too ran from my district on the basis that the legislature should meet in annual session. But the people were opposed to any extension of the legislative session unless there was some reason that they could see for extending it. I believe that the split session is an answer to this problem. In this case the legislature would be splayed for two and a half periods to receive bills. You heard Mr. Rayburn say the original proposal was faulty because it took five days, it introduced bills, they went home and they came back and they had seven more days in which to introduce bills. This is not true under this proposal. All bills will have to be introduced in the ten day period unless they can get emergency approval by the legislature's three quarter vote. I think that if any of you have been before the legislature, you know that the time for hearing bills has been sandwiched in between meetings of the regular session of the legislature. They have met before the session or after the session. I think in this case you would have a period of time in which hearings could be set and that the people could have an opportunity to appear and present their views. I think that this corrects some of the faults that the Rayburn proposal was introduced to correct, and I would urge your support of this proposal—amendment. Thank you.

Questions

Mr. Tapper Mr. Sutherland, this is in connection with the question asked by Mr. Alario. According to the amendment as I read it, I believe it reduces the number of days from sixty to forty that the legislature will actually be in session. Is that your interpretation of the amendment?

Mr. Sutherland From sixty to forty?

Mr. Tapper Yes. In other words you are going to
Mr. Sutherland: I would not consider it as such.

Mr. Tapper: What about the committee meetings? Is there anything in the amendment to provide whether or not the committee shall meet or may meet during this thirty day period?

Mr. Sutherland: It is my understanding that if they are not prohibited from meeting, they could meet.

Mr. Tapper: Thank you.

Mr. Bergeron: Mr. Sutherland, wouldn't this thirty day recess period allow time for the legislators to go to their respective districts to deliberate with their constituents and arrive at their general feelings on some of the bills or proposals which might be brought before the legislature?

Mr. Sutherland: I think it would. I think it would also give their constituents a chance to understand what the bills were that were introduced in the session and have an opportunity to contact their legislators, if they so desired.

Mr. Champagne: Mr. Sutherland, indeed probably the best part of this proposal, would you suggest, is the fact that they do have thirty days in which to get the feelings of their people? In other words, what I'm sensing here is that we are getting a little picking at this idea but really and truly they are not picking at the idea that the thirty days...you do agree that's the big important part of this thing, allowing the people a chance to have been exposed to the bill, not only the people but the legislators themselves. Is that right?

Mr. Sutherland: That's correct.

Mr. Champagne: Thank you.

Mr. Ray: Delegate Sutherland, I'm a little concerned as to, if this passed, when would the legislature meet for the first time and who would call it into session since there is no convening date?

Mr. Sutherland: I would assume that the legislature would have to call itself into session or the governor would call it into session.

Mr. Rayburn: Mr. Sutherland, ...am I correct in assuming that if this amendment were adopted that we would still have only sixty calendar days to be in session which means that each Saturday and Sunday would be a legislative day? If I read it correctly, it says sixty calendar days. Then Sunday would be classed a legislative day, if we didn't meet we would just lose it.

Mr. Sutherland: I would think so, sir?

Mr. Alexander: Mr. Chairman and delegates, this amendment has the effect of curing some of the defects in some of the other previous amendments, some of which have been defeated. The people of the state, as a whole, oppose both the open end session and they also oppose the so-called thirty day fiscal session or any kind of fiscal session for that matter. This amendment would cure all of those defects. In addition the amendment increases from five days to ten days the period during which the legislators can introduce bills. Then it allows thirty days to digest those bills, debate them back home, study them, determine opposition or support, etc. I think this amendment does quite a few things that this convention needs to do and I appeal to you in a sense of duty that is consistent with what we have been doing and what we have been trying to do in this state and we support this bill. I would ask you that we go back to the previous language of Mr. Perez where we used unanimously to endorse or to pass his amendment. I am asking you to vote one hundred percent for the amendment.

Further Discussion

Mr. Casey: Mr. Chairman and delegates to the convention, this is a very serious amendment that could be very detrimental to the legislative process. I wish you would consider this very seriously and give it your full attention. The way that it is worded, and I don't believe that it is intended to be worded the way that it is, is that the legislature would go into session for ten days to introduce bills and refer them to committee, and then stand in recess for a thirty day period. Now what would happen under the way that this is worded is that when the legislature goes back into session, all they can meet is by adjournment, for a thirty day period. Can you imagine handling three thousand bills in a twenty day period on the floor of the House and one floor of the floor of the Senate, take up the session, and bad legislation getting through and pressure groups working like mad...that's exactly what this would cause, mass confusion. Gentlemen, this is an extremely serious, extremely serious amendment. Even now under the law, we have fifteen days to introduce legislation why shorten it to ten days? We have twenty-one days to introduce constitutional amendments. The Rayburn amendment as adopted, I submit to you, offers a viable, flexible, versatile method of handling legislation. The legislature itself can afford the split session concept. This is an extremely serious, detrimental amendment and I urge its defeat.

Questions

Mr. Riecke: I don't see how you interpret that that way at all. To me it's very clear. It says the regular session shall extend sixty days, ten days of which is for the introduction of bills. Now, how you get ten from sixty to be twenty, I'll never understand. If it is a question of form, it would seem to me you have a provision for that in that who whatever makes the bills in their final form... if there's some ambiguity in it that they could change it. But to me this is perfectly clear. This gives you fifty days. I don't want anybody who considers this to feel that that was the intent.

Mr. Casey: What was your question, Mr. Riecke?

Mr. Riecke: My question is, how did he get twenty days out of ten from sixty?

Mr. Casey: How did you get twenty out of sixty?

Mr. Riecke: You must be using a new math.

Mr. Casey: Mr. Riecke and Mr. Chairman, by way of explanation I get it two ways. First of all the breakdown is ten days introduction of bills, thirty days in recess and all it says is that we go back into session. It doesn't say we go back into session for fifty days, but under sentence number two it does say that in each year the regular session shall extend for sixty calendar days. Now what does extend mean. Extend means that from beginning the first day, whenever it may be, whether it be during this recess period until the last day which includes those twenty last days after you've been in recess, the way I read it going to end it's six consecutive, calendar days. Gentlemen, I would hate for this type of amendment to wind up in the Supreme Court for interpretation. All I am is one little attorney, the son of a little country boy, a country attorney...that's more effective. I just happen to practice law in the city. My interpretation is that the Supreme Court would say that the sixty days is sixty con-
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Executive, calendar days from beginning to end.

Mr. Riecke Well let me ask you this question then. Would you say that a country boy’s interpretation over and above the experts on our staff who wrote this up should prevail? The experts on this staff drew this up for me.

Mr. Casey I’ll answer that question. We have a very competent staff but the fact remains they can error also. They are not infallible and I disagree with them on some of the other proposals that are before the convention that possibly need correction and cleaning up. They got their own job that they have within the time limit that they have and that’s our job to make sure that we do the best possible job and present the best and most articulate and understandable and precise constitution that we can.

Point of Order

Mr. Riecke My point is, would it be possible to withdraw this and return it to the staff for clarification and resubmitting it later?

Mr. Henry It would be out of order but I don’t think anybody else wants to speak. Under those circumstances it would be in order so if you want to do move...

[Amendment withdrawn without objection.]

Amendments

Mr. Poynter Amendment No. 1 [by Mr. Abraham], on page 1 delete lines 21 through 32 both inclusive in their entirety and on page 2 delete lines 1 through 9 both inclusive of their entirety and insert in lieu thereof the following:

Quote...Section 2. A. The legislature shall meet in regular, annual sessions as provided by law. We need now of course, to add an amendment No. 2 deleting the Rayburn amendment.

Explanation

Mr. Abraham This amendment is similar to the Newton amendment with one exception, of course, this amendment was in the hopper before we voted on the Newton amendment. In that, whereas the Newton amendment says may be provided by law, which was permissive, this specifies that it shall meet as provided by law. There is no question that a law must be passed which specifies exactly when the annual sessions are to be and for how long.

Question

Mr. Denery Mr. Abraham, does your amendment say that it shall meet in regular, annual sessions? The copy I have says regular sessions.

Mr. Abraham Yes, it says regular, annual sessions. What happened was that in drafting the printed proposal, they left out the word annual, and a new one was passed around.

Further Discussion

Mr. Leddy Mr. Chairman, and ladies and gentlemen of the convention, I voted for Senator Rayburn’s amendment. I voted for Mr. Newton’s amendment, and I ask you to seriously consider voting for this amendment. What it would do is just allow the legislature to fall all of the things that we’ve been considering here today. In effect, the House passes its own rules just like this convention. So in other sessions, if they were enacted by statutes by the legislature, could be changed as needed. Maybe once a year, once every ten years, or maybe never, but it would give the legislature the power to make annual corrections, to correct any mistakes that it might have made and not have to go back to amend the constitution to do it. And let me give you one example of what I’m refer-

ring to. At the beginning of this term, this new legislative term, it appeared that for the first time in many years there would be an election by the members of the House for a new Speaker. The Speaker has been for a long time the Speaker for the House just as a formality. But our Speaker this time didn’t really understand that procedure and got out and got enough votes where he thought he could make an appointment. And it was no appointment whoever the Governor wanted for Speaker. And I have got to commend him for it. What it did, on the first day of the session whoever was appointed then appointed to take the session as it had been done in previous years, that took four or five days. It put the session back that many days before a committee could meet and hear bills that were already introduced. I recognized the situation when it came up and asked the Legislative Council to draw up a bill which would correct this situation, but since it was provided in the present constitution, it had to be a constitutional amendment. Then the bill came along which would create a new convention or convention to develop a new constitution, and I just didn’t push the bill because there was no sense in considering that bill when there was an option available. But it is an example of some of the things that the legislature could take care of itself on short order, as these things arose. Another instance in our sixty day annual session we’re talking about the sixty day annual session. I think everybody is here for sixty days, but I believe in every session that attended, there was a joint resolution introduced to allow for sixty days, that never could get past the House until 1972. When it came up in 1972, nobody opposed it. It flew right on, but it got included with the 52 other constitutional amendments that were all killed, so you can’t say that that was bad. It took 70, or two-thirds majority of the legislature to even get on the ballot. We thought a good item by most of the members of the legislature. But the only way you could change it -- by a constitutional amendment. If we would pass Mr. Abraham’s amendment, this would give the legislature authority to do it by a simple act of the legislature, and they could correct many of these inequities as they come up. Legislature is really not as bad as many of the citizens think, because for election every four years, and if we don’t do it right, let me tell you, they put the boot on us. I believe, I believe. I’m not satisfying my people, then I don’t need that thirty day time back home to discuss bills. Anytime there is a bill that affects my area, they let me know about it, and they hear from them because that’s what they send me down here for. So I ask you please consider this thoughtfully and I ask you to try to see it in our eyes, because I believe we want to try to do the right thing by the people of Louisiana.

[Previous Question Answered.]

Closing

Mr. Abraham I still say that we need to give the legislature the responsibility, the authority to conduct their affairs as they should be done. And this is the way to do it, this is the way we want to do it. The only thing I think that the people are not in favor of this, and cite the reason that the constitutional amendment was voted down in the past, that amendment failed with the people because they were just tired of voting on amendments and rejected the whole thing without any regard as to whether they were good or bad. You heard all these various arguments here today. We’ve heard all the various ideas of how this should be done, and we’re going to try to sit up here and in this short period of time. We needed this period of time to see how the people is going to conduct its business for the next many years. And we’re going to sit up here and we’re going to tie the hands of the legislature, so to...
Mr. Jenkins. Mr. Chairman, members of the convention, throughout the history of Louisiana, all our sessions have never once been subjected to the possibility of having their taxes increased in odd numbered years. Until 1954 we had biennial sessions, we had no regular sessions in odd numbered years, and thus their taxes could not be increased. And since 1954 we have had fiscal sessions which were limited to fiscal matters except when a super majority of the legislature decreed otherwise, and even in that instance, no tax increases could be levied. Now I feel sure that it's the sentiment of the people realize that not only will they have annual sessions of the legislature, but that in odd numbered years for the first time they will be subjected to the possibility of having taxes increased. Many people have said that we must trust the legislature, and indeed after having served a little more than a year in our own legislature, I do more than before trust our own legislature because I know the members and I have an idea about how they think. But I think we'll make a grave mistake if we presume that the people trust the politician. The people do not. In our state, the history of politics in our state is ample justification for their lack of trust for the politicians. And while they might be trusted to have annual sessions of the legislature, I don't believe that they will trust us not to raise taxes in odd numbered years when we have that authority. I really believe that allowing the legislature to raise taxes in odd numbered years could be a major factor leading to the defeat of any constitution which we propose. There is really no need in any case to allow taxes to be raised in odd numbered years. Taxes should be raised, levied on a long term basis to provide for long term planning, and they only other year in which it should be sufficiently levied for tax purposes. Now to include this provision would not, to revert to the old system of having fiscal sessions of the legislature. Not at all, not in no way would it. Under our present law the legislature is restricted to fiscal matters except that one fiscal matter, the most fiscal of all, levying taxes, is not allowed. There is no way under current law, no matter what super majority might have to raise the tax, the taxes could be raised in fiscal sessions now. And that has created no problem because members have not submitted it. But if one were to be, one that might be interpreted as a tax measure, it's ruled on by the Speaker or President of the Senate. There is a lengthy debate in almost any case as to whether or not a measure is one that might be considered as a tax measure. There may be a handful, but nothing comparable to the extent of debate that centers around whether or not a particular bill is fiscal or non-fiscal. The present constitution, in Section 8 of Article 3 says this: "All regular sessions convening in the odd numbered years shall be restricted to budgetary or fiscal matters, however no measure levying new taxes or increasing existing taxes shall be introduced or enacted." The wording of that provision is retained in this respect. It says: At the end of Sub Sec- tion A, "During any regular annual session held in an odd numbered year, no measures levying new taxes, increasing existing taxes, or repealing tax exemptions shall be introduced or enacted." It create no more problems that that particular line has created in our present constitution, which from a procedural standpoint has been minimum. I think the members and the public are concerned very concerned about tax rates. A recent survey that I saw showed that the American people are paying 40%, in fact it was 43% of their total income. In fact, they have set different confiscatory levies, and I don't think that there is a member of the public who doesn't believe that taxes are too high. And if we add to that a possibility of increasing the legislature two shots for every one that they have now at increasing taxes, I think it's going to jeopardize our entire constitutional proposal. So I ask you to consider this measure seriously, this

Amendment rejected. 15-38a. Motion to reconsider tabled.
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amendment. It will allow the legislature to do any-thing it wants except increase taxes. It won't cause any more problems. It won't be a fiscal ses-sion at all. It will be the kind of our document that we present. It will certainly be a plus factor because when the constituents raise the question, "Well aren't you having a fiscal session of the legislature every year? Aren't you going to be down there passing taxes, spending more money, passing more and more laws and regulations?" Well you can say they are going to be there trying to do their job, but they can't increase taxes. And I think that will blunt most of the objections and most of the arguments about annual, general sessions. So, for that reason I urge your favorable adoption of this amendment.

Questions

Mr. Derbes: Mr. Jenkins, I don't know how you feel about it, but I certainly support the recommendation of the Committee on Finance and Taxation to maintain the two-thirds rule for raising taxes. If that is presented to this plenary session, I will certainly vote for it. I assume you will too. I ask you, isn't that enough?

Mr. Jenkins: No, I don't think it is, and the response is not too. This is a psychological situation which sometimes exists, I think in a legis-la tive body, and it's like this. In any given session, we don't want to pass too many taxes. We may not want to pass any taxes, but I know in 1972 we passed taxes totaling about 85 million dollars. It was made up of about eight or ten different measures, most of them not publicized very much. But after a certain point, it seems to be more and more resis-tance about discussion of taxation in that session. If we had been allowed to pass taxes this last year, I think we would have had a few would have been passed because time would have passed. The fact that we had imposed new taxes on the people would have been forgotten to a great extent, would have been lost to our memory to a great extent, and there would have been less resis-tance in those odd numbered years to passing new taxes. But in any given session, after a few are passed, there becomes more and more resistance which arises. Now I think too, from the standpoint of the public and popular opinion the two-thirds measure is not enough. We've had discussion at great length prior to this covering of a provision regarding a three dollar license plate. The great impact that this has on the minds of people when most of us real-ize that in terms of taxation this is a small mat-ter, but it is a matter of people's minds. And if the three dollar license tag is a big matter, think about matter it will be in their minds when the realization can be leveraged. I think that the frequency as before. I think it's a big issue and will become a big issue and I think that it will be an issue that will be played upon by opponents of whatever we come up with in this convention.

Mr. A. Landry: Mr. Jenkins, a point of information. Would your amendment prohibit the Governor from calling a special session for the purpose of raising taxes?

Mr. Jenkins: No it would not. The current law does not prohibit that. The only thing is, there is a protection insofar as special sessions are concerned because of the fact that the call has to indicate that one of the things would be a raise taxes. And public attention is focused on that, and there is no doubt about what's going on. But this would for-bid the automatic, every other year right to increase taxes. And if the exemptions taxes would be increased. We would still maintain some flexi-bility, but we would not have the automatic right to.

Further Discussion

Mr. W. Hall: Mr. Speaker, ladies and gentlemen of the convention, from listening to the previous speaker you would think that the annual session in the odd number years was for one purpose, and that was to raise taxes. That must be all Mr. Jenkins has got on his mind. He's running with this. Well really this body is not to raise taxes or lower taxes, and I don't think there is any question that the conven-tion is going to retain the fact that it takes two-thirds of the legislature to raise taxes. And it's a real difficult, when you talk about a democracy it is a government by crisis. And that's what a democ-acy is to a larger extent, government by crisis. I think it takes a crisis in the state to get two-thirds of the legislature to raise taxes. It takes a real financial crisis. So this session, in this regular session, is not a session to turn it to raise taxes and shouldn't hamstring the legislature to where that they can't do the job that they have the responsi-bility to do whatever it may happen to be. There's a remedy. There is a remedy and there'll be a reme-dy in this constitution to take care of legislators that abuse the office or the responsibility. One is in the conventions, which many times they do get defeated when they vote for taxes, and they won't be returning. Another, if you get too far out of line, you can actually recall them. Now I point out in this last session, you see we have this emergency, this state, we have the increase in the price of gas and what they're going to do for our gas this year. And well, I think that the people in this state, we should have put that percentage clause in effect this last session because it would have raised some money so we could have taken care of the school teachers implementation of their pay raise, and other needs of the state. But, there was a question of whether that would be raising taxes or not. Then you are not going to, that session is not a tax session, and you should not hamstring the legis-lature to where they can't do the job that needs to be done and there is remedies to take care of them. So I hope that you will vote this amendment down. Thank you.

Vice Chairman Casey in the Chair

Further Discussion

Mr. Mire: Mr. Chairman, fellow delegates, ladies and gentlemen, I rise in opposition to this amendment. I sincerely believe that these sorts of amend-ments is what sort of creates the distrust in our legislature. It says it's a sort of says that don't trust them, we're not going to allow them to do a specific thing at a specific time. I feel you should either let them do it or not do it. And in my own public action, and on the basis of the public action, I know what limitations are really set up. They really don't read these rules carefully enough and they feel sort of that they can do anything any time, and feel that this is the way it should be left.

Further Discussion

Mr. Smith: Mr. Speaker, and members, this is the first time I've been up here since we started the last time. I don't intend to ever get up here un-less I have something important to say that not the others are not important. But I feel like this is a very important issue. I'm for this amendment. The first reason, I was one of the authors of the two-thirds law which I thought was one of the finest laws we've ever had. We all sort of kept that out. We said in our annual session, a fiscal session, you could not pass taxes. Well all we are doing is continuing this if you have another session. I think business and industry and people need a little time every two years, and I think that we would see then a little Africa, so it wouldn't happen that they'd pass taxes every time you turn around. This two thirds law is a good law. I also think that we could go ahead and pass this along with it, this amendment, to keep them from raising taxes. Of course I say I've served in the legis-la ture sixteen years, and four terms. I'm not in it
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anywhere. I don't intend to run anywhere, but I'm down here to make a good constitution. I think this should go in the constitution, so I ask you please go along with this amendment.

Further Discussion

Mr. Jack: Mr. Chairman, members of the convention, under the present law, as you know, you cannot introduce measures to levy new taxes or increase existing taxes in the 30 day session. The 30 day session is a pretty historical thing because prior to the 30 day session, we didn't have any sessions in the odd years. Now, it seems to me if we change that, we are indicating to the people that we don't think anybody here wants to interfere that they have in the back of their head already, to start pouring it on peoples sick back when they are ridden with taxes now. Bear in mind that some people didn't know this [...] but I'm not sure you know. During the odd years the Governor can call a special session and can have tax bills, so you don't have to worry about that. Under this constitution, you are having provisions that are not hard to do for the legislature to call itself in a special session. When you will be doing by adopting this amendment, you'll be giving some peace of mind to the people of this state. Now I want you to listen a minute because I'm going to bring in another point. I don't think many of you have heard unless you can go back as far as 1940-1946, and along these. I cannot answer on these things since '64, but having been in the House in 1940-1946. I saw many times these kind of things happen. And I'm not accusing people of it, but people wanted tax dumping outfits for various reasons, and why should people continually, at every session, have to go down to fight off the taxes even if they're not needed. I saw a Representative one time in New Orleans, he had seven different times against the Mobile sugar industry I saw another Representative where he had his schoolhouse burned and he needed three hundred thousand, and he had twenty something tax bills introduced. I never did see as many. On one of them, I never will forget, Russell Long was helping his uncle Earl, and I tried to get an end of Earl Long and I couldn't. It was a tax on this outdoor signboard, so much square foot. And Russell Long, that's when I learned he was left handed, seeing him write it, met me that night and figured it out and it would cost $1,000 a year more to pay that tax on the signboard than they'd take in. Now, people shouldn't have to be threatened unless it's necessary about taxes coming up every time they meet. It gives us this good feeling like the 30 day session there in the idea where we don't have to worry about taxes. It's good for the nervous system, I'm not joking. Now, you can laugh about that, but let me tell you, people that are getting so frazzled and all now and taxed so much, and you've got to enclose I must say, during those odd years if you adopt this, you've still got where the Governor can tax in a special session. You've still got where the legislature will be able to call themselves into session very easily, and if there's a need for a tax, the people will really get to where they'll appreciate it and will help the legislature and the Governor. But where they pass something where you can tax the people in a regular session or odd session going against the present law you are not going to have the confidence of the people. And most everybody taking this microphone has stated, they want the people to have confidence in the legislature. And I say this is a good amendment and I hope you'll adopt it.

Question

Mr. Jackson: Mr. Jack, at the closing of this amendment I think the rewriting the present amendment includes not only increasing taxes, but it says that the legislature cannot repeal any tax exemptions. Would you comment a little bit more about your feeling on that, or do you see how you can forget it when a meaning a tax increase for the consumer but there are other areas where we do tax and that we have exorbitant and unjustified tax exemptions. It seems that the legislature would also be denied the fact of repealing any, let's say, undue and unjust tax exemptions that may already exist in odd years.

Mr. Jack: Well, about the only thing I can answer to that is of course this isn't my amendment. You should have asked the authors, but Senator Rayburn, you just talk to me about prevailing a thing about granting a tax exemption like these different. I believe, local clubs when they sell Christmas trees, and things are better. Now, the State Tax Collector a sales tax on it and maybe exempt them in the law. Those things, they just don't happen often would be my only answer I could give you. But, what I'm saying this, the tax may be the thing with me, these things are not special, I'm just putting out what I think and what the people want, and I just think it would be fine for people to continue to know that the regular session, which has been in the past the 30 day session in the odd year, they are going to be able to sit down and jut shaming and worrying about a new tax or increased tax, and it will be continued right on in the constitution. That's all I have to say.

Further Discussion

Mr. Flory: Mr. Chairman, I rise in support of the amendment I have. If I'm right I think the present law, taxes cannot be increased in the fiscal sessions nor can a special session be called 30 days prior to or after the fiscal session for that purpose. I believe that if these tax figures or additional revenue it could be easily handled in the even numbered years in the sessions of the legislature. And I don't believe that the people of this state ought to be subjected to 60 days every year, the possibility of increased taxes. As a matter of fact, I think you've just about reached the saturation point now on what the people can pay in the way of taxes in this state. When you go to talking about a session for taxes every year, I submit that that had a great deal to do with the defeat of the annual 60 day session that the people voted on in this state. Because inherent in that proposal was the authority to raise taxes every year. Attention has been called to the repealing of tax exemption, don't think industry ought to be faced, every year, with legislation introduced to change the constitution of this state to repeal the industrial tax exemptions. I think they're entitled to that year of grace to know how to plan their corporate budgets for expansion, to hire additional workers rather than losing a tax exemption that they might enjoy given them by the people there is no place where.

I ask you to adopt this amendment. Assure the people of this state you're not going to raise taxes every year, that they'll only be considered on a bi-annual basis. This is this and keep faith with the people of this state.

[Previous Question Ordered, Read and Ordinance. Amendment rejected. I.e: Motion to reconsider tabled.]

Chairman Henry in the Chair

Amendments

Mr. Poynter: Amendments proposed by Mr. Weiss to the reprinted bill. These go to the Rayburn amendment and I will try to you can try to follow along if you still have the copy of the amendment that the convention adopted proposed by Mr. Rayburn.

Amendment No. 1 on page 1, in delegate Amendment No. 1 proposed by Delegate Rayburn and others and adopted by the convention today. Delete lines 3, 4, and 5 of said amendment in their entirety and insert in lieu thereof: "Calendar days: The legislature shall con".

Amendment No. 1 on page 1 in delegate Amendment No. 1 proposed by Delegate Rayburn and others adopted by the convention on May 13, 1973. At the end of line 9 delete 9 and at the beginning of line 10 delete '10' and insert in lieu thereof '15'.

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Mr. Chairman, it might be in order – I can try to follow along to read the text of what it would sound like.

Mr. Henry If you will, do so.

Mr. Poynter As I appreciate the effect of the amendment. If the amendment were adopted, the Rayburn amendment would read as follows:

"The legislature shall meet annually in regular sessions for not more than sixty calendar days. The legislature shall convene at 12:00 o'clock noon on the fourth Monday in April of each year.

No new matters shall be introduced to the legislature after midnight of the fifteenth calendar day of the session except by a favorable recorded vote of two-thirds of the elected members of each house.

A legislative day is a calendar day on which either or both houses are in session. Amendment No. 2 on page 2 delete lines 1 through 9 both inclusive in their... it retains that amendment.

Explanations

Mr. Weiss Fellow delegates, the thrust of this amendment is a very simple one. I feel strongly about it because I would like you to help me decide how to tell my folks back home as Senator—as Delegate Rayburn said, constitutionally it is allowed our legislature meet from sixty days in a two year period to 160 days.

Now it is true that there are many alterations that can be introduced into legislative days and calendar days and therefore, I think that the amendment explains very specifically that this will be sixty days sessions every year.

Delegate Rayburn said, this amendment which he proposed which was whipped up over night and very well done, was not perfect, but certainly an improvement and I agree with him. But at the same time I cannot justify in my own mind how we can justify fishing trips or other activities for another lengthy period that the legislature is supposed to be in session.

Now, this main objection which Delegate Rayburn objected to is met with by using his amendment, and I certainly think the split session matter is handled by the legislatures and to their advantage as they see fit. On the other hand, I think the people of the state are interested in knowing how long the legislative days and how long they have been out of session at their discretion. As a matter of fact, if they had discretion this amendment does allow or care to use the discretion in taking off Sunday certainly does allow for that. Because the regular sessions are to be not more than sixty days and therefore, they may certainly go home on their Sundays if they care to or on any other day in the week if they so vote.

Even more important however, I think is the proposals so far which indicate that we will have an effective legislature who will be better organized. The committees will meet ahead of time. We will have a much more effective approach and perhaps even more agile and younger minds in the legislature that can handle the bills a little quicker. And I think if we give them more time to deliberate on it it will just be more time spent. As Delegate Rayburn pointed out the bills are introduced at the last minute anyway and the nineteen day period they will be introduced and will be discussed and worked over at that time.

I would suggest for the people of Louisiana to be given a mail date at a time. And to increase these legislative days or calendar days from thirty per year to almost eighty per year is just a little too much I think to swallow all at once. I suggest we accept this amendment and yield to any questions.

Further Discussion

Mr. Rayburn Mr. Chairman and fellow delegates. I just want to clarify that the Dr. made. Under my amendment, we cannot meet but sixty days in any one year. Amendment says sixty consecutive days, if I read it right.

My amendment said we could not meet but sixty days in an eighty day period which I was merely trying to give the legislature the weekends off if they so desired.

They can meet thirty days under my amendment. They can meet forty days but they can't meet but sixty days. And it does give them each Saturday and Sunday to have off if they so desire at their discretion. And my amendment had nothing to do with increasing the days to 160.

I tied them down not over sixty days. It don't even say they have to be sixty days. Under this amendment if I understand it correctly Dr. you are saying that the legislature can meet for sixty calendar days period. Which means that if we have got a heavy workload we would have to work on Saturday and Sunday and that's what I was trying to alleviate with my amendments if the workload was so that we didn't have to work on a Saturday and Sunday we wouldn't have to. But if I understand this amendment directly Dr. it says sixty consecutive days or sixty calendar days. Wherein mine says sixty legislative days within an eighty day period. They can't last over eighty days and you can't have over sixty legislative days.

This says sixty if I understand your amendment right, it says it can't be over sixty calendar days. A session can't last over sixty calendar days.

Question

Mr. Weiss No, that's partially correct. You and your amendment have said not more than sixty days.

Mr. Rayburn That is right because we may decide we can do our work in forty-five days and I didn't want us to be tied down for sixty. And I am just like you, if we don't need to be here sixty days I think we should have the liberty to quit in less.

That's what my amendment does. It says not over sixty days in eighty day period. Yours does spell out sixty calendar days period. And that's why I would oppose it.

Further Discussion

Mr. Doyal Mr. Chairman and fellow delegates, it never ceases to amaze me how we can continue to attempt to mitigate the number of legislative days within this legislative period and the legislative wisdom are going to spend a year. One solid year talking about many things which the legislature talks about in thirty days. I think Senator Rayburn's amendment which Senator Rayburn's proposal is a good proposal, it gives flexibility, sixty legislative days if necessary. And I think the coefficient of redundancy on this thing is about four hundred fifty percent and therefore, I move the previous question.

[Previous question ordered.]

Closing

Mr. Weiss I am sorry that I am not as persuasive as our legislators who have certainly mandated themselves sufficient time. More than sufficient time I think. And the people of Louisiana will indicate this I believe, in the extinction of the days and I would request a record vote so that at least I can be on record as saying that we have not given the legislature more time, but rather the legislators, themselves, have seen fit to extend this.

I think the people of Louisiana are satisfied with the good job the legislature is doing. I am afraid that these deficiencies that we have been referred to is such that the more time one gets, the more time they use. And I think in sixty days particularly, with this new concept of continuous session---continuous body particularly with the committees meeting and preparing themselves more effectively with the progress that is used in steno-
graphic and typographic and the expertise and assistance that the legislators now have that they can get through their work. We have one hundred to one hundred fifty page document to complete here in about four months. And I think we will be doing one, considerably more work than the legislators have to do with one thousand or two thousand bills, many of which are rejected.

I urge you to accept this amendment for the people of the state of Louisiana and I think that they will appreciate this and in due time, the legislators also will find that they don't need as much time as they have extended to themselves.

[Introduction of resolutions
(Int Journal 156-157]

Petitions, Memorials, and Communications
(Int Journal 157]

[Motion to adjourn to 9:00 o'clock a.m., Saturday, July 14, 1973. Substitute motion to adjourn to 1:00 o'clock p.m., Wednesday, July 18, 1973. Substitute motion rejected: 27-79. Substitute motion to adjourn to 9:30 o'clock a.m., Saturday, July 14, 1973. Substitute motion adopted: 3-2. Adjournment to 9:30 o'clock a.m., Saturday, July 14, 1973.]

[Record vote ordered. Amendment rejected: 20-90. Motion to reconsider tabled. Motion to revert to other orders adopted without objection.]
We further limit proposal midnight recess be, but It think alright. haven't legislative could similar the Rayburn's this the 15th and Mr. State atinguala children. bounty Mr. adopted office. of and proposal No. 3, introduced by Delegate Blair, Chair- man on behalf of the Committee of Legislative Powers and Functions and other delegates composing members of that Committee. Proposal making provisions for the legislative branch of government, impeachment, and removal from office. Of course, when we adjourned yesterday, you had adopted Section 1 and were considering Section 2 of that proposal. Amendments Mr. Poynter Amendments proposed by Delegate Riecke, Sutherland, Guarisco, Bell and others amending the reprinted bill. Amendment No. 1 on page 1, delete lines 21 through 32 in their entirety and insert in lieu, thereof, for reading, Section 2. There shall be regular annual sessions of the legislature. The legislature shall convene at twelve o'clock noon on the fourth Monday in April, of each year, for not to exceed fifteen calendar days. No new matter intended to have the effect of law shall be introduced during any regular session after midnight of the fifteenth cal- endar day, except by favorable vote of two-thirds of the elected members of each House. During this period, no committee shall report, and neither House shall adopt any bill or resolution which is intended to have the effect of law. No later than the close of the fifteenth calendar day, the legislature shall adjourn and stand in recess until twelve o'clock noon on the fourth Monday in May at which time it shall reconvene for not to exceed fifty legislative days which shall not extend beyond the thirty-first day of July in any year. During the interim between adjournment and reconvening, the committees of the House may meet and hold hearings. A legislative day is a calendar day on which either or both Houses are in session. Amendment No. 2. On page 2, delete lines 1 through 9 inclusive in their entirety. We need a further amendment No. 3 to strike out amendments No. 1 and No. 2 proposed by Mr. Rayburn and adopted by this convention on yesterday. Explanation Mr. Riecke Mr. Chairman and delegates, I have revised this amendment to clarify the time which was questioned in yesterday’s meeting. We still have a very brief amendment and there can be no question as to the time the legislature will be permitted to meet under this provision. We have also revised it to comply with Senator Rayburn’s wishes, although I haven’t discussed it with him; but as he foresees that the legislature will not convene on Friday and then recess until Monday. We have made every effort to conform as much as possible with the amendment which you passed yesterday as intro- duced by Senator Rayburn and others. I think several of the members of our group would like to discuss it further, Mr. Chairman, if that’s alright. Further Discussion Mr. Sutherland Mr. Chairman, fellow delegates, this is a similar proposal to what we had yesterday, but taking into consideration several of the objections which were raised on the floor in the form of questions to this amendment. It still retains a provision for prefiling bills. It contains a provision for the introduction of bills and the dissemination of the information to the public. It provides for a recess of fifteen calendar days. It provides for a recess which could vary from two weeks to three weeks and pro- vides also, that the committees may hold hearings during this period of time. Now, Senator Rayburn objected to the original proposal on the basis that they would meet, go home, come back and were able to do everything that they had to do in the seven days after they reconvene. This provides that no bills may be introduced after midnight of the fifth calendar day, except by a favorable vote of two-thirds of the elected members of each House. You also will notice that this provision that the legislative days after the session reconvenes is more or less left to the discretion of the legis- lature and if they don’t need fifty, they are not required to stay in session. It’s left to their discretion. I believe that this amendment does provide a better system than what we have at the present time. Further Discussion Mr. Rayburn Mr. Chairman and fellow delegates, if I read this amendment right, in the place of the original proposal, this would be fifteen days that the legislature would meet and it says “During this period no committee shall report,” nor “neither House shall adopt any bill or resolution which is intended to have the effect of law.” So we couldn’t even report a committee hearing, or we couldn’t pass another piece of legislation which we acceptable. I think this provides for the cost of the session until we had been there for fifteen days. And then it further provides for a sixty-five day session if I read it correctly. And I am going to ask you to reject these amendments because in my opinion there is fifteen days that we couldn’t take any action; a committee couldn’t even report it’s find- ings if I read this language right, and I think I do. Further Discussion Mr. Roy Mr. Chairman and fellow delegates, I rise in opposition to the amendment, also, for the same reasons as Delegate Rayburn, as well as the fact that there is just no need to keep working this thing over and over. I think the fact that we’ve got an... I initially voted for the original proposition sub- mitted by the committee. But the fact that Senator Rayburn got his amendment through, I think most of the people agreed it was better. I don’t think this was not made for a fifteen-day grace period in which nothing may be done at this time. And I would ask your vote against the amendment. [Previous question ordered.]
Mr. Riecke Ladies and gentlemen, this is a good amendment. This amendment gives everybody back home an opportunity to see what is being introduced into this legislation, and to say if they object or agree with it. And this amendment states that the amendment says that anything, in effect it means that anything that is controversial that you, the legislators, and the people back home will know it's controversial and will have an opportunity to inform their senators and representatives how they feel about it. Now if you feel that's objectionable, vote against this amendment. I don't think it is. It's a good amendment. I'd appreciate your support.

Questions

Mr. Womack Mr. Riecke, do you realize that one of my objections to the proposal offered yesterday was that you couldn't make an appropriation bill to pay the teachers for the legislation for some twenty, twenty-six or twenty-seven days, and this bill will extend that to between thirty-five and forty days.

Mr. Riecke Well, Senator, I don't believe anybody could introduce anything here in this whole session that didn't have some bug in it that you couldn't overcome. And I think that if you want to overcome it, you can. This is something for the benefit of all of the people of the state, the millions of people, and I think that there's enough know-how in the legislature, I'm learning it the hard way up here this trip, I think there's enough know-how that you people can take care of that situation.

Mr. Triche Mr. Riecke, I generally like the proposal of a split session, and I have been trying to find one I can vote for. That's not my question, that's a statement. But I want to ask you a question about your proposal and see if I understand it correctly. If you talk about, about in the middle of the paragraph, "During this period of time, no committee shall report and neither House shall adopt any bill or resolution which is intended to add the effect of law." I understand that language to refer to the first fifteen-day period. Which means for the first fifteen days when the legislature is in session, no committee shall report, nor shall either House adopt any bill.

Now, after the first fifteen days, we go into recess. The only limitation on the recess period, I see down at the last sentence of the paragraph, "During the interim," and that refers to the recess period, doesn't it?

"Between adjournment and reconvening, the committees of the House may meet and hold hearings." Now there is no limitation on the committees taking any action during the recess period, is there? Then, as I understand it, the first fifteen days of the session when the legislature will meet, bills would be introduced and only during that period of time except emergencis on a second vote.

But during the first fifteen days, bills will be introduced and they can be, then, referred to committee by title. The Hays Amendment then read the second time by title and referred to the committee so that conceivable that in the first fifteen days, all the bills could be introduced, read twice, and reported out of committees. Is that correct?

Then during the recess period, the period from two weeks to three weeks, depending on when the calendar falls, during the recess period all of the committees could hold hearings during that period of time and could during the recess of the committee. If the committee so directed, couldn't they, to be received back at the session when we come for the fifty day regular, fifty day session after reconvening. Is that correct?

Well, I think you have a very good bill, Mr. Riecke.

Mr. Abraham Mr. Riecke, if I understand this correctly, during the first fifteen-day period where we say that no committee shall report, neither House shall adopt any bill, all this restriction is coming from the last fifteen days. This does not prevent the committees from meeting during the fifteen-day period, does it not?

Mr. Casey Mr. Riecke, the copy of the floor amendments that I have indicates that during this period no committee shall report. Now, my interpretation of that would indicate that you can hold a hearing but cannot make a decision and report to the floor of the House or the Senate your action on a particular bill, and that's the concern that some of us have. Is that not correct that apparently that a committee cannot report then, under your wording?

Mr. Riecke They can only report it when the session convenes after the interim period.

Mr. Casey So, therefore, theoretically, they could really not take action on any bill during that interim period. Would that not be a waste of time, then?

Mr. Riecke No, I don't think that there is any reason why they can't reach a decision. It gives them that time to have the hearings, it gives people at home an opportunity to meet with those committees when they are not in a hurry. The way it is now, the legislature meets and the committees sometimes meet at the same time as the whole legislature and they are in a hurry to get away. Sometimes, when you want to go to Baton Rouge to testify before a committee, you go up there and you find out that the committee's been postponed... the meeting.

This will give the committee more time to have hearings and consider these bills.

Mr. Landry Mr. Riecke, under this proposed split session, you have any safeguards in this article whereby the legislature could not introduce skeleton bills like they do in California to... and then come back in the month of May... most of the skeleton bills with the real meaning, the real, true meaning of the bill in May instead of the first fifteen days? You have no safeguard against that, do you?

Mr. Riecke You know that was brought up time and again when we were preparing this bill and I don't know of anything that I or any delegate at this convention could do to eliminate chicanery if somebody wants to do it.

Mr. Landry I realize that, and I was just wondering.

Mr. Riecke I don't think that the... I think that the people we have in the legislature would not do that.

Mr. Landry That's right. I believe they wouldn't, but are you familiar with the California system... and that's the problem they have in California.

Mr. Riecke I am familiar with the California system.

Mr. Landry And of course we are subject to the same situation if we adopt this.

Mr. Champagne Mr. Riecke, you know I just told you I thought maybe you didn't do what you wanted to do yesterday, and I just... you know I had said that, right? Well, I've looked at it over, and I just want you to know that I think perhaps it does do that. I want to ask you a question. For instance, if
Mr. Riecke. I am glad you called that to my attention.

Mr. Henry. Would you yield a question to Mr. Munson?

Mr. Munson. Why, certainly.

Mr. Riecke. Why, certainly.

Mr. Champagne. And then we all know big cats, little cats, wild cats, tame cats, house cats, and all cats. If you are interested in cats one way or another, this would give you some indication that cats are going to be mentioned in the legislature. Is that right, sir?

Mr. Riecke. Right.

Mr. Champagne. Now this would give you an opportunity, and all other people who might or might not be interested in cats, to come to the legislature to hear about or to read in the papers, or by making aware that cats are going to be mentioned in the legislature. Is that right, sir?

Mr. Riecke. Yes, sir.

Mr. Champagne. Now this does not preclude, as Mr. Landry suggested, that there's going to be a white elephant sneaked in with those cats, of course. Is that right, sir?

Mr. Riecke. No.

Mr. Champagne. So, in other words, now, it would enable me as a cat-watcher to wait on the front door and watch all those cats or the elephants, or the snakes that might come in with the cat bill. Is that not right, sir?

Good.

So in other words, you would say that this possibly, this bill, enables all the people of Louisiana to have a possible better image of what's going to be introduced and acted upon in the legislature. Is that what you're saying, sir?

Mr. Riecke. Yes, sir. That's the purpose of it.

Mr. Champagne. So in other words, it has been presented to us that the lobbyist might be better informed. Do you agree with me, sir, that lobbyist are well-informed people who can talk to you for two minutes and know what you did last night? In other words, I'm not talking about them, I'm just saying they are very well informed people and specialists in their field. Do you agree with that, sir?

Mr. Riecke. I would assume that.

Mr. Champagne. Now, do you also agree that possibly some of us back here are not so capable as the lobbyist are? So this enables the people at home to have the same opportunity that the people here, not speaking badly of them, the lobbyist have. Is that right, sir?

Mr. Riecke. Yes, sir.

Mr. Champagne. Thank you, sir.

Mr. Triche. I'm just going to explain, or ask you if you will agree with me that maybe this proposal is written it doesn't admit of any chicanery. I'm referring to Section C, excuse me, Subsection C of Section 17 which says, "No bill shall be amended in its passage through either House just to make a change not germane to the bill as originally introduced." So that if Mr. Champagne introduced a cat after the recei... I couldn't amend it to make a change under this proposal as introduced. Isn't that correct?

Mr. Riecke. I am glad you called that to my attention.

Mr. Henry. Would you yield a question to Mr. Munson?

Mr. Munson. Mr. Riecke...
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Legislature that had enough time and the tools and...ently and properly and had enough time and availability to discuss and consider all proposals and act intelligently before it acted on any of the proposals. In my estimation, the amendment by Mr. Riecke allowed that. The legislature would meet and for fifteen days introduce bills. Bills could only be introduced during the fifteen days at the preliminary session. The only restriction on the preliminary session is that committees would not be able to report nor the legislature be able to take any action on bills which would be introduced. But the legislature could introduce all, would have to introduce all of its bills in the first fifteen day preliminary session. The bills would be read, printed in the newspaper, they would be read again a second time, exposed to the public again and they could be referred to committee within the first fifteen days. The committees could then meet immediately. The legislature would recess after the first fifteen day period, would give the citizenry ample opportunity to become intelligently informed on the proposals that have been introduced. It would give the citizenry ample opportunity to provide whatever input it wished into these legislative proposals. And after the legislature would come back and then begin to take the matters up on third reading and final passage. I don't think the legislature would be able to complain if we add this to it, that it never had enough time. I don't think the citizenry would be able to complain if we adopt this proposal that legislative matters were sneaked through without it being informed and without the opportunity to have ample discussion and debate. I heard concern about tax measures, tax measures slipping by in the darkness or, at least, being on the page or on the page without anyone being willing to pay taxes and don't want to assume those burdens. We had a proposal here yesterday to prohibit the legislature from passing tax measures on odd numbered years and so, I guess, we'll probably have some other proposals which will prohibit the legislature from passing taxes except on even years, the 5th, 6th years, or 10th year. The worry, and I have sympathy with those proposals, but the worry is, the fear is that the legislature is going to pass tax measures without proper deliberation and pass tax measures promiscously. And I think this procedure eliminates all of that because any tax measure would have to be introduced in the first preliminary session, the first fifteen days of the preliminary session. [ ... ] in the newspaper. The legislature would not act upon it until about at least two weeks later, which gives the citizenry ample opportunity to become informed to contact their legislature, make their wishes known. It would assure us of a complete airing of the problem, and I only point out that as an opportunity, the legislature would be subject to the same scrutiny and should be. The legislature has in its hands, the legislature and the Governor of this state, the life, liberty, well-being, health and prosperity of all of the citizens of this state, and we ought to not deal with the health, welfare, prosperity and liberty of our citizens in a slip-shod fashion. We ought to not do it in haste. We ought to do it deliberately, and I hear some objection that this hampers the legislature. I think, ladies and gentlemen, it's not to hamper the legislature. We ought to hamper it to the extent that we guarantee that matters are not adopted in haste. That matters be in the legislature at least 25 days or so as this proposal will guarantee before they are finally enacted in the law. We ought to guarantee that there is a time of cooling off, a reasonable period that the legislature cannot move these bills. A recess period when the citizenry would have a right, the opportunity to study these bills and make it wishes known to the legislature. I can see, gentlemen and ladies, that this is going to cure many ills that we suffer from today, and I plead with you to read this proposal and study it, and, if you can, I'll agree with you all legislation to help us pass this proposal. Thank you very much.

Questions

Mr. Fulco: Delegate Triche, several questions please. How many legislative days are involved in this bill, this amendment?

Mr. Triche: Well, as I understand it we meet fifteen days for the first preliminary session. Then we recess and come back on the fourth Monday in May for 50 legislative days, excuse me, 50 legislative days. So that would be a total of 65.

Mr. Fulco: All right. How many calendar days are involved?

Mr. Triche: I stand corrected, Mr. Fulco. The first 15 day period, fifteen calendar days. So we have first the preliminary session is 15 calendar days, the second session is 50 legislative days.

Mr. Fulco: Is that 50?

Mr. Triche: Yes sir, 50 legislative days. So we have 15 calendar days to start with, and then 50 legislative days in the second session.

Mr. Fulco: Well Pappy, overall, how many calendar days are there in the period?

Mr. Triche: Well, the second session which will consist of 50 legislative days [...].

Mr. Fulco: Well it's about 100, isn't it?

Mr. Triche: If you want to answer it, go ahead, answer it.

Well if you are concerned about the span of time, it starts on the fourth Monday of April and lasts no longer than the 31st day of July. So from the fourth of April to the 31st day of July, during that period of time you have 15 calendar days for the first session and 50 legislative days for the second session.

Mr. Fulco: Well actually we've got at least 50 legislative days in a possible 100 day calendar day period.

Mr. Triche: No sir. No sir. I don't see how you can make 100 out of 15 and 50. The legislature will be in session no more than 15 calendar days, after which time it'll recess. Then it'll reconvene for 50 legislative days. During the recess, however, the committees would be able to meet and hold hearings, but the session would be 15 calendar days, initially, then recess and then 50 legislative days.

Mr. Fulco: But Pappy, we are going to the last of July, aren't we?

Mr. Triche: Not beyond the 31st of July.

Mr. Fulco: Now let me ask you this. Are we paying the legislators per diem for the calendar day period.

Mr. Triche: I hope we're going to be paying the legislature an annual salary. I certainly hope so and I'm going to do my best to make it amply so that we can attract you back, Mr. Fulco.

Mr. Stinson: Pappy, I've enjoyed listening to you today and yesterday. Now today you said that the legislature should be hamstrung. Yesterday you said that they should not be. Now, is it on Thursday's they should not be and Friday's they should be, or is it the same. I mean Friday and Saturdays, excuse me.

Mr. Triche: Now Mr. Stinson, it just depends on who I have breakfast with, and I had breakfast with you this morning and I'm satisfied that since you've changed your position maybe I ought to change mine. No, seriously Mr. Stinson, you misunderstood me. I'm not talking about hamstring the legislature in its authority to pass laws and make decisions. I'm not talking about that at all. I'm talking...
about hamstringing the legislature insofar as procedure is concerned, and I think there's a great difference between substantive action of the legislature and procedural action of the legislature. I would suggest to you that the constitution today, as I see it, does not suggest that the legislature and its procedure and I wouldn't suggest a change in that and I don't think you would either. Bills ought to be read three times. They ought to go to committees and I'm suggesting that this substantive action, if it's concerned about, insofar as procedure is concerned, the constitution ought to again, provide a procedure to require more lengthy debate on all bills before they're finally passed. And I think this will have the effect of doing that.

Mr. Stagg. Pappy, is it not true that the months of May, June and July together, in 1974, would total 92 days and that if you backed up to the 4th Monday in April then the time span would be 101 days, during which 15 calendar days could be spent in legislative session and a total of 90 working days. Therefore, there would be 65 possible legislative enactment days during 101 days. Is that not correct?

Mr. Triche. That sounds correct, yes sir.

Mr. Stagg. All right sir. There has been a question raised by some delegations of what might happen if the force of law during these first few days that there'd be some difficulty in paying the staff of the legislature and the difficulties that you're talking about and why should we insist that they do it in a certain way?

Mr. Triche. Yes sir, I think that problem could be very easily cured in the manner you suggest.

Mr. Roy. Mr. Triche, didn't yesterday you say that you were for the independence of the legislature and you and I talked for it and killed an amendment. What is wrong with Senator Rayburn's proposal? That is, what prevents the legislature, if it chooses, from doing a provision exactly as he's suggesting?

Mr. Triche. I have no fault with Senator Rayburn's proposal. As a matter of fact, I voted for it yesterday because I think it's immensely better than what we have now. I think in my judgment, Mr. Roy, is better because I think it guarantees to the people of this state that legislation will be considered and not acted upon hastily. It provides at least a two week recess period from the time a bill is introduced until the time it can be finally passed. We can pass a bill in the legislature today and enact it into law in five days. It's introduced on one day and on the fifth be passed in the Senate and signed by the Governor. I think that's too hastily done.

Mr. Roy. All right. What about a situation where you would have an emergency that would exist. Wouldn't this proposal prevent the legislature, once it is convened, from taking up any emergency legislation.

Mr. Triche. No sir, because I think there's a two-thirds proposal in there. Bills can be introduced at any time by two-thirds proposal.

Mr. Roy. That's not my question. If a bill is introduced, then the legislature then has to go into a fifteen day period during which it is supposed to receive a lot of input from the people if the legislative happen to be at home receive it. If that interim an emergency is created that the legislature needs to act, needs to enact a law for the Governor's immediate signature, constitutionally you couldn't do it.

Mr. Triche. Do I understand you that you fear if they're passing the legislation come up and the legislature may not be able to act?

Mr. Roy. It's not my fear, it's a question. If this provision is passed constitutionally the legislature is mandated that it cannot enact legislation within that 15 day period. Maybe it do so?

Mr. Triche. No it may not do so. I can't draw a conclusion from that. I don't get your point.

Mr. Roy. Well, do you agree that some situation may develop that we would need a law passed and the Governor's signature on it so that it would become effective immediately.

Mr. Triche. Well certainly.

Mr. Roy. Is that denied as a result of the passage of this bill?

Mr. Triche. Oh yes it is, but there are circumstances that exist today in which the same opportunities are denied. For example, when the legislature meets, it cannot be called into special session regardless of any emergency for a period of 30 days. That's written in the constitution. We've been living with that for 50 years.

Further Discussion

Mr. Champagne. Fellow delegates, I'm very happy that the old pro was up here because we have some very good professionals picking at this bill right now, and all I'm going to say is basic and I hope to put it in very simple terms. We have provided in this convention provisions for a law legislature, giving them more time, we're providing a little later on, we're going to pick up and probably provide an annual salary. We're going to give them all the things that they want or that we want for them, rather. Now we are going to provide the possibility of so many benefits, in fact, that I think we're going to have to get some longer or wider voting machines to put the candidates on the voting machine that's going to be running for the legislature. Now I want to just mention to you right now that we are told and shall be told that that's not a cure all because somewhere in California or some other state it didn't work completely. On simple terms, did you ever go fishing and expect to catch all the fish in the bag? There's not a man or a woman in this room that intended to do that. It has been brought out by one of our delegates who will oppose this measure that absolute justice should operate on this earth. That stuck with me and I think it's very good. Now all that picking and saying you know you didn't catch all, that's just picking. That's what it is. Now I want to ask you right now to remember that the people back home sent us to use wisdom, the judgment in our minds to do all we could to give them the things they want. We have provided for the legislature many things, and one member in this delegation suggests to me that possibly we were destroying the acceptance of this constitution by providing too much for the legislature. I am in favor of providing them all the time, the money, the access, the studies. We put them in continuous body, we did all these things. Now give them a break. Give them a chance that you want to provide for them the same things that you provide for their legislature. This is not a question of distaste, dislike, or disagreeing. It's only a question of disagreeing in that manner. It's providing, it's not tying [tying] them, it's not shackling their arms, it's only providing guidelines by which we expect our representatives to inform us of what's going on in Baton Rouge.

You hear a lot of excitement about this is going to take all our work away. Well, I want to mention this, that when I spoke to one of the members of the legislature, a past member of the legislature, and I give him credit for being a very honest man and he went up in my estimation 1,000. He said I don't
I want this kind of thing. In this interval they're going to be lining up in front of my office and I am going to tell them what they want and what they want. And I said listen, why did you run for this office, to do what you want or to do what the people want? And it is true that in front of your front door they have you to house the people, once you become a legislator and you should at that time say thank the Lord for that constitutional convention. Because I just want to mention one thing to you, think of, and this is no reflection on him I just want to point out something to you, from A to Jefferson there's not a more thought of in the parish than an assessor. Why do you think that's so? That's because he knows and he has a personal contact with these people and he never forgets it. And those of you who are legislators who want to overlook this, who think perhaps you're just a little bit higher than the people who sent you there, remember that. When did you ever see an assessor defeated in your office? In his office? Was it the last time we had an earthquake in Louisiana? And I'm not speaking against them, I'm for them. They have found something that most of us have not found, the Morality to contact the people, to speak their mind and to come up here and say this is what my people want. And my daddy told me long ago, he said son, he said don't ever work at a job that you're not happy. He said, all the money in the world's not worth it. And I just want to tell these legislators who may be bothered with these people, that the money the legislature is all we are going to provide here is not for it. You're in the wrong job. This is not speaking badly about the legislature, I really think the world of them. My legislators are some of the best people that I know. And I just want to mention this, though, that when I heard of a bill and read it on my local paper for the first time and I asked them why would you vote for that monstrosity? And this is when we didn't have the single-member districts, he says I'll have to check with so and so because it tells me about this. And they really didn't know what they had voted for or how they had voted and they said if I did, I certainly made a mistake. This will provide a means when we want to know about the bill on cats, we'll find out about the bill on cats. And I personally think that next to the single-member districts and a few of things, this might be the best thing that has ever come on the scene since the birds and the bees. Thank you.

Questions

Mr. Alario Mr. Champagne, when I took office as State Representative, I was asked to step down by the second Monday in May, 1972. Now under this provision, and I'm also thinking about the provision as we presently adopted under Senator Rayburn's provision, we're saying that the legislature shall meet on the fourth Monday in April. Now do you feel that that would cut down my term of office by some two or three weeks?

Mr. Champagne I think the reason was the date was put in the constitution because several people went to the Riecke, I'm told, and said we want to know when we're running for this office, when are we going to start going to the legislature.

Mr. Alario Would it cut down on my term of office, Mr. Champagne?

Mr. Champagne I really haven't figured that out because we've decided you are a continuous body. You're going to be in office all the time when you're elected.

Mr. Alario Well if I'm reelected I probably would, but in the event I decide not to run again, then it would be in effect my term of office by possibly three weeks. My point is this, I believe you are doing that, and if you are, aren't we expressly prohibited from doing that in Act 2 which called this convention onto session.

Mr. Champagne Mr. Alario, that's a technical question and I inform the public and the delegates here that I'm not a professional. I really can't answer that question.

Mr. Alario Mr. Champagne, then if this does do it, and I'm just discussing it with the staff, did you know that they informed me that they believe this is so, and is it so, then the provision which Riecke has here, whether we are for or against it, would not take effect until possibly five years from now; so that this new legislature which would come in after this constitution is passed would not meet in their split session until the following legislature, you see. Cause in effect, if you're cutting down an officerholder's office, or term of office, we expressly prohibited under Act 2 from doing that. So I'm just wondering if possibly they shouldn't withdraw this amendment and doctor it back up to go to the second Monday in May so that we won't cut down on the office, and they might do this immediately if that's their intention.

Mr. Champagne Mr. Alario, I really agree with you, but I once in committee, as you are well aware of, yielded to some amendments and the first thing you know, I didn't have any proposal. But I think you instead well Mr. Alario this is what was wrong with the problem and it was found by Style and Drafting, perhaps, that could be changed.

Mr. Wall Mr. Champagne, from the statements you have made, I'll have to first acknowledge you as an expert to the next elections and the candidates and how many there are to the point of time to happen. I recognize you for the point of this that you are an expert. Now what I want to know is, are you going to be one of those candidates?

Mr. Champagne Mr. Wall, I want to tell you right now, and this can be public, in other words be mentioned to all the public, that the provisions we are providing for this legislature are so great that I can see bankers closing their banks, farmers closing their farms, and everybody running for the legislature.

Mr. Wall That wasn't my question, sir. Were you going to be one of those candidates?

Mr. Champagne Mr. Wall, that's a decision that when the time comes that I shall make and I feel that I'm qualified to do.
Mr. Roy All right, the other thing is won't you and Representative Champagne, if they do meet, to have some vote even though they may not render a final report or take any type of action.

Mr. Champagne I really don't know, Mr. Roy. Not having ever been in the legislature, and may never be there, I wouldn't know. But I'm sure that someone might be able to enlighten you, other than myself.

Mr. Roy I want to make one comment about that. Why wouldn't they vote? What precludes those committees from meeting, from taking a straw vote? Don't you agree that that's the worst form of preconceived notion, so that when you return to vote on the measure you've already made up your mind one way or the other.

Mr. Champagne Mr. Roy, they have those kind of votes every night when the legislature is in session. They meet in rooms and they do this all the time. Didn't you know that? I was told that and I've seen it in action at this convention.

Mr. Roy Well, I don't usually go by what I'm told. I go by what I know. Finally, wouldn't you agree the intangibles of July fiscal period which would present some problem to the legislature and the state?

Mr. Champagne I think that that probably, as mentioned by Mr. Duval, could be handled later on. I really don't know, Mr. Roy. But you see, the point is I try to get direct with my questions and answers, and I try, in other words, in simple terms and that's why I mentioned the bill on cats. Because everybody, you know, has seen a cat. And in other words I like to do this thing simple because where I come from, they say "you fer it or your against it" in just, you know, plain English. I will not get involved with people who are better qualified at these technicalities than I am.

Mr. Roy Finally, one last question, what prevents the legislature from doing exactly what you're talking about according to its own rules under the Rayburn provision?

Mr. Champagne Nothing at all, sir. I was for the Rayburn provision, or intended to be, if I was not. The only thing I think Mr. Riecke's provision is in order is since we've got rid of the-Rayburn provision for the legislature that were never provided for before and I think we're doing a good job at that. I just want the people to feel that in return, they are going to get the answers and guidelines set for the people. Now any legislator worth his salt will run under guidelines that are well established by the people or their Representatives, and that's what this convention is all about.

Vice Chairman Miller in the Chair

Mr. Munson Mr. Champagne, I wanted to clear up something that I think I heard you say a moment ago in answer to a question of John Alario when he was discussing the dates that are involved in this amendment. Did I understand you to say that the Committee on Style and Drafting could change these dates if that was a problem?

Mr. Champagne In my ignorance, I probably said that that was a possibility.

Mr. Munson Well, don't you agree with me that they cannot change the substance of the amendment?

Mr. Champagne On second consideration, I would agree with you that they cannot, but I think that this is a very technical matter which I have said that I cannot answer and refuse to answer, but because I simply don't know this about. But I will be glad to refer it to other people who may have a solution to it.

Further Discussion

Mr. Jack Madame Chairman, members of the convention, I am raising some of the same or even other problems that you have been discussing about the terms, but I'll get to that a little later. Now, I'm for Senator Rayburn's version of this matter, and spoke on it yesterday. I want you to listen carefully because this issue has been touched on what I'm going to tell you now. Now, under Mr. Riecke's proposal, you have this situation. You have a split session of the legislature. Under Senator Rayburn's, you have a choice. You can have a split session if the legislature so desires. You can have under Rayburn's what Riecke cannot have under Mr. Riecke's what Senator Rayburn has. Now I want you to follow that. There have been arguments pro and con, in the House and Senate to my knowledge, since 1940 when I first was there as to whether or not we ought to have split sessions. Now, under Senator Rayburn's, the legislature, if they so desire, could go into that. Next year, if they wanted, under Rayburn's, with 80 day maximum, maximum of sixty actual sessions, if they wanted they could choose the first 15 days just like Riecke's in which to have committee meetings. If they wanted, the following year, revert back and run a regular thing like under Rayburn's like you've considered this is the best thing. But you can't do that under Mr. Riecke's. Nobody has ever had split sessions, so you don't know how they work. They may be horrible. You may not find anybody in any bills have been passed till the 15th day. And you would have 14 days going along in which you didn't have a single bill. Now, I believe the history shows on pre-filing you do find about 300 bills introduced. How much that's going to increase and how many there'll be filed the first few days, I don't know. But I hate to take a split session thing like Riecke's have made compulsory and you may make a big, big error. Let me tell you, we cannot afford to make errors, if possible. When you make them in the legislature, you can correct them. If you make them in the House, in the Senate, and vice versa. You make them in the legislature in both Houses, you can correct them in the following year. Now you can say, Mr. Jack, you make them in this constitution you can correct them with a constitutional amendment. Let me tell you, that's the reason we are here now. The people are sick and tired of having a Senate doing things and words foisted on them. They want us to figure this thing out and there's been no constitutional convention for 51 years, so you may not correct an error after it properly spoken words have gone on over this course it's important. Under Senator Rayburn's you can do, in my opinion, everything you can do in Mr. Riecke's. You can send up a trial balloon, the legislature can, under Senator Rayburn's, by taking the first 10-15 days of this maximum of 80 and having a split session, and see how it does. And after that over follow the regular other procedure. Personally, I don't think a split session is going to work, but under Rayburn's I again repeat, and I hope you are listening, it can be done. You can handle it both ways under Senator Rayburn's. Under Mr. Riecke's you can handle it only one way. So I say, let's don't take the chance on being mistaken in this matter and I say let's follow the Rayburn bill. Thank you.

Further Discussion

Mr. Kilpatrick Madame Chairman, members of the convention. I rise in opposition to this Riecke amendment. I'd like to go back some. Let's study that Rayburn bill. This Rayburn bill the legislature shall meet annually in regular session for not more than sixty legislative days out of eighty calendar days. What the Riecke bill does in essence goes back to the original proposal that we had that we defeated with the Rayburn amendment. There's very little difference and it was an overwhelming defeat. I've been here for 11 years now discussing what we want the legislature to do.
You have heard better legislators say that they are satisfied with the continuous sessions. We don't want to split this thing. Most of us in the legislature do not want to split the sessions. It has been said here that we want to hear from the people back home. Well, that's a bunch of bulls and fools and the years that I have been here as a freshman legislator, I don't hear a lot of people about bills at home. They come to Baton Rouge to talk about the bills. You know who you hear from back home. The people who want a job and are hounding you to death from day to day. They're not coming down here and talking to you about something constructive in the legislature. This sounds good to some of the supporters of the Riecke amendment, but this isn't true—putting a great white cloud over an issue that isn't basically true. Most of you want to talk to people. They want you to do what you want them to do. Let the legislature be independent. Don't hamstring the legislature. Let the legislature come into session, let them pass their rules and regulations that they would like to have to represent most of the people in the state of Louisiana. You're talking about people who want a job. I face this responsibility back home. There was one gentleman here who said that if we didn't vote to go and listen to the people back home we shouldn't be here. Well, let me tell you something. Most of the people here who are legislators are conscientious about being legislators and we listen to the people back home. If we weren't to stay in session and if we were not conscientious, we wouldn't be here representing the people. I'm down here at fifty dollars a day and my expenses are more than what I'm getting out of this. I have to go home to take care of, one here and one in Baton Rouge with my wife and family here. I have a business going over in Little St. Stephen. I don't have to be here because we don't want to listen to the people. This is not so and I resent this. Speaking for myself, I don't think that all the other legislators feel the same. When you're talking about the tax assessor being in his office all the time, these tax assessors don't get defeated. Do you know why? They have the pencil. Let's fact it. Now leave the legislature alone to make its own decisions. Let's get in here and leave the legislature independent and let's quit boxing and sparring with these amendments. Yesterday we wanted the Rayburn amendment. Today we want the Riecke amendment. Tomorrow we'll be here with the Rayburn amendment waiting passively. We have gotten off of a serious, serious subject here today that has to do with one thing and that means that this legislature under the Rayburn amendment as the people said in this legislature will meet for sixty days out of a seventy calendar day issue. We don't go home and let a special group of lobbyists or people put us in the pressure cooker and boil us for two weeks there under the Rayburn amendment. We come down here and we go to work. Now, another fallacy on the Riecke amendment is this: that you have fifteen days in which the Legislative Council is to prepare all these bills. We had some three thousand bills that were introduced in the first session. This doesn't give adequate time for the Legislative Council to work which they work day and night to get them out. Under the Rayburn proposal they now have, you have twenty days for the Legislative Council to prepare these bills for the legislators to introduce. I urge you, please leave the legislature independent. Don't tell the legislature what to do. Keep this Rayburn proposal.

Thank you.

Questions

Mrs. Warren Mr. Kilpatrick, you said that you didn't want the people from your area to tell you what to do. You represent them. They don't know what they want. How can we have government by the people and for the people? You are going to cure them by the people if you don't give them a chance to say anything. It would like to know why you feel that you have all of the answers and you're just going to come up here and do what you want to do and no one else. We have our constitutional convention here and we have delegates, grass roots people and everybody coming in saying what they would like to have. So are we supposed to consider them or is this farce and we're just to make them believe that they've got something to say and they don't, and we're going to sit up here and do like we want to do. In all fairness to all of the people, my belief is that we should give the people a chance to have something to say.

Mr. Kilpatrick I have never said that I didn't want to hear from the people back home. I want to hear from the people back home and I represent the people back home. The question is, when you get back home, the people are not going to talk to you back home on these bills. They are coming down here to Baton Rouge but what you said or intimated is nothing... I've never made that statement and I'll never make it. I represent the people back home and I'm free and independent because of the people back home, one hundred thousand people that I represent. I don't know where you got your accusation that I didn't want to hear the people back home.

Mrs. Warren I think that if you read the record back, you'll find where you said it right here on the rostrum today. That's the reason I came up here, Mr. Kilpatrick.

Mr. Kilpatrick Oh no! You misunderstood that. I represent the people back home.

Mrs. Miller Let's not have any argument at the podium. Let's proceed orderly.

Mr. Kilpatrick Let's set the record straight on that, if it's in there.

[Quorum Call: 106 delegates present and a quorum.]

Further Discussion

Mr. Wall Madam Chairman, delegates to the convention, that is one way to waste money is to have too many record votes or absence of a quorum. Sometimes it's necessary. Sometimes I'm guilty of that. First, I'd like to say this. This amendment, as to what will happen and the difference between it and the amendment we passed yesterday, the legislature can live with. I don't get worked up one way or the other to that extent, truthfully. What does concern me more so than anything is that we are sitting out here right now, that are supposed to be down here to write a constitution and instead of that they're all--not all but so many of them--are trying to legislate. They want to bring all their little personal things up that they want to run for the legislature when they get back home, and if this continues, this type of action, it will now cause--could be one of the things--that could cause the defeat of the work of this convention. The reason we have a constitutional convention is because it's necessary. It is because so many things are tied down in the constitution where the legislature can't change it when times change and there's a need for a change or people demand that the legislature can't change it because it's tied down in the constitution. That's the reason we have this constitutional convention today. Yet, we have some people that wouldn't do all of these good government things that will look good, that's really legislation to try to tie down in this constitution because it looks good. We can't see the need to avoid the necessity of a change. They are just running for office today. I repeat that. They're just running for office today, what sounds good back home. They aren't going to represent them if they don't know what they want. How can we have government by the people and for the people? You are going to cure them by the people if you don't give them a chance to say anything. It would like to

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tion or what would be bad, what would hamstring it. I think says it's a question of fore thought, but I think it's too short a time truthfully the original way it was for the introduction of bills. Let me point out to you one reason for that. Now, ladies and gentlemen, this is something—the legislature could live with this, but this is such a useless amendment. It's a question of forethought already. Five days is not enough. The legislature would keep talking and proper bills drafted in most instances, but a non-lawyer may not get it drafted until he gets down here or he may get it drafted correctly because he didn't properly explain it. So he gets down here and it's impossible, a physical impossibility, to have a staff that could draft a bill in five days. Now that doesn't mean that all these bills are good. Many times bills that should not be passed are introduced, but they point out abuses by certain groups or interests in this state that when that abuse is pointed out then corrective measures are taken without necessary legislation. Now, this particular amendment...you're going to string the procedure out over unnecessary process at this particular time. Now you hear what I'm telling you—and this particular time. This should not be in the convention, in the legislature. The constitution should put certain reins on the legislature but that should be limited. There should be that latitude so that if twenty years from now or fifty years from now, many of the workings of the legislature needs to be changed, the legislature can change it. We are not here to legislate. We are not here to do that. If you are going to try to put everything in the constitution that should be legislation, we will not come up with an instrument that will pass the people when we finish it. Ladies and gentlemen, this is not good for the constitutional convention. If one of you happen to be a legislator and you want to put...you need it where the legislature can adjust themselves within certain periods of time. Truthfully, you know if I had my way, and I've been mentioning it a little bit, I really think the legislature should meet in January. But I haven't offered that because I haven't had any support yet. But there's a lot of...to the legislature meetings in January. But when sentiment is not with you I don't want to bring it up here and waste the time of these delegates but this is an unnecessary amendment and I hope you will see fit to vote against it.

Chairman Henry in the Chair

Questions

Mr. Duval Delegate Wall, wasn't there a proposal yesterday to allow the legislature to fix its times of provided by law? Wasn't there such a proposal yesterday, sir?

Mr. Wall Yes, I believe there was some such proposal.

Mr. Duval Doesn't the Rayburn amendment limit constitutionally the session to sixty days? Doesn't it?

Mr. Wall Not necessarily sixty. Sixty days within a period of time.

Mr. Duval You say you think the legislature should have flexibility, doesn't that also constitutionally fix something that may need to be changed in fifty or sixty years.

Mr. Wall That's right. But this is not an improvement for the delegates. If you wanted to have an amendment to let the legislature set their sessions, I would vote for that, Mr. Duval.

Mr. Warren Mr. Wall, would you consider Mr. Rieckel's amendment a legislative bill? When you said we were not up here to legislate, would you say this was a bill or would you say this was an amendment.

Mr. Wall This was a proposed amendment to the constitution, Mrs. Warren. But it is more legislative than it is constitutional.

Mrs. Warren They just mentioned that they have one to allow you to set your own time and it was rejected and I didn't hear you come up here and say anything about it.

Mr. Wall Mrs. Warren, you'll find that I'm not going to come up here and take issue on all matters. There's something that I think thirty legislators say I can feel the sentiment of the delegates and it's not necessary for me to waste the time to come up here and make a talk and give my views. Thank you.

Further Discussion

Mr. Alexander Mr. Chairman and delegates, I have analyzed this amendment, I have listened to the arguments and I have come to a definite conclusion. This conclusion is based on the arguments and on the information that I have drawn from this amendment. The very first good feature of this amendment is the fact that it permits a vigilant citizenry to keep track of what the legislature is doing and to prompt the citizens to react. This thirty day period during which time hearings could be had will permit the public, John Doe citizen, the little man, not necessarily the professional groups, the big organizations, but the little people who may have problems with legislation to come up here to Baton Rouge and present their case. Then, Mr. Chairman, this amendment would remedy many of the ills of the past. It would remedy the problem pointed out by a previous speaker that the legislature has been found in this convention on Sundays because the stipulation is here that the legislature would have fifty legislative days to work. Finally, I say to you that this is the most perfect, corrective legislation proposed by the chairman in the past that has been presented to this convention and I say to you that if we are losing time and if we have lost time it has not been during the debate of this amendment. We have lost time on something else. It has not been this important. This provision is the most important measure presented to this constitutional convention outside of the unicameral legislative idea. So I appeal to you to vote for this provision, put it into the constitution so that the legislature will be responsive to the people. So that the citizens of this state will be a responsible body meeting in session during times when everybody will know when they are going to meet, when hearings can be held and when committees will be held, these hear enrol. Mr. Chairman, I thank you. If there are questions, I will answer.

Further Discussion

Mr. Tapper Mr. Chairman and fellow delegates, I rise also in opposition to this amendment. It isn't as bad as it could be but I'd like to preface my remarks with this. We've been beating this dog for a long, long time. Yesterday we finally voted by an overwhelming majority for a proposal or an amendment to the proposal which was Senator Rayburn's amendment. I believe that that was a good amendment. I believe that this is a bad amendment. It could be under this amendment that we could meet the legislature could meet—from April through July 31st. There has been much talk here about suspects of the legislature. Of course, I'm a member of that body. I hear that talk all the time. It is true throughout this state, which I do not believe, that what you are doing here is authorizing that body which you feel is not responsible. Every citizen of this state, to meet for a longer period than sixty days while at the same time, you are not authorizing them to take any final action for the first fifteen days, which says that the committees can meet. The committees can take action but cannot report. Believe me if you know what the legislative process is, you can fully understand that a bill action in a committee today and we can take action again tomorrow on the same measure by a simple majority vote to reconsider.
Mr. Henry Mr. Tapper, you have sort of come up with a hybrid. You can move the previous question but if you want to move it on the subject matter it is going to have to be the entire subject matter of Section 2, I believe.

Mr. Tapper I would like for the rules to be checked on that, Mr. Chairman. I think I can move the...subject matter that is presently before us is Subparagraph A of Section 2.

Mr. Henry The subject matter that is presently before us is subsection 2 period because under the rules we are to consider these articles section by section. Hence, if it is the entire subject matter, then it has got to be as to Section 2. If it is just the previous question, then we have no problem.

Mr. Tapper I move the previous question on the amendment.

[Motion for the Previous Question Rejected: 52-54]

Further Discussion

Mr. Guerisco I rise in support of the Riecke amendment. I coauthored the amendment and I just want to say that Mr. Wall has suggested on a number of occasions that those of us who are delegates to this convention who are not legislators are preparing for the next election. I feel that those persons are really not preparing for the next generation. I don't know what Mr. Wall is doing. Yesterday Mr. Rayburn got before you and said, "I don't pass the bill or I don't introduce a bill in the beginning or in the middle. I learned that trick. I put it in in the end. I try to slip it in, slide it." Well, all we want to do with this amendment is to put a little gum on thereeze. That's all. That's all we want to do. This is what the people want. They want a split session; they want to hear about it; they want to have a chance to look at it; they want to have something that's just like those of you who are going around the constitutional convention and have twenty-five and thirty people show up at a date. Now having already that I do so. I ask that you vote for the Riecke amendment.

Further Discussion

Mr. Low Mr. Chairman, delegates to the convention, I just want to note before I start to make my short talk that you have found that the changes here in my district have been so slow. I was really a bit disappointed with the fact that I could not get any feedback on this proposal. I really have no serious thoughts about the number of days and I've sat quietly listening to all the proposals. I have some experience in particular; my particular district was known from '64-'68 that became a bit of a little bit disgusted with the system. In particular I don't seek reelection and felt that people who had their interests at heart they can move things a little bit better than others. That's the system. It will always be the system and I don't quarrel with that. I think that's good. The people who are sitting in your district and you have some very good people that sit back, that can't always let their thoughts and their efforts be felt completely. There were many times that I sat in the legislature that spoke like that. That's why I became completely disenchanted with the system that we had, not disinterested in government, but disenchanted with what we had to work with. Now we argued a lobby bill and I couldn't get serious about that particular bill and I did not speak on it. But I think this is part of a lobby bill. I think this is a lobby bill; for the people back home don't often get up and talk about the school teachers and the old folks and the people back home because that's not my type of politics. If anyone thinks I'm running for office as a whole this bill but I believe the record show that there's about as much chance for me running for office again as there is for an earthquake in New York. I'm not saying that I can do anything but I'm saying that I can do some good. I might sacrifice. I don't believe I can do some good. I'm not going to do more of people that I think who can do as much as I can. But I do believe that this is a lobby bill for the people back home. Now what happens when a bill comes before the legislature? Those people that want it to move can see that it moves. Another legislator that has maybe just as good a bill; if he's not in and he's out, it may be difficult. It's all for the people. He may have more time. He may need to gather his forces. He may need to rally the ranks and it's difficult or impossible for him to do it under the system that we now have. He may have been through it. I was one of five that voted against the dome stadium. Now I don't want to resurrect something and the way the dome stadium is today. I'm not here to discuss the provisions. It's what we have to work with and we all accept it but I do believe that the proposition that we received on the dome stadium, sometimes the citizens will vote and as it would be led to believe it was by the number of votes that it received in the legislature. I believe that if we had had time to split the session, to go back home, to look at that, we would have known if we would have had some different thoughts by the time we got back from that split session and started to vote. I think this proposal for very specifically with a salary for legislators. I think legislators should work hard, work long; that's what they run for office for. There are a number of legislators that came before this mike to oppose this bill; I can't argue with them for proposing the bill. Certainly, if a legislator has to operate under this particular bill it's going to cause him some more problems than he has now. It's because it will pull into our government our constituents back home. It worries about them being complacent-we have an opportunity now to remove some of that complacency and that's why I'm before you because I want some of our constituents involved. When we're seeking office we're a lot more involved with them than we are when we are legislators. That has to be and I don't condemn that because when I ran for this office I was a lot more involved with them than I am when I'm here. I want to say that I wish we had a lobby like me as I rise to my constituents as I was last year at this time when I was asking for the opportunity for the people to do something that's going to produce that type of representation well I'm for it one hundred percent. Now the Rayburn amendment yesterday it's been discussed and I think you know it was what we had yesterday. This is just as much better than
the Rayburn amendment. We've heard that we have a proposition on the table and that's the first thing that we should do and that's why we have our style and drafting committee. We adopt what we have to adopt, we send it to them and just what they want. I feel that this is the way I understand our process. I promised to keep it short. I think you get the gist of what I'm trying to tell you. I tell you to you sincerely from the heart, that I have found that it didn't work as far as I was concerned and that we can get a system that will get our constituents involved and give government to the people and let them help us in this representative democracy.

Further Discussion

Mr. Chateletain Mr. Chairman and fellow delegates, I rise in support of the Riecke amendment and I want you to know this is the third time that I've changed my mind. Not the first or second, it's the third time and I'll tell you another thing, if it comes up, a better argument comes up, I'm going to vote for it. Yesterday morning when I came to work at 9:30 I was for the committee's report, committee proposal number three by the Legislative Priorities Committee. It looked good. It too was for a split session, but after debating around awhile and kicking around the Rayburn theory it sounded better and I voted for Senator Rayburn's amendment. You might notice I sit next to him and I have a lot of respect for Senator Rayburn. I think he's a great deal to the state of Louisiana but I must say that I have to be for the Riecke amendment because I feel, as Sheriff Durso said to me a minute ago, this will slow down the process. It will give the people back home, yes, time to do some lobbying and after all that the people I want to see do the lobbying is the people back home. These are the people that sent us here. These are the people that pays the bill in the state of Louisiana and I say to you that I am for this Riecke amendment and I will be happy to support it and I hope and urge that you do that. Thank you.

Further Discussion

Mrs. Warren Mr. Chairman and fellow delegates, I spoke to Mr. Riecke concerning his amendment and the one thing in it that I like, it was going to give a chance to the people back home to have a chance to contact their representative before they took any action on bills. I can remember on many occasions where I had to make long distance telephone calls at the last minute to representatives from my area to ask them to support a particular bill. I could have so much easier and cheaper done it if they had been home for a period of time when I could have gotten in touch with them. I'm not saying this to be bragging but I do love people. I work with PTA and we do represent people. I work actively with them and I know Mr. Riecke has also. Many times we have been good for the people. We ask people their opinions before we bring it up to have it voted on, so for this reason and this reason alone I was interested in this amendment. I'm not interested in the mathematics of it, I'm not interested in how the legislators can live with it. I'm interested in if our people will be able to live with it and not just exist. Thank you.

Further Discussion

Reverend Landrum Mr. Chairman, I had asked that my...I raise the right to speak because so many people was echoing my sentiments and as a member of this particular committee, I've heard this argument time and time again and I've heard some very good arguments in support of it. I wanted to check with legislators who had some experience in this area and I found that they too are somewhat as, like I am, I found that they are very much divided on the different fights that we are fighting here. The proposal that Mr. Riecke had on yesterday, it wasn't possible for me to go along with that proposal. As to this, there is this proposal that I feel is the best proposal that I've heard throughout the committee hearing and throughout this convention. Therefore, I will support that particular proposal and respond to delegate Senator Rayburn's amendment, the proposal that Mr. Riecke had on yesterday. It wasn't possible for me to go along with that proposal. As to this, there is this proposal that I feel is the best proposal that I've heard throughout the committee hearing and throughout this convention. Therefore, I will support that particular proposal and respond to delegate Senator Rayburn's amendment. I was told like what he said about the revival not being able to take in members. Well, I believe that he would know that even better than I because we have more parishes in our church than he, so I don't think that idea that if you did not come up to par well then they would not accept you into the church. They would send you back. That's why I think we do need to go back, we need to go back and try to get some input from the people. I have to have somebody else's guidance because I don't know all the answers. I want to have some answers and I want to see what the newspaper is saying. I want to see what people are saying. I want to hear everything and from that then I'll make my own conclusions from it. Thank you.
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technical legislative procedures. They are looking to us, to you and to me and to use our judgment up here. And I do say whether you vote for the Riecke amendment or the Rayburn amendment, your people won't know the difference one way or the other but they are leaving that to your judgment. So I wanted to express my fellow delegations and explain my position with reference to this amendment and the fact that as I see it the Rayburn amendment encompasses and takes care of every thing that the Riecke amendment does but it does give a little more elasticity to the legislature when it's in session.

Thank you.

Further Discussion

Mr. Gauthier Mr. Chairman, and delegates. I think by now the preceding speakers have taken all the wind out of my sails but I have a few points I would like to bring to your attention.

We speak of the apathy of the people in the State of Louisiana uninterested in government. Perhaps this is due to the fact that they don't understand government. I voted for single member districts on that very issue. We have got to create a structure that they can understand. We have been told by other delegates here that we're getting into legislating and yet those same delegates have told us they are for the Rayburn amendment. This amendment only does one thing. It allows the legislators to go back home and talk with their people on bills. It also makes a structure that the people can understand. They know when the legislature will go into session. They know when they will be home. They know when they have a chance to infuse. I fully believe if we can create a structure in government then we have done our job here and our people will get more involved.

I don't believe it's the intention of this body to hamstring the legislature. Instead, I think we want to provide more flexibility in dealing with substantive matters. We are now dealing with structure not substantive matters. To me it's very plain, very simple.

It's been alleged by some delegates that some of the legislators don't want to listen to their people. There are probably a few that don't want to listen. But I firmly believe that the majority of the legislators do want to listen. I firmly believe that we do have some interested citizens too. This amendment would give them a chance to listen and listen.

There were a number of other points but as I said earlier, the wind has been taken out of the sails and they were covered. I'd like to point out one other thing. This amendment has been made by a delegate that has perhaps gained a reputation for being one of the most sincere delegates in representing the people back home.

On the other hand, this same amendment is being supported by one of the most capable legislators that we have. Therefore to me, we have the type of situation that we would want to act on immediately. We have both the ends represented. A man wanting to represent the people back home and a legislator with many years of experience saying that it can be done.

I urge your support of this amendment.

Thank you.

Questions

Mr. Bergeron Mr. Gauthier, did you attend the Public Information Committee meeting?

Mr. Gauthier Yes, I did.

Mr. Bergeron Did you find the input from the citizens helpful to you in your deliberations up here?

Mr. Gauthier I did.

Mr. Bergeron Don't you also feel that this would benefit the representatives in their respective areas?

Don't you feel that they would have the opportunity for the citizens, the people they represent to honestly state what they would like their representatives to do?

Mr. Gauthier I do.

Mr. Toomy Mr. Gauthier, the Public Information Committee that was just referred to at a meeting on the westbank in Jefferson Parish which included the whole westbank of Jefferson Parish was there not only twenty-three people present and five of those were elected officials?

Mr. Gauthier There were. And all twenty-three of them had very good points, Mr. Toomy.

Mr. J. Jackson I agree with what you said about the amendment of Mr. Riecke. The question that hasn't been asked, or maybe it has been asked, is what happens in the case of a... recently in the last session we had some emergency legislation that was introduced. And what happens if emergency legislation is necessary within the fifteen day period? Will the legislature in this house be able to act upon that legislation? Or if you don't know that do you know if there are further amendments that will be proposed to maybe make Mr. Riecke's amendment probably a better amendment?

Mr. Gauthier No, I don't know Mr. Jackson, however I can say this. In listening to Mr. Triche's explanation I understand that there is now a thirty-day period where legislation can't be introduced; so perhaps this is an improvement.

Mr. J. Jackson No. My point is that there will possibly be and I don't know, we are talking about the future. But I could envision there may be the possibility of emergency legislation for floor control...things like that.

And it just seems to me that this amendment and all I want to know does this amendment provide that either house would be able...that the legislature would be able to act within the first fifteen days. That's my only concern.

Mr. Gauthier With a little aid from another delegate I can now answer that.

If it was an extreme emergency, it does provide that by two-thirds vote you could have some action. By two-thirds vote of the elected members of both houses.

Mr. J. Jackson Thank you.

Further Discussion

Mr. Rayburn Mr. Chairman, and fellow delegates, I rise in opposition to the Riecke amendment. And I want to briefly tell you why.

I am a little at a loss as to know why some of the people who yesterday said eighty days was too long now seem to like 101 days. Because under the Riecke amendments you can have a minimum of 92 days or 94 days and a maximum of 106 days to be in session.

I have no opposition to split sessions and under my proposal the legislature will be able to try split sessions and see if they work. We have been criticized in the past and when I say we, I am referring to members of the legislature for clamoring the ballot with constitutional amendments. And I am trying to prevent that in the future with my amendment.

We first came to the legislature the constitution provided that we had twenty-one days to introduce bills. Thirty days to introduce constitutional amendments. We felt that that was too long. So we had to offer a constitutional amendment to cut those days to fifteen. Which the people approved. Later we felt that thirty days was too long for constitutional amendments. We had to come back and offer another constitutional amendment and submit it to
the people to cut that period from thirty days to twenty-five days. I am merely telling you that to show you some of the things that, because of the present language in the constitution has caused us to have to put some things that forty-five days is not very much longer than forty-one days. I do believe we need one time amendments for the people to vote on at one time to change the constitution.

We are trying to limit the amendments that could be considered by the people on many occasions in the legislature, but I failed. Under my proposal the legislature can have a split session, if it so desires. I believe the best judgment for this is that the legislature have forty-five days. It can govern its work according to its work load.

Under the Riecke amendment you don't have to meet but one time. It says you shall not meet later or longer than fifteen days which if the legislature sees fit they can come in session the first day and adjourn until the fourteenth day and go home.

Now I think I have tried honestly and sincerely to represent my people. And sometimes I think you shouldn't tell the truth but I try to do it. I did say yesterday that I waited until late to introduce my bills because I figured it was the best way the people passed. I figured that was the best way to represent my people if they had asked me to introduce a bill it was left up to me to figure out the best way to get it passed. And I did find out early in my legislative life that the best way was to wait longer. Because if you are standing out there and somebody is shooting at you, if you stand there long enough you are liable to get hit. But if you don't have to stand there two or three days when you can just stand there one or two days, I chose the shorter route.

Now if you will go back and look at the percentage of the people that votes when a constitutional matter has been submitted to them in the past in one case out of twenty the people voted in some cases eighteen percent and I see some of the news media here that can bear me out. In most cases about twenty or twenty-five or twenty-one percent down low. I believe one time we had about eight percent of the people that voted.

Now I am trying to represent that other seventy or seventy-five or eighty percent. And I just feel like that the legislature should have the right to handle their work load in the manner they think is best. And I am trying to try to represent the people. That's why they are down here. That's why they were elected. And I don't think it's really right and I don't blame anybody that don't agree with me. It's just my opinion and I certainly respect yours and I hope you respect mine.

I feel like the legislature can operate better if it has an opportunity to come over here and meet, let bills be introduced, have committee hearings, recess if they want to and go home for ten or fifteen days; twelve days which they can do under my amendment. And another thing that worries me about this present amendment. There will be a lapse of forty days. We cannot provide money to pay the staff. A fiscal year begins on July 1 and ends on June 30th. Under the Riecke amendment it will go until July 31st before we adjourn. I don't know we'll have to go back and change that fiscal year or do something where we can make an appropriation for the state agencies. And I just have no big quarrel with Mr. Riecke's amendment but I do think that for the benefit of the legislature that my proposal will let us work better.

And let me say this, I think we are all interested in representing our people. If we're not, we've got no business here. The legislature that tries to represent mine and they have been good to me for which I will forever be grateful. But I can truthfully tell you that sometimes you say things that people know what's going on. You know where you get your most information from people who have a personal interest in something or may I say a vested interest.

I have always tried to be fair with them and on the other hand try to look out for those poor little people that couldn't come to a committee meeting. That wasn't able to come over here and lose a day's work to appear before a committee. I have tried to represent them likewise. I do believe with my proposal that you will be giving the legislature a little bit of hand to solve their problems in the manner that they think is best. And for my proposal that you will be giving the legislature a little bit of hand to solve their problems in the manner that they think is best. And for my proposal that you will be giving the legislature a little bit of hand to solve their problems in the manner that they think is best.

Questions

Mrs. Warren Mr. Rayburn, I think in speaking here you failed to mention something that is in Mr. Riecke's proposal... amendment that was not in yours. Mr. Riecke limits the time that you could introduce a bill. You also made a statement about you introduced yours at the last minute and I hope you don't take an offense. That's kind of like pulling a rabbit out of a hat at the last minute. Now do you feel about that, would you like to have Mr. Riecke's statement incorporated in your amendment so you wouldn't be able to pull that rabbit out at the last minute?

Mr. Rayburn My amendment also limits the time for introducing bills if you will read it. It has a limitation there. It says they shall be introduced not later than nineteen days. And the purpose of the nineteen was to keep us from having to come back on two weekends. A Saturday and a Sunday. Not later than the nineteenth day. This is not later than the fifteenth day. So there is a little difference.

Now, I am pretty familiar with rabbits I've chopped a few out of logs. I have stood on one end with a stick and longed to be on the other end and punched him—and let my brother catch him when he ran out. But if you are looking for meat you've got to figure out the best way to get it so I tried to get somebody on both ends of the log.

Mrs. Warren Yeah Mr. Rayburn.

Rayburn I'd like for you to know that I came from the county and I used to take a clod of dirt and kill a rabbit and we would have him for breakfast in the morning. But I didn't understand your amendment as clear as I do Mr. Riecke's.

Mr. Rayburn Well I regret that very much but it does have a cut off limit on it and it is not later than the nineteenth day. I have the calendar. The only reason I added the four extra days because it's two weekends in the first fifteen days and I was hoping that we could maybe not have to work on a Saturday and Sunday.

And that was my purpose for the nineteen.

Mr. Roy Senator this is a friendly question. Don't you think that Delegate Gauthier was wrong when he said that the Riecke amendment by a two-thirds vote could provide for legislation to be enacted when really it only provides that by a two-thirds vote and you could allow for introduction of legislation after the nineteenth?

Mr. Rayburn That's exactly right, Mr. Roy.

Mr. Flory Mr. Rayburn, as I read this and I ask you to question. Isn't it possible under Mr. Riecke's amendment for the legislature to come in session on the fourth Monday in April and adjourn that day until the fourth Monday in May so in effect that you would only come over in which to introduce bills and thereafter it would require two-thirds vote to introduce a bill?

Mr. Rayburn They could Mr. Flory if a majority of the membership so desired to do that. They could the way I read the language. Yes, sir.

Mr. Champagne The only reason for asking this
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question Senator is because I just want to point out something about the last one.

Could you feature a bunch of Representatives and the Senators meeting and saying that we are not going to do anything, we're just going to go back home?

Mr. Rayburn  Mr. Champagne I was in the legislature one afternoon at the capitol after we had recessed and adjourned sine die the same day we met. I've only had that experience once but yes, it can happen.

We don't think it will happen but I didn't think it would happen that day but it did.

[Motion for the Previous Question.]

Point of Information

Mr. Womack  Mr. Speaker, in case there is some very pertinent facts that still haven't been brought out if you vote the previous question you have cut that information off.

Is that not right?

Mr. Henry  That is correct.

[Motion for the Previous Question rejected: 54-55.]

Further Discussion

Mr. Segura  The one thing I promised the people back home when I ran for this office and the one thing I never heard you say more than anything else is that we want a short, precise, streamlined constitution. One that can last forever without amendment if possible. I also know that's impossible. But that's what we are trying to do and I feel the more specific we get in the articles we write the more it will need amending in the future. This is the hot constitution and I think the Riecke amendment, the intent is very good but this amendment is in my opinion much too specific because times will change. You can see the legislature in the past has met sometimes it has been a thirty day session. Sometimes a sixty day session and I am not familiar with the history of it but I know it hasn't always been as we have proposed it today.

So I know as well as I am standing here that there will come a time when the amount of time they are meeting is going to be different, required as it is required today. So what I am asking you to do is let's look at what we came here to do and let's try to do and let's try to streamline this constitution and write it in a way that it will not need amending as often.

1, for one, have faith in the legislators because we have the people who elect them. You can see the legislators. They are only elected for four years. This constitution is written for much more than four years. Why can't we have faith in them and let them decide if they need to go home for fifteen days if they need to meet for sixties days continuous. I think these specifics can be left up to them because we should have faith in them. Because it is us, the people that's electing them.

Let's not miss the forest for the trees.

Further Discussion

Mr. Drew  Mr. Chairman, since part of my few remarks will be on paternity. Which I think most will be interested in I wonder if I might suggest a absence of a quorum.

[An oral call: 97 unexcused, present and a quorum.

Further Discussion

Mr. Drew  Mr. Chairman, delegates to the convention, I would like to make a few remarks, very short remarks about the legislature and I am one of the oldest new faces that appeared there in 1972. So I am not a veteran of the legislature. But I do know this much about legislators and I am speaking from personal knowledge and from what I have see done in the legislature and out of the legislature in the past. Myths have been dispelled and I think there has never been and I don't think there will ever be an attempt for a legislator to isolate himself or herself from their constituents. The procedure which we follow which is followed by Mr. Rayburn of the House and the majority of the Senate and if you would come into the lounge and see the lines waiting to get on the walls to our officers and with those parties who may possibly even be interested in legislation their feelings on it. Our duty, our obligation because the legislature is government and we are here to vote the will of our constituents and that's what we attempt to do. Now I mentioned that I would talk about paternity a little bit and I do not mean to defame anybody particularly and certainly not mean to do this in a derogatory manner but if you have your chest stuck out because you think you get your child called split session you had better deflate it. This child was beget by the House Executive Committee months and months ago. And would have been instituted without any doubt prior to this convention to the constitution the legislature had the time to permit a split session.

And I am sure that it will be done. The consensus of the House and the...I'm sure the consensus in the Senate is the same. That we are now going to have a split session to have a little more time to consider the bills. To allow our constituents to consider the bill.

Now let's go and see. Now this was [...] by the legislature through its Executive Committee not by this convention. It was submitted to this convention indirectly from the House Executive Committee.

Now, let's put this thing in proper perspective. We have two amendments here that we are discussing, the Rayburn amendment which was offered by Mr. Riecke and the one day and the Riecke amendment and there is very little difference between the two as mentioned when Mr. Warren was questioning Senator Rayburn. I think you have fifteen days in which to introduce bills in the Riecke amendment and the Rayburn amendment you have nineteen days to introduce bills. We have a four day difference in this part of it.

The difference between the Riecke amendment and the Rayburn amendment which is so vital is that if all bills should be introduced in five days there would be a need for the legislature to meet for fifteen days more doing nothing before they went home and instead of having a sixty day session we have them cut down to fifty day session to fifty day session with a fifty day session for consideration of bills.

You are not giving the legislature more time in consider bills. You are very possibly cutting down the amount that we have. This session had every bill that was introduced gone through both houses and these are rough figures. We would have been permitted twenty minutes per bill to be introduced in the House, considered by committee, considered on the floor, go to the Senate, considered by committee and go to the Senate floor for final passage and come back to the House. Twenty minutes a bill is about the time we were allowed and you are complaining about poor legislation getting through the legislature.

Let there be a difference between these bills is this and it is vitally important. You were most kind yesterday in defeating an amendment that would put limitation on the odd year sessions. We are going to have annual sessions—let's have annual sessions.

Now let's get down to the difference between the two amendments. And the Riecke amendment that Mr. Riecke has offered to me and I do not mean this to be derogatory, Mr. Riecke. This is an amendment that would sound good to the people. Sound good to the people. I do not deny that and I think that is part of the consideration that has been given to this amendment because then it would be there that we would have to go more fifteen days and the period in between and come back and consider legislation. The thing that bothers me about the
Riecke amendment is that you are locking us in. Many have been there for years and years and for about fourteen months on this thing. What we need in this constitution is flexibility. And what we need in the legislature is flexibility. So we can utilize our time to the best advantage. And I think that you will show enough confidence in the legislature to permit the legislature. We may make mistakes on how long that period will be before the first period and the final period. We may have to change that. But I ask you to look beyond your nose. We are not talking about sessions. We talked about spending our time in a legislative session in 1960 and 1990 and the year 2000 if we come up with the proper instruments. Do not put unnecessary limitations on the legisla-
tive action. These amendments which the gentleman who opposed this amendment did not realize that Mr. Riecke's amendment did not lock us in so bad I could support it and at first glance I was in favor of the amendment and the more I considered the ramifications the more violently I am opposed to this amendment. As I said, we need flexibility for efficiency and there is nothing and I repeat nothing going to oppose. The House and the Senate can not do under the Rayburn amend-
ment in a much more efficient fashion. I sincerely urge you to defeat the Riecke amend-
ment. We have an amendment which was adopted yesterday, it's flexible, is workable and will pro-
vide you with the most efficient legislature you have had that you can remember. I thank you.

Further Discussion

Mr. E. J. Landry Mr. Chairman, members of this delegation, I never in my life have had a most
important privilege. This is indeed a privilege on a most important issue. If your memory serves
you right. It wasn't too long ago that I chastised our Honorable Senator and I have lived long enough to
see how the press has taken everything I said I extened it to him. On this day Honorable Senator
Rayburn has had the privilege because of a delay that happened by one vote. Great! It has really
been great to not only give him the privilege but also for you to have the courtesy, the patience to give
me the privilege and to have given myself the privi-
lege in listening especially to the last speaker. And I am an honorable man, a fine man. I had dinner with him yester-
day, I had lunch, listened and really was con-
vincing that he had something. But after I reviewed very carefully the provisions of the Rayburn amend-
ment and after thinking carefully about the orator who supported Riecke I thought at the time mostly anything. I carefully reviewed and I thought he saw somebody failing and he wanted to
give him support and he did and it caught on. And it gained momentum. And people kept talking to me.
As I've changed my mind and I could sense that it was really and truly a sympathy vote.

Ladies and gentlemen of this convention, this
Rayburn amendment is a masterpiece. It incorporates everything that this convention needs to do in
philosophy. Really and truly, it allows the flexi-
bility that you and I have talked about.

It is written by the people who know what they are doing. You have assembled on this bill a tremen-
dous amount of experience. These people are profes-
sionals and we need professionals in this busi-

Now, take my advice. Be guided by these pro-
essionals. I have watched this man operate,
know he is sincere, I know he is trying to do the
right thing. I ask you to vote down my good friend, Mr. Riecke and vote for a person that I am beginning to really know, Senator Rayburn.

Vice Chairman Casey in the Chair

Further Discussion

Mr. Womack Mr. Acting Chairmen, and fellow dele-
gates, the previous speaker consumed a little or
my material and in my capacity as a senator personally.

There is still enough left for more to people

on. I guess I would be considered relatively new in legislative service. I rank I guess prob-
ably fifth, sixth or seventh in service, but I have been reelected the fourth successive time and from a
parish that no man in modern history not many has ever succeeded him in that. It is a thought to you a second thought. Give bodies time to recon-
sider and make wiser decisions to the extent that I think I think as far as a senator legislator that has ever served as far as I have been able to research (research). And for those who may enter into personalities and say that I doubt like legislators and people to a few of them and Senator Rayburn is one in particular.

I have seen this legislative government of ours get three, four or five or six hundred percent more complicated in the short periods of time that I have been here. The complications have just started. Within less than a life span the older ones saw a State Capitol built at a time when the opposition said we couldn't afford it. Number one, because it was going to cost five million dollars and Louisiana would never be able to pay for it; been little change.

We also said that Louisiana would never need the office space afforded in that giant tower. And when it first opened up the elevator stopped at the eighth floor. Food and only a period of time more than ninety-five percent of all state governmen in Baton Rouge is housed outside of that great tower we could afford.

What I am trying to say is that we are going to have some changing times. Our constitution needs to have the maximum amount of flexibility, that is really why we are here. The Rayburn amendment gives the legislature that flexibility. It gives the two
days a week or three days a week or they see fit, and now go on. In their wisdom to recess each week to go home to meet with their constituents and know how many they are going to meet with and how many they are going to hear from. A very minor portion of special interest people.

And of all the years I have been here the major contracts I have had has been from a particular selfish interest group that wanted a pay raise or something of that kind. Ninety-nine percent of them are home working and they are depending on your wisdom to look after their business.

Mr. Triche said a few minutes ago, and he is a great legislator. He is somebody that little I know. Some of it I am having to relearn. I be-
lieve he learned me wrong. Mr. Triche says that we need to slow this down. This amendment and I certainly will do. We are going to cut the actual legislative days from sixty to fifty. I don't agree that slows this process down. That will speed the process up. One of the problems in handling legis-
lation and with all the bills we have is that vast hours of time is taken up on controversial bills which are debated over and over. But in slowing up your process for everybody to be heard on the con-
versational bills you slow up the process on the non-
controversial bills, the legislature needs a maxi-
mum amount of flexibility in order to make that
adjustment. You say you can have all the intro-
duction of bills and then you can have the committee hearings. You are going to hamstring the legisla-
tive body where they take their action. You could introduce them for the fifteen days. You can hold hearings on fifteen or twenty days but you can't vote.

You can come back and reassign and you can hold hearings on 15 or 20 days but you can't vote. You come back and reassign or assign those bills to the committees for hearings and if your conversational bills are going to move through without it being more controversial after the first series of hearings when you can't vote, you're kidding yours-
self. Because these groups of people that are going to regroup their forces, you're not going to save time. You're going to take up more time. It's going to be more necessary that you have additional time. This proposal that Mr. Riecke has.
would start the introduction of legislation which would bring in a new legislature, which would cut through the other legislation that I think you can provide not to cut the term short. If you don't do that, or if you do do it, then let the present four year term which Ace said they will be determined, when the constitution will overrule when we pass it because when you go to court, you're going to find out that the constitution is going to supersede Act 2, would reduce the term of the 12 year Representatives or those 20 year Representatives or those 12 year Representatives with 8 years of prior service--you have interrupted a real amendment changed the Constitution only three years ago, that they have every right to participate in just as every other state employee has. This is a major factor. There are some people who think it would affect, and they would be affected because the law specifically says they shall have that full 12 years with additional years with other creditable service or they shall have 20 full years. And if you cut it a week short, you've interrupted that. I would like to point out to you that for those of you who feel that holding extensive committee hearings for the public to come in, for everybody to come in is going to cure everything, it isn't. I would call to your attention, if you exclude authorizing legislation, I'll say that at least 96 of 97 or 98 perhaps of all of your bills passed by the legislature are amended in some manner after they leave the committee. In many of those instances, no major change. So the public can only be protected by the legislature as the intent of this form of government and it's rightful that it should be. The Rayburn amendment gives the flexibility to the legislature. Which I have heard many of you say the legislature needs the flexibility. In this amendment that's proposed now, it would take the flexibility away from the legislature. I have, in the short tenure of time I've been here, seen some times when it was imperative that the legislature take very quick action for an emergency. For example, certain federal funds would be available immediately provided that you could make some changes in your law. I have seen the time when local bills can be certified emergency in order to speed up construction and to help conditions that would help the suffering people that can't help themselves. The Fleece amendment eliminates the privilege of having this emergency. I feel certain that the closer is going to enlighten me on why it would be a great benefit to the people of the State of Texas if bills are to the point that you can meet and can't take action on emergencies. I hope that he can tell me why that cutting the active legislative days. It's short that you can't take action on going to speed up the process in any manner than speed up the time that it's going to have to get through it, you're going to speed that time up. When the legislators and gentlemen of the convention, it is my feeling that personalities shouldn't ever be involved in this and I will try to always refrain from it. It's unfortunate sometimes they get there. It's my feeling that this is probably one of the most serious things that we are going to consider and that the weight of the seriousness of it, will lead very heavy toward giving the legislature the maximum amount of operating room, and let them in years to come, and whose wisdom makes those adjustments. The government has become several hundred percent more complicated in the short time I've been here, and I don't think complications have stopped. As time goes on, it's going to get more complicated. And think the feeling of most of you is going to be to try to submit to the people a proposed document that will give them the greatest amount of flexibility for the operation of government, and give the greatest amount of protection to you as individuals for your life, your property and your freedom. The Rayburn amendment, does that, and I have no intentions of supporting, at any time, proposals that will put drastic limitations on the legislature after we have vested them the authority and the responsibility and looked upon them and our form of government as the worst form in the world except for the rest. So with this, I urge you to reject the Rayburn amendment, stay with the Rayburn amendment, and leave this flexibility to the legislature where they will be in a better position to use their wisdom in the years to come. Thank you.

Further Discussion

Mr. Bell Mr. Chairman and fellow delegates, this is the shortest speech you've ever heard from this rostrum today. I think it's a good amendment and I'm going to ask you to support it. I've sat down this morning and I've listened to whipping the doorknobs rats in the barns out of the nut and they've gone down on all to the animal family. I think we've heard enough. I think everybody here has made up their minds which way they're going to vote, and I think we're wasting a lot of time unnecessarily. Maybe you let some of our lobbyists here lobby long enough... So if I'm in order Mr. Chairman, I would like to move the previous question.

[Previous Question ordered.]

Closing

Mr. Triche Mr. Chairman and ladies and gentlemen of the convention, the kernel of this nut is the recess period after which bills are introduced. After the first 15 day initial period, the legislature recesses for another day, then comes back later for a 50 legislative day session. The difference between this proposal and the proposal introduced by the committee was that the committee's proposal called for a separate session, for the introduction of bills after the split session. This amendment does not do that. All bills must be introduced in the first 15 day period. Therefore, when the legislative day session after the recess, all of the bills will have been introduced by that time and will have been read by titles. If the legislature desired during the first 15 day period, those bills could have been read a second time and then referred to committee and there could have been some committee hearings. During the recess the bills could have been acted upon in committee. When we come back in the 50 legislative day session, the bills conceivably would all be ready for final passage and debate and would have 50 days for debate and deliberation before final passage. I think it's workable. I think it's efficient. It gives the legislature more time to review the public more time to study the bills and provide us with its input. I think it's a step in the right direction. Everybody has heard all of that. The difference between this proposal and the Rayburn proposal is that this proposal guarantees us that bills cannot be acted upon and finally passed until the passage of a recess period. I think it's good. I want to touch briefly upon some of the objections that I have heard. Some delegates say we'll be this going to really accomplish what you desire because legislators are going to introduce skeleton bills and introduce bills by title and introduce phony bills and after they're printed in the paper and after they've been advanced to second reading and are to come to committee. It is possible to come back and change those bills. That can't be done. If you read Section 17 Article I, I think it's on page 8, it says that a bill can be amended before final passage of any amendment which does not germane into the bill. Well let me illustrate. We will not be able to introduce a bill fixing the seasons of the livestock and then come back after the recess and change it to an increase in Severance Taxes. We won't be able to do that under the constitution and the legislature can't change the cost of the amendment, that the legislature wants to increase the Severance tax on natural gas as it did recently, we'd have to introduce that bill in the first 15 day. We wouldn't be able to act on it until after the recess.
I think that's good. It's good for the people. It's good for the government of this State. There's been another objection about the same thing. It's been the objection and some of you are troubled about it, and you say that well, we have a 15 day period in which emergencies may occur and we're not going to able to adjourn. The woods are going to be on fire and we're not going to be able to act. The woods are going to be on fire and we're not going to be able to put the fire out. We've got to let it burn for 15 days. I suggest that you look at Section 21 of Article 3. It simply says, "The legislature is effective until 60 days after the session. So you're going to have to let the woods burn for 60 days anyway. So that argument of 15 days in which [...] can act, I don't think is an argument against this amendment. It may be an argument against Article 3 in its entirety, but certainly not against this amendment because this amendment doesn't affect that. Since die, the legislature can adjourn sine die on the first day. I remember that happening. It happened once, I think, in the history of the State and that was a special session where the Governor called a special session to pass certain enumerated legislation and nobody in the legislature wanted to consider it, so after a 15 minute session we adjourned that special session and that goes to the merit or demerit of the Riecke amendment or the Rayburn amendment. It addresses itself to the responsibility of the legislature. Legislative is not going to adjourn sine die after 15 minutes of business. I guarantee you that. Term of office being shortened. Senator Rayburn in his wisdom with his amendment, shortened the term of office that the Riecke amendment shortens the term of office. Both amendments provide that the legislature shall meet on the fourth Tuesday of April. I suggest that both amendments are probably in that regard, in error. But that's why the procedure of this convention set up the Committee on Styling and Drafting. To take care of those discrepancies that I guess we must make because we have to agree that we are not infallible. I couldn't convince any of you that the Pope's infallible. How in the world do I convince you that Mr. Riecke's infallible? The Styling and Drafting Committee, ladies and gentlemen, is going to take care of that. This is a good amendment. It will guarantee us a slow orderly legislative process that will act deliberately on bills before they're passed. I sincerely urge you to...

Chairman Henry in the Chair: Mr. Henry Would you yield to a question of Mr. Matson. Gentleman refuses to yield.

Point of Information: Mr. Roy: My Section 21 of the effective date of law says: "However any bill may specify an earlier or later effective date". I wonder if Mr. Triche has the same section or if we have something different because obviously, we have a different interpretation of what Section 21 says.

Mr. Jack: I'm looking, please do not interrupt me. It's the only way I can handle this thing. Mr. Triche is not asking me a question, he refuses, but a point of order. I'm reading from Section 21, proposal 3. "All laws shall be published as provided by law and shall take effect on the 60th day after final enactment of this session in which they were enacted. However, any bill may specify an earlier or later effective date." Now Mr. Chair, what I want to know, if I heard correctly, Mr. Triche said something about we would still may specify an earlier or later effective date. Now, the point of order is this, I'm reading from what I was furnished here as being authentic. Now correct me if I'm wrong. What I read, isn't that the correct Proposal No. 3, Section 21 that has that last part about any bill may specify an earlier or later effective date.

Mr. Henry: That's in the copy that I have, yes sir.

Point of Order: Mr. Burson: Mr. Chairman, point of order, are we going to continue the filibuster that we've had all afternoon under the guise of points of order? It seems to me you'd like to know where we are now so we can refer to it again in the future.

Mr. Henry: Mr. Burson, your point is perhaps, well taken. I again, am allowing as much latitude and to be as fair as possible. Of course after I recognize somebody on a point of order, there's not much I can do but let them go ahead and finish. Sometimes I just don't address myself to it if it's improper.

Mr. Riecke has offered up... Why do you rise, Mr. Tapper?

Point of Information: Mr. Tapper: This is a point of information, Mr. Chairman. Is it not a fact that we have not gotten beyond the Section 2, Sub-paragraph A of the Committee No. 3 submitted by Mr. Blair and his committee?

Mr. Henry: That's absolutely correct, sir.

Mr. Tapper: Is it not further true that those sections referred to by Mr. Triche have not been considered nor adopted by this convention?

Mr. Henry: I think everybody are aware of that sir.

Mr. Tapper: Is it not further true then, that we should not even be referring to those at this particular time?

Mr. Henry: Well I wouldn't say that, Mr. Tapper, because in view of what the committee has proposed, I certainly would see nothing wrong with making reference to it.

[Amendments adopted: 59-55.]

Amendment: Mr. Pontier: The next set of amendments, I ask pages to distribute them for me at this time, sent up by Delegate De Bleuix to the Convention. Amending the re-printed proposal as follows: Amendment No. 1. At the end of line 15 of the convention floor amendment No. 1 proposed by Mr. Riecke and others and adopted by the convention on July 14, immediately following the words "are not to exceed" strike out the word "50" and insert in lieu thereof, "45". If you've still got the Riecke amendment that's on line 15 at the end of the line strike out the word 50, insert 45 days.

Explanation: Mr. De Bleuix: Mr. Chairman, and ladies and gentlemen of the convention, this will shorten the period of deliberation by only 5 days. If you will take your calendar and figure out, you will find that the 50 day period during the time we meet on the fourth Monday of May to the 31st day of July, you will have a period of only 15 days in which will not be Saturdays or Sundays. In any two month period, you are bound to have at least 16 days that will fall on Saturdays. A day can be 17, it can be 18. Since we are going to have 15 days in which to introduce the bills, to refer them to committees and then sometimes hear those bills during the interim period, I feel like 45 days of deliberation is sufficient time to clear our affairs and therefore will take us out of having to meet on a Saturday or Sunday if it is not absolutely
necessary, I just ask to give us that right and privilege to go where that if the legislature wants to do it, it does not have to meet on a Saturday or Sunday. Now it does not keep them from meeting on a Saturday or Sunday, but at least they will not be compelled to under the law, for the deliberation. That's the only change it makes in the Riecke amendment.

Questions

Mr. Drew Mr. De Blois, am I correct that you are cutting the session down 5 days by this amendment?

Mr. De Blois It would have that effect, yes. But your 15 days you initially had plus now, of course he's one of the ranking members, you do not have to meet 50 days. It just says it cannot be in excess of 50 days.

Mr. Drew Senator De Blois, how many days in the 1972 60-day session was the Senate in session?

Mr. De Blois I don't know, but I feel quite certain they were not in session a total of 55 days.

Mr. Drew Do you know how many days the House was in session during that 60 day period?

Mr. De Blois I understand it was 50 days.

Mr. Drew 55 I think is correct counting the days of committee hearings.

Mr. De Blois But during that period of time, Mr. Drew, I might say this, that you had to have all your committee hearings during that period of time and at least you will have a period during the interim and the fourth Monday of April and the fourth Monday of May in which you can have those hearings. I think you will not necessitate at having as many days as you otherwise would.

Further Discussion

Mr. Perez Mr. Chairman, and delegates, I want to inform the delegates to the convention that immediately after this proposed amendment, there will be a proposed amendment offered by me which, instead of 45 days, will have the 50 days and it would cut down the last day on which the session would be held from the 31st to the 21st of July. I do not, at this time, wish to speak of particular resolution because I know it's out of order, but I did want to inform the delegates that there would be another proposal to go 40 days thereafter for something the same as expressed by Mr. De Blois in his amendment.

Further Discussion

Mr. Anzalone Mr. Chairman, ladies and gentlemen of the convention, I am not now, nor do I know whether I will ever want to be nor whether I ever could be a legislator, so I don't speak with the immense amount of experience that some of the people that you have heard this morning have spoken with. But I can envision the time in 1921 when the constitution was written, probably 15 days of deliberation was all that a body would need. Maybe around 1940 or 1945, 25 days were needed. 1960 or so, maybe 30 days were needed. Now we come into 1987 and we are granting now, the legislature in all probability sufficient time to do the work that they have to do. But what are we talking about in 1980. Are they going to be able to get by with 55 days? We are tremendously dating this constitution when you limit the amount of time that a legislature can actually meet. I urge the rejection of the amendment, in fact I would like to point out that no one has brought up the fallout of the Riecke and the Riecke amendment. That is that it does stand as a limitation on the legislature. If you're going to have free and independent body to govern this State, you are going to have to give them enough time to do the job. I could certainly agree with Mr. Riecke where he wants the people to go back home. It's a very real problem where, but what's going to happen? They're going to be confused again. So I urge you, do not limit your legislature in that way. Let's take this State to adequately govern this State. Thank you.

Question

Mr. J. Jackson Is the amendment adopted by Mr. Riecke talks about bills introduced, but is it not a fact that you have amendments to each and every bill that is going to be considered as the whole bill? When you go to the matter of further reducing the amount of days that you're possibly imposing in it in this taking consideration that you take as much time in arguing amendments and debating amendments as it does for, let's say, one bill that maybe is not amended. Wouldn't you suggest that this further reduces the time in which that the legislature has to provide effective deliberations?

Mr. Anzalone That's very evident by this constitution, convention.

Further Discussion

Mr. Alario Mr. Chairman and fellow delegates, I was opposed, at the time, to the Riecke amendment and voted yes to several other ones several weeks back. However, now that we have it adopted and we've seemed like we've got to work with it and I don't see any reason why we should change it. To this perspective that it may not allow the legislature to do its job. Under the Riecke amendment as it stands now, we have 15 days in which the legislature would meet to introduce bills and during that time could not take any action. The committees could not take any action. Presently in the Legislature, when we meet in two or three days our committees are meeting, they are returning bills to the floor favorably or unfavorably, taking the necessary action. Now under Riecke's amendment we'd no longer be able to do that. I feel that we may now, in the legislature, need the additional 5 days since the Riecke amendment has passed. We may need the 5 days in order to, once we come back in the session, in the total transpose or transpose all the legislation that now has to be voted by the committee. Riecke's amendment provides that the legislature would not meet when it comes back, in excess of 50 days. It doesn't say that they have to meet in the 50 days, so that if the legislature finds that it can handle its business in 40 or 30 or 45 days, then it will do just that. So if you're looking at 50 days, I'm afraid we may not be able to handle the necessary legislation that's introduced into the House or the Senate.

Further Discussion

Mr. Denney Mr. Chairman, similar to Mr. Perez. I want to advise the delegates that I also have an amendment, but it will do the opposite of what Mr. Perez wants. It will provide for a total of NO legislative days to be divided between the first portion and the last portion.

Further Discussion

Mr. Drew Mr. Chairman, delegates of the convention. While I opposed Mr. Riecke's amendment, at least you were kind enough to give us most of the time that we need to do the job that you have asked us to do in the legislature. I don't believe that I will run into any surprise any greater than I have just run into as Senator De Blois comes up here and tries to cut that time down to where we have at best, the same time we have now to do the work. We do not have enough time to properly handle legislation, and you better believe that what Senator De Blois has done to the convention, has given us a shovel to do our job and now Senator De Blois would like to take the handle off of the shovel. I ask that you defeat this. You are going
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back and you may as well cut us back to 30 days, each year and then keep complaining that we are not properly handling our legislation. We need more time, not less time, and please defeat this.

[Previous question ordered.]

Closing

Mr. De Blieux Mr. Chairman, ladies and gentlemen of the convention, I can't necessarily agree with Delegate Drew that this is going to show them a period of time at the beginning of the session that we've been trying to get to the legislature for many years the annual session in which we would have an annual session each year. I certainly feel that the annual session is going to allow the averaging out and evening up of the proposals that we'll have before us. This is still going to give us not only just you might say 60 days of deliberation, 15 days to start with and 45 days of actual debate upon the bills, but you will even have the chance of holding committee meetings during the interim. The main point about the 60 day session of the Riecke amendment... it will give us the right to have the knowledge and consent of our people. It is as advantageous as it is practical. It divides the 60 days into 15 days and 45 days, but during that period of time between the 15 and 45, the provisions provide for the holding of committee meetings. The legislative session would not be all taken up with committee hearings. You will have longer period of deliberation. You will have a chance to average out your bills. Now if you think that this is not enough time, the only thing is I just want to get us out of having to necessarily meet on Saturdays and Sundays or otherwise if we don't want to. I might also call your attention to this, that during this period of time you're going to have the 4th of July each year. I would say that if you want more time, we might extend it to the period of time in August, but really whom close it off on the 31st day of July, you are going to force the legislature to meet on the 4th of July and on some Saturday or Sunday in order to finish out your 50 days if you need that much time and deliberation. I feel like the amendment is a good one. I feel like that it is going to help us, and therefore I ask you to support the amendment.

Question

Mr. J. Jackson Senator, in your closing remarks, you said that during the first 15 days that the committees will meet and during the split session that it still would allow for more deliberation which means that you feel as though that gives ample time for deliberation. But, would you not agree that if committees met during the split session that it kind of negates the possibility of individual legislators meeting in their own district attempting to convey or get ideas or the legislation that was introduced so that in effect, that the period after the 15 days and the time they reconvene, that really you will find that most of your legislators, if they feel like it, will be in their districts having public hearings in their district on local matters rather than necessary committee hearings. This means in effect, that you don't have those days that you mentioned in your closing remarks.

Mr. De Blieux Reverend Jackson, in answer to your question... the constitution provides and permits the holding of committee meetings if the legislature should desire them. It doesn't force them to do, but it is permissive. If they feel like that it is going to take that much time in order to cover the subject matter after the 15 day period of time when the bills are introduced to cover them and some books are at the present time, it doesn't have to, but it is permissive. I think it's good.

[Journal time 4:00 p.m. Senate adjourned and quorum. Amendment rejected]

Mr. Pozster Amendment No. [ill leg.]: On page 1 in Delegate Amendment No. 1 proposed by Delegate Riecke and others and adopted by the convention on July 14, 1973, at the end of line 4 delete the word "50" and insert in lieu thereof the word "40".

Amendment No. 2: On page 1 in Delegate Amendment No. 1 proposed by Delegate Riecke and others and adopted by the convention on July 14, 1973, at beginning of line 17 delete the word "31st" and insert in lieu thereof the word "21st".

Explanation

Mr. Perez Mr. Chairman, and delegates, the purpose of this amendment is twofold, and that is to cut down on the number of legislative days after the session comes back in, after the waiting period from 50 days to 40 days, and to also cut down the total length of time in which the session may be conducted to the 21st of July instead of the 31st of July. Well this is a practical matter to see what would happen next year if it has been adopted. As you know, as we have done here in this session, after bills are introduced, you must have them on first reading, second reading and so forth, they have to be voted on and if they're adopted, they are referred to the committee. Then the committee, in turn, holds their hearings. The legislature, of course, follows that same proceeding and they will have a consecutive week's session, and sometimes four weeks in a 60 day session for most of the bills in the introductory period and in the hearing period. I suggest to you that under the proposal as submitted by Mr. Riecke and adopted, that that first month is really in essence a part of that particular session of the legislature as a practical matter. Because of the fact that the legislators will be able to conduct the normal business which they ordinarily should and would conduct if they were in open session. I've discussed this matter with a number of legislators who have agreed with me. I'm sure there'll be others who will disagree with me. But, if we were to take at least 25 of the first 30 days while in essence would be the same as the normal session of the legislature and add that to another 40 legislative days, there is no question in my mind that there is more than ample opportunity for the legislature to conduct its business and properly. The total length of time involved is more than enough. I suggest to you that the people of this State and this committee need inter alia, that the people of this State are tired of laws upon laws upon laws being enacted. I would only hope that the extension or rather the cutting down of the total legislative days would have the effect of maybe of the legislature not passing so many laws. I submit to you that this is a good amendment. It's one that will be popular with the people back home. It will be increasing the total legislative days in a two year period from the present 60 plus 30 or 90 days to a period of approximately 90 plus 90 or 180 days so that basically as a practical matter, we would be doubling the time within which the legislature had to conduct its business. I urge you to support the amendment.

Question

Mr. Drew [...] that De Blieux wanted the hundred. Do you want the whole hundred? Is that what it is?

Mr. Perez No, sir. I want to give the legislature all of the time that is provided for by law but I would like to call your attention to the fact that there are many of us like I, as a local public official, who have to come up at the session of the legislature at various times throughout the session and the time I have at the present time is the time the operation of the legislature is Mr. Dunn for the legs, then you're there half the day. Anybody can care of their business. So I hope to surprise and realize that the call is important, the people who are
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paid by the oil companies, by organized labor and by all the others who paid lobbyist can spend all the time in the world up here and that proposal as it is now would favor the paid lobbyist but those of us who are unpaid people who have the, who are required to come up here in order to watch the business for our people back home, will be severely hampered by the longer session of the legislature.

Further Discussion

Mr. Stovall Mr. Chairman, members of the convention, our government is based on a separation of powers, however if we proceed to take the power from one branch of our government we change the whole basic system of our government. One thing seems to me that this kind of restrictive amendment which has been presented to us is really an effort to take meaningful power away from a necessary branch of our form of government. And I think that what the people are tired of is not more laws and more government, but rather they are tired of the system that does not permit us to operate in a meaningful way and therefore I urge that we defeat this kind of amendment and all that are similar to it. It seems to me also that it is placing too many restrictions upon ways in which our legislature might need to operate in future years and the constitution that we provide and present to the people of the state should not place undue restrictions and limitations. It should prevent the future legislature from responding to changing, to future needs to emerging situations and therefore because of this defeat this amendment. And I think something else needs to be said and its simply this, that this type of amendment is based on fear, it is based on a lack of faith in our democratic processes. I think we should make our decisions on the basis of a faith in our people in the different branches of government and I think that we should pass the kind of constitution that will permit us a future and a new day and a new possibility and I think to do so we must make decisions not on what has happened in the past but rather we should make our decisions on the basis of a future possibility for better government in our State and therefore, I urge the defeat of this amendment.

Amendments

Mr. Pynter Amendment No. 1 [by Mr. Denney].

On page 2 in Delegate Amendment No. 1 proposed by Delegate Riceke and adopted by the convention. On line 16 immediately after the word "exceed" delete the word "fifty" and insert in lieu thereof the word "sixty".

Amendment No. 2

On page 2 in Delegate Amendment No. 1 proposed by Delegate Riceke and adopted by the convention. Immediately after the word "days" delete the word "which" and insert in lieu thereof the following: by including those legislative days during the first fifteen calendar day period, but the session.

Explain

Mr. Denney The purpose of this amendment, delegates, is to permit the legislature to have a full sixty legislative days within which to act. The method by which it is done is to provide in the event the legislature does not use ten legislative days in the first fifteen calendar days.

Under the Riecke amendment, should the legislature recess the first fifteen calendar days prior to using the full ten calendar days then it will have more than its session by that number of days, legislative days.

I think we have learned today that when a matter is properly and thoroughly debated, it takes a long time.

I think we should permit the legislature at least the full sixty legislative days. It will be within the discretion of the legislature as to how those days shall be apportioned between the first fifteen calendar days between [---] and the balance of the session.

It seems to me that what has happened today, they will probably need the full sixty legislative days.

I urge you to support these amendments.

Question

Mr. Henry [Mr. Abraham] Mr. Denney, I was just trying to calculate the arithmetic on this and assuming that the first fifteen days they did not use four or five of the legislative days.

Can we get fifty-five more legislative days in by the 31st of July?

Mr. Denney Yes, you can get fifty-five more legislative days.

It is conceivable that the legislature would have to work on Saturday or Sundays, but it is possible to do this.

Amendment

Mr. Pynter Next amendment would be by Mr. Johnny Jackson which does go to the original Riceke Amendment.

Amendment No. 1 On page 1 in Delegate Amendment No. 1 proposed by Delegate Riceke and others and adopted by the convention on July 14th, 1973. At the end of line 11 immediately after the word "law" change the period to a semi-colon and add the following: "at the end of line 11 after the word "law, except bills and resolutions enacted by the favorable vote of two thirds of the elected members of each house of the legislature, after certification by the governor that there is a necessity for the immediate passage thereof".

Explain

Mr. J. Jackson Mr. Chairman, and members of the convention, the question that I raised when we were discussing the Riceke Amendments was that it did not provide for emergency legislation. What I've attempted to do is to provide for a provision to build in certain safeguards. These safeguards are built into the House by requiring a particular bill or resolution, a one-two-three vote to be discussed on the House floor. This means if a bill is introduced and certified by the governor as being emergency legislation and one-third plus one of the House feels that it is not emergency legislation then the matter cannot be acted upon.

I have another question that was raised to me prior to introduction of this particular amendment. What if the governor introduces legislation and certifies it to be an emergency and tries to under the guidelines to run something through during the first fifteen days?

I think that the awareness of the public and the fact that you have got a third of the delegation that can prevent this would stop any governor under the guidelines of emergency legislation attempting to ramrod something through both houses and put his political career at stake. The Riceke Amendment does not provide the legislature to address itself during the first fifteen days to deal with emergency problems that may arise. I'm not
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saying that problems will arise but they may. I hope the delegates to the convention will give favorable adoption to this particular amendment.

Questions

Mr. Burson Mr. Jackson, I've heard a lot this afternoon about emergencies. Do you have any example in mind of what kind of emergency would be of such urgency that the governor and the Executive Department couldn't take up if anything needs to be done?

Mr. J. Jackson I'll give you two examples that I'm familiar with.

One is about the matter of flood insurance. Secondly, I'm most concerned about new revenue sharing in this area because the national government is reverting a lot of programs to this State. You may have local communities which are under irregular chargers that may need certain legislation introduced to meet a certain deadline.

Under Mr. Riecke's Amendment the legislature is not allowed to be acted upon. Those are two examples that I can think of right now...right at hand but I don't want to rule out permanently the possibility that any emergency may occur, and if it does occur we would then have the vehicle to deal with in it in the first fifteen days.

You may have a situation that was brought to my attention by Delegate Leithman when school board borrowing bills are necessary to permit school boards to borrow money to get school facilities. All I'm saying to you Delegate Burson is the possibility does exist as it has exercised in the past and could possibly exist in the future. I think this provision does provide a kind of guarantee.

The fact that it takes two-thirds of the House, which is almost like trying to get a constitutional amendment passed to whatever constitution that we finally adopt, and the fact that it will be necessary to obtain the governor's certification which means no governor is going to attempt under the guidelines of emergency legislation to rammed legislation that is not actually emergency during the first fifteen days. I have enough confidence, although I disagree and have disagreed and acted upon, do see the possibility in the future as in the past that the occasion may present itself under the Riecke Amendment we do not have the provisions to deal with an emergency until after the sixteenth day. I think we have to reconvene first to actually take a vote on it.

Mr. Burson Don't you feel that by requiring this two-thirds vote that you would be introducing into this new scheme that we adopted today an element which is very similar to the two-thirds vote which is required to declare legislation declared, fiscal in a fiscal session under the old order.

Mr. J. Jackson At the same time what you...we also had Mr. Burson if you want to hold that rule of thumb true that we had the same kind of regulation for proposing the constitutional amendments. And if somebody wants to increase the vote to more than two-thirds, I have no objection to that.

My basic problem is the fact that I can envision the possibility of emergency legislation being needed and being enacted within the first fifteen days.

If we cannot act upon it then there may exist the possibility, and that's all we're talking about, is the possibility of emergency legislation being needed.

I have faith in the legislature to feel as though one-third who do not feel that emergency legislation is needed can prevent it. That's my response to your question.

Mr. Burson So you don't feel this would be used as a device to circumvent the split session that was adopted by the committee.

Mr. J. Jackson I think if it was used as a device to circumvent the split session the fact that this constitutional convention is saying well you know, this is what we want, a split session. I think one-third plus one of the members of the legislature can prevent it.

In addition let me also suggest to you that I didn't comment before while we were talking about the legislature, but I get the impression that people feel as though the people who meet here in Baton Rouge are representing persons elected from either Texas, Mississippi or Alabama and that we do not come from those localities in which we pass laws that affect them, I would like to clear up for the record, even though I disagree personally with some of the legislation that has been introduced, I do not feel that we ought to totally say that just because we meet in Baton Rouge that we don't represent to some faithful or trustworthy degree the desires, aspirations or concerns of our constituents.

Mr. Sutherland Delegate Jackson, I have just one question from you, point of information, really. Who takes care of this emergency legislation when the legislature is not in session? Let's say in this case from July to April.

Mr. J. Jackson The governor can call the special session. The problem that I had...what if we are in session and emergency legislation is needed? Then, we can't act upon it. The governor can call a special session of the members of the House, I believe if I'm correct by two-thirds majority to deal with matters of an emergency nature. But what happens if you want it that session?

You can't call an emergency session while you are in session so I just want to provide this provision allowing the legislature within the first fifteen days, if it is certified and if two-thirds decide that it is emergency legislation, that we can act upon it. If there are no more questions, Mr. Chairman, I move for favorable adoption.

[Previous Question ordered. Amendment rejected: 36-61. Motion to reconsider tabled.]

Motion

Mr. Burson I move to suspend the rules to permit the adoption of Section 2A without including Section 2B. Move to permit the question to be called on 2A without calling it on 2B.

[Motion to suspend the rules rejected: 26-61. Motion to recess rejected: 28-64. Motion to take up other orders rejected: 28-62.]

Amendments

Mr. Paynter The next set of amendments is sent up by Delegate Gravel to Committee Proposal No. 3. Amendment No. 1, delete amendment No. 1 proposed by Delegate Riecke and others and adopted by the convention on July 14, 1973.

Amendment No. 2, on page 1, delete lines 21 through 32 in their entirety and insert in lieu thereof the following: "Section 2 (A) The legislature shall convene each year in regular session at 12 o'clock noon on the first Monday in April for not to exceed 10 calendar days."

Point of Order

Mr. Burson This is a reconsideration of the Riecke amendment in the guise [guise] of an amendment to it. I object on those grounds. I ask for a ruling on the point of order.

Mr. Henry You would be out of order and I'll tell you why. Because we have any rule to the convention that says that you can't consider the same amendment over and over and over again, Mr. Burson, and it is different even if we had such a rule because the wording is different to some extent. Therefore you would be out of order.

Amendment continued
Mr. Poynter. The legislature shall convene each year in regular session at 12 o'clock noon on the first Monday in April for not to exceed 10 calendar days. No new matter intended to have the effect of law shall be introduced during any regular session and shall be deposited in the office of the Secretary of State by a favorable vote of two-thirds of the elected members of each House. During this period, no committee shall report and neither House shall adopt any bill or resolution which is intended to have the effect of law. Not later than the close of the tenth calendar day the legislature shall adjourn and stand in recess until 12 o'clock noon on the fourth Monday in April at which time it shall reconvene for not to exceed 50 legislative days which shall end on or beyond the 30th day of June in any year. During the interim between adjournment and reconvening, the committees of the House may meet and hold hearings. A legislative day is a calendar day on which either House is in session."

Mr. Gravel. Mr. Chairman and ladies and gentlemen of the convention, all this amendment does is to change the effect of the Riecke amendment in two respects. First, it reduces the number of calendar days within which measures may be introduced from 15 days to 10. Secondly, it moves up the period during which the legislature would hold its sessions so that the legislature will not have completed its work by the last day of the current fiscal year in which it’s meeting. Now that’s all that it does. that’s all that it’s intended to do. I think that a great deal could be said and I’m not going to say it, about trying to fashion a legislative session within a time-span that would conclude on the last day of the current fiscal year in which the legislature was meeting. I move the adoption of the amendment.

Mr. Jenkins. Mr. Chairman, delegates of the convention, the only reason I wanted to reconsider it was the fact that on comparing the Riecke proposal with Delegate Gravel’s proposal, it just struck me that it is an important detail to me that they are essentially very much the same. The two distinctions that I can find in particular are, one, that only ten days would be allowed in Delegate Gravel’s proposal to introduce legislation, where it would be fifteen in the case of Mr. Riecke. And it seems like fifteen is just a waste of time. Under the Riecke proposal ten days is enough to get these things introduced.

And then the other thing is, and the most important thing from my standpoint is just the standpoint of convenience. I think that we’re simply taking a written proposal and in point of time moving all the dates back not quite a month.

This would mean, I think, that we would be meeting instead of one month in the spring and two in the summer, we would be meeting for two in the spring and one in the summer. This would leave our summer months freer. I think there are many advantages to that.

So that’s the reason that I think this would be an improvement over the Riecke proposal without doing damage to the value to it in any real way.

Mr. Roemer. Fellow delegates, I am opposed to the amendments as stated here for one reason. The amendment does two things. It addresses itself to the length of time permissible to enter bills and it then addresses itself to ending prior to the fiscal year of our current session. I am in complete agreement with containing [omitting] the legislative session with fiscal ending. I think that’s necessary. I am not in agreement, however, with limiting the period for the introduction of bills.

Under the Riecke amendment, that we have already passed here, the legislature is to reconvene and finish its business in fifteen days. The legislature does not have to take all those fifteen days. It might be that ten is not enough, perhaps it will be. But fifteen gives them the flexibility to take all fifteen days if they so need.

I suggested to Mr. Gravel that there were two issues here, however, with this question should have been decided, I think, one issue at a time.

However, the amendments as introduced, that is both issues at once, I have to vote against it even though I am in sympathy with ending at the fiscal year. I am not in sympathy with limiting the legislature to ten days for the introduction of bills. I think it is an important distinction.

I am sorry the amendments are introduced in this manner.

Mr. Gravel. Mr. Chairman, ladies and gentlemen of the convention, I wanted to say a few words about this thing, but I’d like to have some more discussion on it, and I’d like to ask Mr. Gravel, why, first of all when we considered the Riecke amendment, and when we considered Senator Rayburn’s amendment, I think the point was raised that worried all of us, and that point was that in convening the legislature in April, the fourth Monday in April, it was shortening the term of the members of the legislature in prohibition of Act 2 which called this session.

And we decided well, that’s not really defective because we will be sending this proposal to the committee on styling and drafting, and they will straighten it out, and they will move it back so that the session will convene after the term of the members of the legislature which would be the first Monday in May, I think. And we thought that that’s the way it would be, and I think that’s the way it is going to have to be.

It seems to me what Mr. Gravel’s amendment is doing is sometimes in the furtherment, in other words instead of limiting fifteen to back one month, they will have to move it back two months. I can’t understand it.

In addition to that, I would like to hear some discussion about why restricted introduction of bills to fifteen days to ten days after we debated this thing for about four hours and finally made a decision in a closed session at the closely divided convention, closely divided convention.

Just off-hand, gentlemen, I just would ask that the authors come back and give us some explanation as to why. I haven’t heard any explanation, why. I just can’t understand why the convention would turn itself around in a few minutes without any reasonable explanation.

First of all, we decided that fifteen days is what we needed to introduce bills. Secondly, we decided that the fourth Monday in April was probably too early and in violation of the Act which called the convention, would have to be put back by the Styling and Drafting Committee.

It seems to me if we move it up further, we are still going to have the problem and make the Styling and Drafting Committee’s work even more difficult.

For that reason, unless we have some further discussion, I just ask you to vote this one down.

Mr. Riecke. Ladies and gentlemen, if we vote favorably on this amendment, as it seems to me, we are not only to set a dangerous precedent. There are a lot of people who are here since the Riecke amendment was passed, and if we oppose this amendment.
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every time there is a close vote on some subject and a few people leave, we are going to have to vote on it all over again after we have discussed it for four or five hours on its merits. And I don't think we ought to start this kind of thing because we will be voting on things on close vote over and over again. And I urge defeat of this amendment.

Vice Chairman Roy in the Chair

Further Discussion

Mr. Burson You know, I'm not a legislator, but I did go to school to Georgetown for a year and I used to go sit and watch in the Senate. And I remember Senator Sam Ervin who is now Chairman of the Watergate Committee one time asking one of his opponents on the floor, that as a Southern legislator, he couldn't understand what the difference was between the debate in depth that his opponent was conducting, and the filibuster that he was usually accused of conducting. And it is very plain to me, that an attempt is being made here to talk the amendment which was talked about for four hours and adopted to death. And I urge you to consider this, whether you agree with the provision that I took on the amendment or not.

If we are going to do this with every subsection that we have got to consider, we'd better go back to the legislature and ask them to extend our time for the convention for another year, because we are going to need at least that much. And it seems to me that when a question is decided as many times as this one has been today, that that is enough.

Questions

Mr. Tapper It kind of confuses me a little because you are raising the same argument that I did when the Riecke amendment was proposed. And I said that "this dog has been beaten to death." Were you here when I raised that argument?

Mr. Burson Yes, sir.

Mr. Tapper And didn't you rise in support of the Riecke amendment to outdo what we took all day yesterday to do with the Rayburn amendment?

Mr. Burson No, sir. I did not. I did not speak to the point. I voted.

Mr. Tapper But you did vote for the Riecke amendment.

Mr. Burson Yes, sir, I did.

Mr. Tapper So you are asking us not to do what you did this morning with the Riecke amendment? Isn't that correct?

Mr. Burson No, sir. I'm saying that we can vote as many times as we want to, but we have debated this thing until we are blue in the face.

Point of Order

Mr. Stovall The point of order is that it is the amendment that is before us; not parliamentary procedure. I would think that the speaker should stick to the substance of the amendment that is before us.

Motion

Mr. Burson I thought I was. I move the previous question on the amendment.

[Motion for the Previous Question rejected: 36-57. Motion to take up other orders adopted: 55-42.]

Chairman Henry in the Chair

INTRODUCTION OF RESOLUTIONS

[Journal 164]
Wednesday, July 18, 1973

ROLL CALL

[114 delegates present and a quorum.]

PRAYER

Father Zimmerman  Heavenly Father, we pray that You would send us the power of the Spirit upon this gathering so that any need that has to be filled will be filled by Your power. We ask especially for the gift of wisdom and understanding, both of which, oh Lord, are in dire need. We give thanks to You for all that You have done for us, and we ask that You continue to enlighten us. And we thank You. Amen.

PLEDGE OF ALLEGIANCE

READING AND ADOPTION OF THE JOURNAL

INTRODUCTION OF PROPOSALS

[7 Journal 165]

RULES SUSPENDED TO ADVANCE TO RESOLUTIONS ON THIRD READING AND FINAL PASSAGE

RESOLUTIONS ON THIRD READING AND FINAL PASSAGE

Reading of the Resolution

Mr. Poynter  Committee Resolution No. 5, introduced by Delegate Stovall, Chairman on behalf of the Committee on Rules, Credentials and Ethics and other delegates and members of that committee.

A resolution amending Rule No. 44 of the Standing Rules of the Constitutional Convention to clarify the requirement with respect to the readings on three different days.

Explanations

Mr. Stovall  Delegates, the purpose of this resolution is to correct the reading of the original rules which implied that there would be three different readings on three different days. And if you turn to the back of the page on lines 6 and 7, you see the significant change, it simply says, "the three required readings shall occur on three different days."

And that is the correction which was made and there is one other correction found on the first page on line 31, "resolution to Committee on Style and Drafting," and then you notice on the back page on line 3 referral to Committee on Style and Drafting. The Committee on Style and Drafting and others have recommended that the first reference to Committee on Style and Drafting be omitted.

These are merely procedural changes and I encourage your acceptance of them.

Questions

Mr. De Blieux  Reverend Stovall, as I recall during our first discussion and formulation of rules, one of the reasons why we wanted the convention to take a final approval of the style and drafting, is because during that time we might discover some errors in the proposals that need to be corrected. And as you well know, that the...under the rules, the Committee on Style and Drafting has the right to ask for reconsideration of proposals that have been considered for this particular reason.

I am just wondering how we are going to take care of that if we eliminate the time it goes to the Committee on Style and Drafting and have only the final approved that we eliminate one of those steps. When would they tell us what errors we have made so that we might be able to correct them in the final approval?

Mr. Tobias  It was my feeling that this provision that they amended out of the rule, Rule 44, was...at least I considered it unnecessary because the Committee on Style and Drafting would get the proposal after the final passage on the third reading, and we figured it was just a vain and useless thing. At least I believe it to be a vain and useless thing to have us go over the proposal after the second reading, make our corrections, and then have the proposal come to the floor and have it amended almost out of existence and then we have to go through it all over again.

And so, accordingly, I felt that we should only have to do this one time after the third reading and final passage and then we would make our corrections at that point. It's just an effort to save the staff time, the Committee on Style and Drafting time, and that's about it.

Mr. De Blieux  That's exactly my point. Now let me see if I reason this right. If Style and Drafting does not get the proposal until after it's been finally passed. And then we send it to them for their approval.

Now, if they find some errors in this, that would take floor amendments to correct, then we have to correct them on the floor. And then after we make those corrections, then it should...so that they can incorporate those corrections and put it into final form, looks like to me it ought to go back to them again. Now if you are going to eliminate one of these times, you are not going to be able to do that as I see it. Maybe I am wrong. I don't know. Maybe it can be handled. But I thought there was good reason for having it like we originally adopted it to start with.

I just want to see if you can clarify that information for me. Maybe Justice Tate can do that.

Mr. Tobias  Basically, what we were trying to do is eliminate two steps and cut it down to just one step.

After the proposal is passed on final...after third reading, it is supposed to come to Style and Drafting. Under the rules, under the amendment as presently have, prior to this amendment that we are offering...or this resolution, it was supposed to go to Style and Drafting after the committee reported to us to make our stylistic changes.

Well, we are just saying there is no use making these stylistic changes until after it's been finally passed and we know where all of the amendments that have been made and when they have been made. We want to know that in advance.

And once that's done, then we will come back to the floor with the amendments and seek approval of our amendments at that time. That is the way that the rules envision it. I cannot explain it any more simply.

Point of Information

Mr. Asseff  Inasmuch as I am a member of the Committee on Style and Drafting, I will appreciate it if you would tell me at which meeting of the Committee such a decision was made.

Mr. Henry  Wait a minute, Mr. Tobias.

It is my appreciation that this is a resolution to change the rules of the convention, Dr. Asseff.

Mr. Asseff  Yes, sir, but I thought Mr. Tobias was speaking on behalf of the Committee on Style and Drafting.

Mr. Henry  I believe he said that insofar as he personally was concerned, Dr. Asseff. I don't believe he was speaking in behalf of the Committee on Style and Drafting.

Mr. Asseff  Well, then, I object, Mr. Chairman, since I feel it should be considered by the Committee on Style and Drafting before it is considered by this convention. Thank you.

Question

Mr. De Blieux  Wouldn't it be better to eliminate "F" in the rules rather than "J" because the reason that I asked that question, and the reason I'd like...
to have it explained to me, is because it seems to me that we will have to catch the mistakes that may be made in the enrollment of these bills or anything else. And if you do that, we will have to make those changes and corrections upon the floor and the Drafting Committee has made those changes and we have submitted and corrected them by floor amendment.

And I just wondered if, because we don't have the two Houses to catch the errors from one to the other...

And I just wondered if it wouldn't be better that we either refer the Style Committee on Style and Drafting in "F" rather than "J".

Mr. Tate To repeat a little bit and particularly to try to answer Senator De Blioux and Dr. Asseff, we realize when a legislative proposal is coming to the floor, that under the rules under 44-F the Committee on Style and Drafting would have to go through it in detail, add commas, capitals, semicolons, and so on, and prepare a bunch of stylistic amendments which would be considered before second and third reading at the same time as the controversial substantive amendment.

We also realize at that point, that all that labor might go for nothing because as events have turned out, the floor in fact has taken different amendments and different wording than what came from the committee. So, in answer to Dr. Asseff, incidentally the reference of the comments, and I have recalled talking to Dr. Asseff saying that this proposal had gone to Reverend Stovall's committee...I will answer the question as soon as I can furnish my explanation...and told the Rules Committee we had no objection to the change so far as I could find.

Now, for Senator De Blioux, what happens between second and third reading, I mean between second reading and final passage. I think it's No. 16 on the calendar, I'm not...Forty-four, the other one you are talking about. What will happen then? When it passes the floor totally, Style and Drafting with the assistance of the staff, will go through the final proposal adopted by the convention and then come with a series of technical amendments which, hopefully, will be uncontroversial and will be just limited to those technical amendments that we can consider just once on the basis of the final wording adopted at the amendment.

I will yield to all the questions that were there. I don't...

Further Discussion

Mr. Asseff Mr. Chairman, delegates, I have no objection to the proposal by Justice Tate, and I will vote for it.

I simply suggest that in the future, that if a matter so vital concerns the Committee on Style and Drafting, that there should be a meeting of that committee in order that all of the members will be familiar. I am taken by surprise.

However, Justice Tate is correct, and I will vote for the resolution. Thank you.

Amendment

Mr. Poynter These are amendments which you can tell by the subject matter since they have just been distributed, are on the same subject, but up to the title, I appreciate it to correct the title to reflect the committee amendment.

These are sent up by Mr. Tobias: Amendment No. 1 on page 1, line 9 which is in the title.

After the word quote, "to delete the remainder of the line, delete line 10 in its entirety and insert in lieu thereof:"

Quote, "delete the requirement with respect to reference to the Committee on Style and Drafting prior to the third reading and clarify the requirement with respect to the readings on three different days."

Explanation

Mr. Jubrias This is just a technical amendment to amend the title of the Committee Resolution. That's all it is.

Further Discussion

Mrs. Zervigon Mr. Chairman, I have no intention to object to the intention of the amendment as I understand it. I just suggest that it says what Mr. Tobias means it to say because it ends up reading, "Rules amending Rule No. 44 of the standing rules of the constitutional convention to clarify the requirement with respect to reference, etc."

Is that what it says as amended if we have the amendment in it?

It seems to me if that's what it says, it isn't exactly what Mr. Tobias intends and perhaps we should either adopt it as the Rules Committee presented it to us, or have another floor amendment prepared.

Mr. Henry Mrs. Zervigon, I'm advised that technically and procedurally speaking, that the amendment is properly drawn to make the body or the title of the resolution conform to the body of the resolution.

[amendment reread]

Point of Information

Mr. De Blioux As I understood the resolution proposed, that it was to eliminate line "J", now unless I have the wrong line on this, if the floor amendment says, "the reference to the Committee on Style and Drafting prior to third reading."

That is true, then this amendment does not conform to the resolution which is up before us now. I would like to get that because once they are sent up to the third reading...

Mr. Henry Senator, what Mr. Poynter just pointed out was that the amendment pertains to the engrossed resolution which would make it read differently from the resolution as I understand it that you have at your desk. But it does conform completely to the engrossed resolution, it does make sense.

And you don't have a copy of the engrossed resolution there.

Explain why they don't have copies of the engrossed resolution, please sir.

Mr. Poynter The practice at least so far, when a resolution is engrossed, or for that matter a proposal passed its third reading, the only time that we have been reissuing...going to the cost of this convention of reprinting those and placing them in your binders, is with respect to proposals. You for example the yellow copy of the proposal with respect to the legislative article and also will soon receive one if it is not already in your books, with respect to the executive article which I believe Mr. Stagg is, Committee Proposal No. 4.

We have not, as a practice automatically reprinted the resolution. You do have the resolution as originally introduced in your bill binder to date without further orders of this convention, we have not reprinted it. However, engrossed copies of it are available in several places such as at the desk, with the staff, with the Legislative Council and they have been distributed at other places for the purpose of technically drafting amendments.

With respect to resolutions as distinguished from proposals, we have not to this date gone to the expense of reprinting those in the form to place in your binders. Of course, you are aware it is rather expensive to reprint each of these items.

Point of Information

Mr. Fontenot As the engrossed resolution would read, I don't have line 3I would not be present in
the engrossed resolution?

Mr. Henry That's right. That's correct.
We've got to get a copy of the printed resolution. Wait just a minute, sir.

Mr. Poynter That's correct, Mr. Fontenot. That is with respect to the printed bill, that the line that has been previously deleted by committee amendment, proposed committee amendment which was adopted by this convention on July 14. It would have the effect of striking line No. 31 on Page 1 of the printed bill or the printed resolution which required reference to the Committee on Style and Drafting immediately before the measure was engrossed and passed to its third reading.
The amendment before you right now is an amendment explained by Mr. Tobias as a technical amendment which would go in to the title exactly, with respect to the printed copy, it would delete the remainder of your line 8 after the word "to" and delete all of line 9 and substitute the language that you see in front of you which would make the title of the resolution conform to the change proposed by the committee and subsequently adopted by this convention on July 14.

Mr. Fontenot O.K., sir. As we read the amendment, it fits in if you look at this blue page and just read the blue page and leave out line 31. Right?

Mr. Poynter Yes, that is correct.

[Previous Question ordered. Amendment adopted without objection. Previous question ordered on the Resolution. Resolution adopted without objection.]

Reading of the Resolution

Mr. Poynter The next resolution and order of business is Committee Resolution No. 7, introduced by Delegate Stovall, also Chairman, on behalf of the Committee on Rules, Credentials and Ethics.
A resolution relative to amending the standing rules of the constitutional convention to provide for submission of minority proposals.
Has previously been reported with amendments which were adopted by the convention on July 14, 1973.

Explanation

Mr. Stovall Delegates of the convention, this resolution was approved by a majority of the Rules Committee to clarify the point that a minority of any Substantive Committee has the right to present a minority report. And that simply is what it does, not withstanding any rule previously adopted by this convention.

One or more members of the committee may introduce a proposal representing the views of the minority. And I think that we need not bog down in technicalities or what have you. I think that it's simply a vote on whether or not you want a minority of the committee to have the right to very clear-cut language to present a minority report.

Questions

Mr. Newton Mr. Stovall, was consideration given to requiring a certain percentage of delegates to present a minority proposal, and if so, why was that not included in this amendment?

Mr. Stovall Delegate Newton, consideration was given to a certain percentage of the committee being required in order to present the report. The Rules Committee as a whole rejected any percentage requirements.

Mr. Newton Is there any particular reason for this, please, sir?
I feel that statements such as this have a way of spilling over to all public officials and breed the distrust... have found that when you trust, you usually can be trusted.

Important that we all be above dirty personal vendettas, accusations, insinuations, and such, and I feel we can and must go about the... putting together a constitution on the... highest plane possible, and only in this way will... public know that we have accepted our responsibilities seriously, conscientiously, and with a sincere desire to offer to them an acceptable document. Thank you very much.

UNFINISHED BUSINESS

PROPOSALS ON THIRD READING AND FINAL PASSAGE

Mr. Poynter Committee Proposal No. 3.
A proposal making provisions for the legislative branch of government, impeachment and removal of officials... officials and necessary provision with respect thereto.
And of course the status of Committee Proposal No. 3 to date is that this convention has adopted Section 1, presently still under consideration Section 2, and in particular... of the proposed amendments. A motion was... and table the same. The convention refused to table the amendment, voted to reconsider the amendments.

We therefore standing at this time, the reconsideration of amendments proposed under Delegate Gravel. To Section 2A of the article dealing with the legislative department.

Motion

Mr. Duval Mr. Chairman, for whatever it’s worth, and if I am in order, I move to reconsider the Riecke amendment and lay it on the table.

Mr. Henry Your motion would be in order at this time because they were not reconsidered.

Point of Information

Mr. Riecke What does it mean?

Mr. Henry That means that the amendments that you sponsored were adopted or better locked in this way than they were the way they were left, Mr. Riecke.

It means it’s going to take a two-thirds vote if somebody decides well, we will just undo Mr. Riecke’s amendments this afternoon, so we’ll move to reconsider and just undo them. It is procedure that’s sound, Mr. Riecke.

Mr. Riecke O.K. I’m a babe in the woods and I just want information.

Mr. Henry Mighty fine.

Do you have some words of wisdom to impart?

Explanation

Mr. Gravel Mr. Chairman, ladies and gentlemen of this convention, I understand that at the present time, it would be appropriate to take up the proposed amendment that I had introduced at our last session, part of the amendment being to delete the provision that Mr. Riecke had previously proposed and which were adopted by this convention.

Before I withdraw those amendments... that proposal which I am about to do, I would like to state to the convention that those of us who sponsored the proposal that I had introduced at the last session have discussed with the authors of the Riecke amendment the possibility of working out some language that would accomodate the concept of the split sessions of the legislature and some of the proposed changes that I had advocated.

We have reached such an agreement. The reason I am about to withdraw the amendment that I had proposed is because of an understanding that we have with Mr. Riecke. Mr. Riecke, Mr. Triche, Mr. Roy, Mr. Newton, Mr. Jenkins and myself which will in effect leave the concept of Mr. Riecke’s amendment solely in effect as part of the proposed new constitution.

Therefore, and subject to...

Mr. Henry I have heard of an unholy alliance in my life, but this has got to be it... Go ahead, Mr. Gravel.

All you need is Roemer and Chehardy on it to really wind it up.

Mr. Gravel Well, both of those gentlemen have indicated they are going to support the Riecke amendment which will shortly be introduced. And Mr. Chairman, and ladies and gentlemen of the convention... for the reasons that I have already enunciated, I withdraw the proposed Gravel amendment...

[Amendment withdrawn.]

Amendments

Mr. Poynter Amendment No. 1 [by Mr. Riecke, et al.]. Delete Amendment No. 1 proposed by Delegate Riecke and adopted by the convention on July 14, 1973.

Amendment No. 2. On page 1, delete lines 21 through 32 in their entirety and insert in lieu thereof the following: “Section 2A: The legislature shall convene each year in regular session at 12 noon on the first Monday in April for not to exceed 12 calendar days. No new matter intended to have the effect of law shall be introduced during any regular session after midnight of the 12th calendar day except by a favorable record vote of two-thirds of the elected members of each House.

During this period no committee shall report and neither House shall adopt any bill or resolution which is intended to have the effect of law. Not later than the closing of the 12th calendar day, the legislature shall adjourn and stand in recess until 12 o’clock noon on the fourth Monday in April at which time it shall reconvene for not to exceed 50 legislative days during which shall not extend beyond the 30th day of June in any year. During the interregnum between adjournment and reconvening, the committee of the Houses may meet and hold hearings.

A legislative day is a calendar day on which either House is in session.”

Amendment No. 3 Page 2, delete lines 1 through 9, both inclusive, in their entirety.

Explanation

Mr. Riecke Ladies and gentlemen, this amendment is substantially the same as my original amendment with two exceptions. It was pointed out to me this morning that in my original amendment we provided for the legislature to meet the first Monday in May and recess the 30 or the 31st day in July.

And it was pointed out to me that if we moved the session of the legislature up 30 days making it on the first Monday in April and recessing on the 30th day in June, that will be substantially the same time to meet but it will move the session of the legislature up 30 days making it 30 days the session of the State. This will enable the legislature or the treasurer to pay the people rather than wait another year to get paid. Not being familiar with that part of it, I did not include that in my original time. I followed the original committee recommendation. But it made common sense to me that you can’t move the session before it up so that it will fit into the State’s fiscal
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session so these employees can get paid. Well it makes no substantial change in the content of my resolution. The second change was a compromise. My original proposal was that the legislature would meet 15 days solely for the consideration of bills after which they could not introduce any more bills without two-thirds vote of the entire body. It is suggested that we change it from 15 days to 12 days for the introduction of bills. I didn't think that that made that much difference, that three days. Frankly, I'm leaning a lot on how to get stuff through, and for that 3 days, I lost a lot of opposition. I hope that everybody will go along with it. This is a good amendment. Thank you.

Questions

Mr. Avant Mr. Riecke, I just want to know if there would be any objection if it was offered at the proper time, I understand that this would not be the proper time to offer this as an amendment to this, but if there would be any objection to adding to the next to the last sentence in this proposal at the end of the word "hearings," the word " disturbance in any matter referred to it" to make it clear that during this interim period that even though the committees may meet and hold hearings, that they may not take any action as a committee to report a bill. Would there be objection to that?

Mr. Riecke I can't answer that. There are a lot of people on this thing now and I would really not be fair to them if I said that without consulting with them. You can do that anyway whether there is any objection or not.

Mr. Avant Oh I understand that, but before I vote on this particular proposition I would like to know what the consensus is, if I can find it out, with respect to this further refining and limiting of it.

Mr. Riecke Well the thrust of this whole thing is for split sessions and any minor detail that the delegates feel is necessary I'm sure would be all right, but we don't want to lose the split session. The people want this and I think the delegates want it and certainly I want it. I see no objection. As a matter of fact, you can introduce that if you wish. I'm very anxious to have this behind us so that we can get on with the rest of the work we have before us.

Mr. Abraham Mr. Riecke, you made the statement that this proposal is essentially the same as your original proposal. But I've done my arithmetic correctly, where your proposal said that they would meet on the fourth Monday in April and after the calendar day period and the period of recess, they would come back on the fourth Monday in May. That's a time-span of 28 calendar days which would have allowed approximately two weeks for committee hearings or what ever may be done in that interim period. But in this new proposal going from the first Monday in April to the fourth Monday in April is a time-span of only 21 days. If you're going to use up 12 of those calendar days for your filing, then you have essentially cut, in fact you have drastically cut the time for committee hearings and so forth. So there is a substantive change in what you are proposing now and what your original proposal was. Is it not. You're going to lose 7 days of committee hearings, are you not?

Mr. Riecke Committee hearings in the interim?

Mr. Abraham Yes.

Mr. Riecke If you've figured it out that way. I haven't taken the calendar and figured it out. There's nothing that stops the committees from meeting after the legislature is in session.

Mr. Abraham I appreciate that, but under your new proposal there is a 9 day period from the 11 days that they've had until they come in again.

Under the other proposal there were 17 days so you've cut your time by 50%.

Mr. Riecke No, you've cut them by 3 days, didn't you?

Mr. Abraham Four days. You've cut them down from 13 days down to 9 days. So you've cut 4 days off that time, have you not?

Mr. Riecke That's right.

Point of Information

Mr. Toomy On a procedural matter. Is it my understanding that the Riecke proposal is now on the table and would require a two-thirds vote to take it off the table?

Mr. Henry To reconsider the vote on the Riecke amendments as proposed would take a two-thirds vote to undo it. These are different amendments, Mr. Toomy. These are entirely different amendments.

Mr. Toomy So this amendment could be accepted by a majority vote without taking the Riecke amendment off the...?

Mr. Henry Yes, the motion to reconsider and lay on the table went to the original Riecke amendments Mr. Toomy. These being a different set of amendments, that motion would not be applicable.

Questions

Mr. Shannon Mr. Riecke, I am concerned. I voted for your amendment in the beginning, but I have talked at length with people and I'm concerned now about the committee meetings in the interim between adjournment and reconvening. As I gather this now they can hold hearings but they can't report to anybody until they come back into session.

Mr. Riecke That's correct.

Mr. Shannon Under this, can they take action and get ready for reporting? Can they take final action after hearings and be ready to report, favorable or unfavorable, whichever the case might be?

Mr. Riecke I don't think they can.

Mr. Shannon Well why would you want committee hearings if you can't take any action?

Mr. Riecke They can take action the first day of the session if they want and report...

Mr. Shannon Go through all this procedure again?

Mr. Riecke No, all they have to do is to vote on it. They wouldn't have to have any additional hearings.

Mr. Shannon All right. One other thing. Are these people on the committee going to be paid during this time?

Mr. Riecke Yes.

Mr. Shannon Do you take care of that here?

Mr. Riecke No, you don't take care of that here.

Mr. Shannon Do you not define a legislative day as a calendar day in which either House is in session?

Mr. Riecke Well I assume that if the committee men are being paid when they hold committee meetings now, that they will be paid if they hold it then.

Mr. Shannon But did you know we do not have interim times now. We hold the hearings while the legislature is in session.

Mr. Riecke Well do you think that this would
Mr. Shannon: I see where it makes no provisions for them to be paid.

Mr. Riecke: Do you believe that they would not be paid and that they could not be paid?

Mr. Shannon: I do believe that they could not be paid. Yes.

Mr. Riecke: It was never intended that way, Mr. Shannon.

Mr. Shannon: Well do you believe that a committee would function without any pay?

Mr. Riecke: I would. I don't know, I can't speak for the committees.

Mr. Shannon: Well have you ever been around the legislature when committee meetings have been called on the weekend where they couldn't get a quorum to those committee meetings?

Mr. Riecke: No sir. Are they paid when they meet on the weekend?

Mr. Shannon: Yes, you're paid every day during the session as it is now because it's continuous.

Mr. Riecke: Well, if it's continuous then wouldn't they be paid if they meet in the interim?

Mr. Shannon: Well that's what I'm asking you--to explain to me your amendment. I do not know.

Mr. Riecke: I would assume that if the delegates approve the continuous session that they would be paid in the interim.

Mr. Shannon: Well this is not a continuous session. This is a split session.

Mr. Riecke: That's a technicality that I can't answer now. If you feel that this would preclude payment of the legislators while they're having committee meetings and if you feel that this should be made crystal clear, then introduce an amendment to this after it passes.

Mr. Chatelan: Mr. Riecke, I understand that your proposal, your change in your amendment, that you would meet on the first Monday in April of each year. Is that correct?

Mr. Riecke: That's correct.

Mr. Chatelan: And you would go for 12 days, then you'd come back in session on the fourth Monday.

Mr. Riecke: Yes.

Mr. Chatelan: Delegate Abraham brought out a situation where you reduced the time from 15 to 9 days. Is it not correct sir, that in 1974, for instance, this is based on 1973, but in 1974 the exact opposite would be true. That you would come in on the first Monday in April and on fourth Monday would give you a total of 16 days. Is that not correct, sir?

Mr. Riecke: Not according to my check with the staff and the calendars. It would be 9 days right on.

Mr. Chatelan: No sir, according to the calendar of '74 sir, the interim between the 12 day period and the fourth Monday would be a period of 16 days, according to the calendar I now hold. So you would be increasing your time, actually. So it would go according to the year. It would fluctuate from a total of 9 days to a total of 16 days.

Mr. Riecke: It would fluctuate, yes. But 9 days would be the least amount of time in the interim.

Mr. Riecke: Addressing myself to the time interval insofar as the committees may meet during the recess, is it not the intention to this Fourth Amendment is really intended to allow the public to find out what's in the hopper? Isn't that right Mr. Riecke?

Mr. Riecke: That's correct.

Mr. Guarna: The right to the committees to meet is merely a permissive thing. Isn't that correct?

Mr. Riecke: Yes.

Mr. Riecke: Mr. Riecke, there's been several mentions at the microphone by the proponents and the authors of this is what the people want. That the split session is the thing. I know this has been hashed over and over and over again. But I just believe and I want to ask you, those 12 days that you are advocating that the legislature be allowed to introduce bills only. Did you ever stop, you and the advocates of this and the authors think, just what the legislature will do during that 12 days besides introduce bills? We will spend 12 days just purely introducing bills up here is that the intent of this? Is that the intent of your amendment?

Mr. Riecke: Well, the intent of the amendment is to allow only 12 days for the introduction of bills. What the legislature does in the interim I should think would be up to the legislature to decide. The legislature ought to be able to find something else to do besides receive bills in 12 days.

Mr. Riecke: That's your contention that the legislature ought to be able to find something else to do in those 12 days besides introduce bills. I would say well probably they could find a lot of things to do. I don't know whether they'd be in line with legislative business, but they'll find a lot of things to do.

Number two, you've got an interim period between the time we introduce the bills and the bills are pre-filed or introduced that they can be heard but not voted on. The legislature as a body goes home and comes back within a certain number of days and then they start hearing the legislation as such, and then will be allowed to vote on. You have a period of time until that time until the 30th day of June.

My question to you is that I would like to know what the problem that presented itself in the past, to knowledge and I think to a lot of legislators, knowledge, has not been the 60 day session as such. If you look at the Speaker and check with the Clerk and check with the official journal, the House and the Senate has met on an average of around 50-52 days. I believe, and I think a lot of people that have been around here a long time, believe that is sufficient time. The big contention, I think with the people of this State and with the legislature and with many other people, is not...I'm going to ask a question Mr. Riecke. Has not been the 60 day session...

Mr. Riecke: Are you asking me a question or are you making a talk against it?

Mr. Riecke: Well I'm going to make a talk against it after, but I want to ask you a question now, if you don't mind. Has not been the 60 day session. But we're attacking the 60 day session. My question is why would you not object to a straight, just like we now have, a straight 60 day session rather than try to piecemeal this thing and divide it into split day sessions which is not workable and I think if you adopt it and put it in the legislators hands, you're going to find it's not workable? But everybody seems to be insisting, including the authors of this, that we go ahead with a split session.

Let legislators stay up here for 12 days and do nothing but introduce bills. Is that the intention of what you're trying to introduce?

Mr. Riecke: No.
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Mr. Riecke No.

Mr. Nunez Well I can't read then.

Further Discussion

Mr. Newton I think we've had about all the discussion on this thing. We discussed it several days last week, and I therefore move the previous question.

[Motion for the Previous Question rejected: 32-74.]

Further Discussion

Mr. Jack Mr. Chairman, and delegates, I rise to oppose this floor amendment. Now, it's been my experience when an amendment is amended and they keep on, there's something wrong with it. And there's something very wrong with the Riecke, Sutherland, Guarisco, Bel, Triche, Gravel, Roy, Newton, et al amendment. Here, according to my reading of the book, you'd say it out the first Monday in April. I want you to listen to this now. Then you'd have the days for introducing the bills and granting you can meet then with committees, and then when you recess after the 12th day, granting if you can meet with committees then, you would have a total of 21 days from the time you started. Then I want you to stop talking out there, right over there and listen, please. Mr. Speaker--please have order in it. I want to say something here that hasn't been said.

Mr. Henry Well now, Mr. Jack. That's just like a lot of things. I can maybe get their attention for you, but better, make Mr. Jack. You're going to have to do that yourself.

Mr. Jack I'm not going to take a club and hit somebody, but I ask you to give me your attention. Now there is a period of 21 days. If, during that entire time let's just say they were, in the 12 days, there were 2,800 bills introduced like someone said was in the two Houses in the last few years, Now, what are you going to do? That is ridiculous. Would you attempt to consider 2,800 bills during that time? Under these rules, this amendment, granting that you could consider them in committee the first 12 days, granting that you could consider them after the 12 days and up to the fourth day in April making a total of 21, you couldn't vote on them. Now let me tell you. Now could you, after considering 2,800 bills in committees if you possibly could, how would you remember all the testimony and things? Suppose we had this silly rule enforced right here. It would come out that everything that had been said on this convention floor since July 5, we wouldn't have been able to have voted on anything and we would be voting on it at the end of 21 days from July 5. I would hate to have to be called on, say tomorrow, to vote on everything that's been said here since last Thursday. It's hard enough to try to keep up with the difference between these different amendments. Senator Rayburn's, the two Riecke amendments and the Gravel amendment. Now I want to point that out to you. That it's to me, like trying a case and putting off, say with the jury because you all are not the jury. Now can you imagine trying a case in court to a 12 man jury or any other number and saying you wait 21 days before you can make up your mind whether you're going to vote for the plaintiff or the defendant and issues that that judge may charge you with. Now that just doesn't make good sense. Now another reason for these sessions for split sessions for my friends, to go home to discuss the matters with the constituents. Let me tell you, when people elect they want broad things discussed. They come to you and tell you they don't rely on you using certain judgment and on the broad things then you would see a lot of people here. I don't think anybody in this audience today or any other day except wives and friends of people down here and their children and the employees. If you think that the people are all-fired up, the thing with you, let's just look at the meetings that we've had around at different cities. I know that every place I know of wasn't real well attended. The Committee Committee Committee Committee Committee Committee. We adjourned, we didn't. There was no justification for split sessions on this old worn-out thing of saying you're going home to discuss it with people like they're going to have that auditorium full for you. What I'd like to see back here, and I hope he'll do it, is for Senator Rayburn to get his resolution back here, if necessary under the rules to change it up; give or take a day. I think that's the one. This Riecke amendment was discovered wasn't proper, again being changed. I say let's kill this amendment. And another thing I'm going to suggest is people give people a chance to talk. I haven't moved the previous question. I don't ever remember doing that in the 24 years I was in the House of Representatives. As long as anybody want to speak, I'm not going to be here. There's no rule that I'd be here whether I was paid or not. I'm not going to move the previous question on anybody. I'll work everyday among this delegates has got just as much right to be heard as you Mr., or you Mrs., or Miss or Mr. or whatever you ever call it, as that man, woman or who that moves the previous question. I thank you and vote against it.

Questions

Mr. Gravel You will agree, will you not, that this resolution, except for the dates and the time spans is identical with the resolution that was adopted by this convention, proposed by Mr. Riecke? Isn't that correct?

Mr. Jack It was a close vote, and I don't think this resolution, Mr. Gravel, is any good and you didn't think Mr. Riecke's was good or you wouldn't have had an amendment that nearly passed before we adjourned. To me, I'm answering your question. You asked it, so don't interrupt, let me answer. In plain words, I think as I called them in the House, these bad bills I called them snake bills.

Mr. Gravel That's not my question, Mr. Jack.

Mr. Jack You let me finish. The way you do with a snake, you don't let him get in your bedroom, you kill him before he gets on the porch. A snake amendment is the same thing. I think you all got a snake amendment here. You all are combining, you're trying to recreate Mr. Riecke's amendment. I think it's still bad. In all due respect to you, I think yours is equally bad.

Mr. Gravel But Mr. Jack, my question to you which you tried, apparently, to avoid and please listen to me now, my question to you is this: Suppose that you are making could have been made to the Riecke amendment that has already been adopted by this convention isn't that correct, sir?

Mr. Jack I talked against it. I don't believe in split sessions. You haven't listened to me. I've been wasting my time on you.

Mr. Gravel You've answered my question. Thank you very much.

Mr. LeBlanc Mr. Jack, I believe this amendment states that the session would open on the first Monday in April, I'm not making that necessarily and not later than the 30th day of June. Now as I understand this language, what it would do would leave the legislature in session for a period of say up to 90 days rather than the 60 days.
Mr. Jack: That is correct. It just costs the taxpayers more money. That’s one of the many things. And it’s hard to get legislation that fits all days when there is not much work done. They’ll work it out. They call it per diem. They call it expense money. It’s not under salary, and they can vote expense money.

Further Discussion

Mr. Abraham: Fellow delegates, I think the issue here is whether or not we want the legislators to have paid holidays. This has been filed, in which to do any committee work or back home work, or anything else that they may want to do before they come back and deliberate. Now both of these amendments provide that during the interregnum, during the recess period, that committee could hold meetings. There are no restrictions which would not allow them to take final action on a bill. The only restriction that is in session, they can’t take any final votes. They can still have committee meetings but they cannot take a final vote. But in both cases, they can take a final vote on the day after the initial session is over. So whether you are meeting 12 calendar days or 15 calendar days, they can take a final vote in the 16th day. The real difference in the two amendments is the length of time of the recess. Now under the old Riecke amendment the recess period would be five days, which would be three weekends and 15 weekdays. Now this is based on April without any holidays in it. It April has 5 Mondays, the recess period would be 21 days.

Under this new amendment, the maximum period that you could have during the recess would be 9 days which would include 2 weekends and 5 weekdays, whereas April has 5 Mondays or has 5 Mondays. So I think that the issue to be settled here is going to be whether or not we want a longer recess period or a short one. My personal feelings are that it is going to be the recess period which gives each of the members the chance to do some reading on the bill that he’s got at hand. He thinks he needs to take the time to read those bills. If they’re all in front of him, he’s going to need 2-3 weeks to read them all. Under this amendment, the committee can meet at their own discretion and the only restriction allowed to take final action on any bill. If they are doing the work that they should do, they should have all out of hand and ready for report as soon as possible. I think the legislature recommends to this new Riecke amendment because 9 days is just not enough time. That’s two weekends and one week. If the committee wants to hold hearings during that period, they’ve got one week in which to hold the hearings. Again I repeat that the issue is how much time we do want these people to have. I don’t think the issue anymore is whether we should have split sessions or not. I think we are past that stage now. I would strongly urge that we defeat this new amendment. I think that what we did last week is good. I think we need this recess time, as a cooling off period or whatever you want to call it. But I think it is needed for these legislators to be able to study the bills and be able to vote intelligently on them when they come back into session. I have heard many legislators say that they system does not give them enough time. How are they going to have time to read the bills or anything like that. I do not understand the legislators who have voiced this concern who would oppose the bill as we adopted, rather the amendment as we adopted last week. I think that they’re talking out of both sides of their mouth. On the one hand they are saying we don’t have enough time and on the other hand they’re voting against taking the time to do it. So I am opposed to this new amendment. I think we should retain the old Riecke amendment.

Question

Mr. Chatelain: Mr. Abraham, Delegate Abraham, we discussed this a minute ago. In 1974, the interim would be 10 days instead of 9 days. It would give you more time to come to a conclusion. I thought the new amendment that was offered by Mr. Riecke this morning was that it would be going along with the State’s fiscal year. We would have the business of the legislature which fiscal year which would be, I can see, a certain advantage to the State of Louisiana there. I know you oppose this new amendment of Riecke’s, but in the spirit of compromise, we wouldn’t have to do a great deal of this convention, I find that. I’m asking this question now. Don’t you think that in 1974, the Riecke amendment which says during the interim between adjournment and reconvening the committees of the House may meet and hold hearings, don’t you think this would suffice, sir?

Mr. Abraham: No, sir, because you do not have enough time in which to meet and hold hearings. You’ve got less than 10 days to do it and that’s all you’ve got under this new amendment. I would like to make another point. Mr. Chatelain, that there is nothing magic about having to get this session over with by the end of the fiscal year. I think what is more magic is that there be time between the time that the legislators take office after the general elections and before the 130th session in which to prepare themselves for this legislature. By moving it up to the first Monday in April you’ve only got about two weeks to get ready for the session.

Further Discussion

Mr. Alario: Mr. Chairman, members of this convention, I stand to oppose the new Riecke amendments. I can’t understand from one day to the next, looks like the decisions of this convention just flip-flop. I think if a lot of us in this convention had some threads on our shoes, we would have already screwed ourselves to the ground. I can’t understand the necessity in Riecke amendments which says that the legislature should end its business by June 30th. I think you present the set up as and the Riecke amendment proposed, you allow the legislature to meet at the end of a fiscal year and a month in the beginning of the new fiscal year. We’re always going to be faced with the problem of trying to find additional revenues and of meeting the necessity of those expenditures of the year. If you make the legislature end at the end of the fiscal year without having all the money before them to make a decision, I think you’re going to be hampering that decision. You’re going to be looking for additional revenues, I don’t know how you’re going to be able to find additional revenues before the fiscal year is ended anyhow. There is much concern with the split session decision that you would go home to be able to talk to your people about the bills that were introduced. Now under the original Riecke amendment, the first one proposed, the legislature would meet in the months of June and July. The working people I represent, the district that I represent, a large shipyard, industrial area, the vast majority of the people I represent take their vacations in June and July. When they are concerned about a particular issue, they come up to the legislature when they take their vacations. They can’t afford to take a day off cause they’re paid by the hour. He’s paid for every day’s work that he puts in. And it takes a long time to get those wages that pay. Under this new amendment you may force him to take it off day without taking it during his vacation time. I’ve had one of the staff do a little research for me as to how this new amendment would interfere with the Easter holidays during which the legislature would meet. The information that we’ve got is that there is no change of bills would be on Good Friday in the years of ’74, ’76, ’79 and 81. The session would begin on the Monday after Easter Sunday in each year. Easter would not interfere with the session at all in only two years, ’75 and ’78. Easter and Good Friday would fall in the middle of introduction in 1977 and 1979. In eight out of fourteen years, you’re forcing the Easter holidays to be interfered with....
the legislature, a problem that we do not presently have to address ourselves to. You heard the argument by Delegate Abraham who stated that you're going to cut the committees work down by some 8 or 9 days. Again, if you're going to stick by wanting to go home to talk to constituents in your district, then you're going to want some weekends off. You want to have time to discuss with them just what their point of view is on particular issues. I can't see people in my district working Monday through Saturday during their normal working hours. When he gets off work, generally and it's from the shipyards or from any other plant he works in, he's too tired to see me from six to eight o'clock. He's going to take a bath and eat his lunch and visit with his family. Generally by that time, he's put in a good day's work and he doesn't want to have to fool with anything of this. I can see him better on the weekend, on Saturday and Sunday, when he is at his leisure, when he's not losing any time or any pay. If you cut down the committees' meetings to 8 or 9 days and the committees decide to go home on weekends, you're in effect, are cutting it down to only 5 working days. I submit this is not the correct thing to do. I'd ask that you defeat this Riecke amendment.

Further Discussion

Mr. Gravel: Mr. Chairman, ladies and gentlemen of the convention, let me very generally just about the argument that has been made with respect to this amendment that was made to the original amendment that was proposed by Mr. Riecke with one or two exceptions. And the principle contentions that I think have been advanced are those that result from views that do not result from a fair rating of either the original proposal by Mr. Riecke or this one. Some people are concerned about the fact that there might be some encroachment of legislative time on their Saturday or Sunday periods when they would like to rest and not work in the legislature. There is nothing in the original Riecke Amendment nor in this amendment. The wording in that regard is identical that says that you have to work on any Saturday or on any Sunday. The only provision in here is that there shall be not more than fifty legislative days in which the legislature will conduct its business after the initial adjournment. This amendment also provides that bills can be introduced in the first twelve days. The legislature may adopt rules saying that they will only meet for ten days for that purpose within the view and scope of this amendment. The purpose of this whole concept is to provide split sessions. To provide a period of time within which the legislators can introduce their bills and explain those bills... and that's... I seldom done now to other members of the legislature. The legislators are going to be informed initially and after they have received this information then they are going to be given an adequate time and opportunity to go back home and to discuss with their constituents the scope of the proposed legislation. Split session is the concept that we're voting on. All of the rest of these arguments are just efforts to try to defeat this proposal, this kind of an amendment, to get back to a continuous session amendment that I am confident would be off our table in the event this proposed amendment is not passed.

So I strongly urge that those of you that aren't supporting this principle not be misled by arguments that don't address themselves to the principle or true concept of the Riecke Amendment and that is that we have split sessions within a fiscal year. How can anybody fail to see that it's important for the legislature if it can possibly do so complete all of its affairs within the fiscal year so that the business of government and the other business throughout the State can be accommodated to the fiscal year concept.

I think this is a good amendment. It is going to help streamline the legislative effort and I urge that you support it.

Questions

Mr. Abraham: Camille, I take it then you are in favor of the split session, is that right?

Mr. Gravel: Absolutely.

Mr. Abraham: So the only real thing that we are talking about here is the length of time that we have for the recess period, is that correct?

Mr. Gravel: Well, the recess period...

Mr. Abraham: The only difference between the two proposals is how much time we have between the recess period, that's the basic difference isn't it?

Mr. Gravel: No. The principle reason why I proposed an amendment to start with was in order to terminate the legislative session during the current fiscal year. I think that's tremendously important. In other words, to terminate the session sometime later than the end of June. That is one very important point. The other one is you bring up is a question... does relate to the question of time between the session in which bills are introduced in not more than twelve calendar days.

Neither Mr. Riecke, nor do I suggest, that it is necessary that the initial session last the full twelve weeks, but that's the maximum number of days that it could last.

Mr. Abraham: I see. Well, I just wanted to... the only real difference then is as you say is not when the thing ends but also in one proposal you have fifteen days not to exceed fifteen days the other you have not to exceed twelve days.

Mr. Gravel: That's correct.

Mr. Abraham: And then by the arithmetic of the calendar under one proposal you can have a certain number of days of these which would be nine days under the new amendment or nineteen or twenty-one days under the old amendment.

Mr. Gravel: That's correct. As I calculate this the maximum number of working legislative days that would be involved subject to determination and the scheduling by the legislature itself would be sixty-two. That's the maximum number of legislative days that could be involved during a span of time encompassing... as I calculate it, approximately eighty-four or eight-five days on the average.

Mr. Fulco: Delegate Gravel, your amendment still provides restrictions on the legislature, isn't that right?

Mr. Gravel: Well, my amendment does not in any way prohibit... did Mr. Riecke's Amendment prohibit committees from meeting from the very first day that the legislature goes into session throughout the entire span of time that the legislature would be in session. The original amendment that Mr. Riecke had... and I track his language, does contain a sentence saying that during the interim between the adjournment and reconvening that committees of the houses may meet and hold hearings. I haven't violated that language or changed it to any extend in this amendment. Now I understand that there are probably going to be amendments whether this amendment passes or not to delete that provision from the proposed constitution.

Mr. Fulco: Mr. Gravel, wouldn't it be more advisable... we're trying to remove from the constitution a lot of details. Wouldn't it be more advisable to leave the detail work of the legislature insofar as determining the operation of their business within the limited period of calendar days in your amendment?

Mr. Gravel: That would be advisable but I don't consider anything in Mr. Riecke's original Amendment or in this one that is not substantive except
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possibly the second to last sentence.

Mr. Fulco Well how about...

Mr. Gravel The rest of it I think is substantive and should be in the constitution and I think it's sacramental.

Mr. Fulco Mr. Gravel, do you think we ought to put a limit on the number of days in which bills may be introduced? Wouldn't that be restrictive?

Mr. Gravel Well, we have a limit only to the extent that in the event that they are not introduced ... the bills are not introduced within the first twelve days they could be introduced thereafter by a two-thirds vote of the legislature itself. That's a very good provision and one that should be in the constitution.

Mr. Fulco Well, if we could have less restrictions in the constitution then the legislature itself could operate its business according to the situation that occurs at that particular time. In other words, I would hope and I hope you would sort of change your amendment to allow the legislature more flexibility to run the business because they are the ones that are going to have to operate this legislative session. And if I think if we restrict them on the introduction of bills or the time that they may recess and the time they may reconvene and the number of legislative days that they will have I believe we are placing too much restriction on the legislature and making it less flexible with what I would think that the constitution ... we want to provide for in this constitution, don't you agree?

Mr. Gravel Mr. Fulco, we could provide in this constitution that the legislature shall meet when it sees fit to meet. That provision could be inserted in this constitution and I think it would be contrary to the wishes of most of the people in this State if that kind of flexibility were permitted in the constitution. I honestly believe that the people want the legislature to meet under such circumstances that there will be an initial period for the introduction of bills and a time within which those bills can be considered both by the public and by the legislators before action is really effectively taken on legislation.

Mr. Fulco I have no more questions. Thank you.

Mr. LeBlanc Mr. Gravel, I missed the reason that you stated for not having the sessions go beyond June the 30th.

Mr. Gravel No. I believe that the legislature should conclude its business by no later than the last day of the fiscal year in which the legislature meets because practically all of the legislation that has to do with fiscal matters generally will relate to the fiscal year that is to come. One of the objections that I had and probably the only objection that I had to Mr. Riecke's Amendment was that his amendment permitted the legislature to meet up until and believe it would be that most of the business of the legislature most of the heavy responsible business of the legislature would be conducted in a new fiscal year under the language of his original amendment. Now I felt that that was not a good provision there and principally for that reason I proposed the amendment which I subsequently withdrew.

I think it just makes good sense for the legislature to meet and conclude its business in the current fiscal year because in the main it's legislating for the ensuing fiscal year.

Further Discussion

Mr. Nunez Mr. Chairman, ladies and gentlemen of the convention, this amendment would appear to have the general support of the people of this State according to the authors. And Mr. Gravel, I'll try to address myself to your remarks as to the conflict between a split session and a regular session which would mean a change in the present situation. It has always been my contention that the problem with the legislature was not the fact that we met in sixty day regular sessions every second year but the problem presented itself that we met a thirty day restricted session every second year. As a matter of fact that sudden that restricted session is not the problem anymore, it's the regular sixty day session. And you look and see ... and I know the authors of this have every good reason for this. Let's go back home on a split session to look at legislation. Well, let me say this, I think if you adopt the split session which we already have and we're weakening a little more with this amendment we're weakening the legislature we're weakening one branch of government that is already too weak, the legislature.

branches of government in this State, the Judicial, the Legislative and the Executive. And certainly, I think we have known for years how strong the Executive Branch is. And I think this provision does ... it not only makes the Executive just a little stronger, it makes the lobbyists a little stronger. Because if you are going to have to cut down the size of the lobbyist that is against it and I am even maybe convinced the AFL-CIO might be for this too. It gives those people twelve days, not the people back home because they have a lobbyist or a Representative to come up here? I think legislators basically are going to represent his or her people. And if they don't represent them they won't be back. But I think if you do this you are giving the executive branch of government an edge over the legislature and I would submit to you Mr. Gravel's interest up here is simply that. Because he now represents the administration and I'm not talking about the present one, I'm talking about any administration. If you were to take and give the legislative branch of government the power to not adopt this amendment. I think it's a bad amendment. I think when you take the legislative branch of government and tell them they are going to meet up here for twelve days and put all their bills on the line and then give everybody a chance and the people back home will remember they are represented by the lobbyist, or they are not represented by the Executive Department. But don't ever believe that the Executive Department doesn't play a big part in legislation, the political parties play in legislation ... a part so much that I think a great majority of our legislative bills are passed... are passed depending on the lobbyist that doesn't want the lobbyist doesn't want. And what you are doing you are weakening the legislature by allowing them to say you have twelve days only to introduce your bills and then you go home and you allow everyone who want to see what you have there and the people back home mind you, are not going to get involved until they become aware of the fact that something affects them. And how do they become aware of this fact? They become aware of it by several instances. No. I by special interest groups such as school teachers, such as election officials or etc. political parties support them when it affects them, property tax and by their legislators. I've hit very few people until a bill is actually passed out of committee and is put on the floor for debate and if the news media can find it to those people they become quite excited when the bill affects them. It is things that would affect their pocketbook. Mainly it's property taxes or increases in taxation. So I'm saying to you here today, that I think this whole concept of split session is a bad concept. It's a bad concept, if you sincere to strengthen the legislature procedure it's a bad concept if you sincerely want to make your legislature stronger because you're not making it stronger and in return you are not making the people back home stronger.

I believe if we attack the problem from the concept that the problem lies in the length of the session. The problem is in a thirty day session
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where you can only take fiscal matters. And the problem is putting in a fiscal session hundreds and hundreds of bills that are fiscal and that aren't an answer to your problem. Your problem isn't in the regular sixty day session, it has never been and it never will be. And I'm not saying down the line another forty or sixty years from now we might only have more bills than we can handle right now, we can handle them and in the past we have been able to do that. I think it's good for the state to be able to check with the Speaker, or the President of the Senate, who will find that the number of bills introduced have been handled quite easily in a sixty day session over the years and, if it gets along quite easily in an average of fifty-two days which gives them eight days and mainly on Sundays they can take off. Period. So I think the split session day bill is better the straight sixty day session that will have a lean and concise constitution. The legislature shall have annual sixty day sessions within that period to work their legislative procedure and process. I just can't see how this sixty day concept, the split session concept has developed. I understand some of the people who are so adverse to this. Maybe it is for that reason the Gravel Gravel Gravel is the leader of the Senate and the lobbyists in the state. He handles all the legislation, he makes sure what passes, what's in and what should not be. And I understand him being on this amendment. I can understand a lot of the lobbyists being for this amendment because it gives them twelve days to study the bills of the legislature. If a bill has and it gives them an additional eight or ten or fifteen or six days to work it over and get their people ready to put them through the legislature. It is better for the people I heard from this session, not the rank and file citizens, who is not in contact with the legislature, but a bill that affected the liquor industry. A bill that put a price on liquor and they put in double-bottom trucks and wanted to put it on the highway. The truck lobby had every trucker, I had in my parish calling me, not the citizen who was going to get affected by it and I think it was a bad piece of legislation and we put double-bottom trucks on this highway. I thought it was a bad piece of legislation to allow corporations or individuals to buy free enterprise in the liquor industry. But I heard from people who were being affected by that industry and they said, your Senator is up there voting against your interest was voting free enterprise. And that's who you hear from people, and gentlmen, you don't hear from that little person who don't go to church and you don't hear from them. You don't hear from people who are being affected. And there is a reason that way it should be. Maybe the way it should be is maybe the lobbyists should get this state. Maybe that special interest should pay. But I tell you one thing, I think we've got some people elected that have the legislative process and your legislative process. I believe you had better look at the people that would be the people you have heard from. I'm leaving out the people who submitted this. I think it's worked well and I think the legislator who have done a good job have done back fine and fine again. I think, they've done back fine. I think their time out to run for this convention. To run for their time. And they are here representing the people. I hope I won't put suggestions on the people who submitted this. I think they are acting in faith. I think they believe that the people back home want this. But I tell you, I think the ten years experience that I have in going to help the people back home and I try to elaborate on who I think it would help. And I am quite an experienced and quite positive. If I stand before you that that's who I would help, if I want to to do fiscal and some business. They can pass bills with the people. They know what the people want, that's what they are elected for. That's what they're up here for. And if you pass single member districts which I think is good because it gives each legislator in a certain district to be responsible to. And I think basically that's the premise under which we're operating. And I would seriously hope you consider deprecating this amendment and then passing a straight sixty day session bill. I think the problem lies in a restricted thirty day session bill and not in the unrestricted sixty day session bill.

And I never have heard, never have I heard, one person tell me...I'll tell you what I've heard. Now you want to hear what I've heard. I voted against sixty day sessions because I didn't think that we needed them at the time. And the people thought that too, because they voted against them. You know we put a sixty day session to the people and they defeated them. You are putting practically a ninety day session to the people. I don't think they are going to like it. I really don't think they are going to like it.

I hope you defeat this amendment. I think the concept of a split session is a bad, bad amendment. I think just a continuous session is better than any other session. It doesn't give certain elements of the society an advantage over the people. And let me say the people are the legislature. I think if we defeat it and we come back with a straight sixty day session I think you are streamlining the constitution. And on the other reason it will appear to you if you want to keep the constitution and keep it whole, I think you put in there a provision that the legislature shall meet in annual sixty day sessions and sixty days only. Or I think you're keeping a pure and simple constitution. And I think you are keeping it in the line and the dictates with what the people want and the special interest. Not other governmental agencies and the lobbyists.

So I would appeal to you to defeat this amendment and to come back and to vote for a regular sixty day session.

Questions

Mr. Guarisco Mr. Nunez, I think I understand now that you are definitely against the concept of a split session of the legislature, is that correct?

Mr. Nunez: I believe so, yes sir.

Mr. Guarisco: May I ask if you were a member of the legislature that created Act 157, that created this convention?

Mr. Nunez: Yes, I was.

Mr. Guarisco: Did you vote to have this constitutional convention?

Mr. Nunez: Yes, I did.

Mr. Guarisco: Would you deny that the constitutional convention recognize the concept of split sessions by holding hearings and hearing out the people and the people have been heard in there proposals at this time? Isn't that correct?

Mr. Nunez: I recognize that the convention had general hearing throughout the state. I don't know what the participation was in those hearings and I would assume that they are going to be of benefit and value to this legislation.

And I also recognize the fact that the convention [286]
meets once every fifty years and the legislature meets every year. I am trying to strengthen the legislative process by giving them a session of sixty days. Let me tell you, the people when they become affected by legislation will come before committees. You're not abolishing the committee procedure and you're not abolishing the legislative process by which the public is invited to appear before committees. I don't think we're doing that at all. I think what you're doing when you say, twelve days to introduce bills and go back home, you're not giving the people no advantage. Not at all. If you assume that, I think your assumption would be wrong.

Mr. Guerisco: Do you agree with Delegate Triche's suggestion that you might as well consider any legislation you have considered more bills than we'll probably consider in the convention at any one time?

Mr. Nunez: I don't particularly agree with that because Delegate Triche and I...every legislator knows that when you say you got two thousand bills you got a thousand introduced in the House and a thousand and introduced in the Senate of exactly the same nature and then you maybe...that's over my hundred percent limitation but then somebody puts it up. It's the same thing in the paper as the lead author and they introduce the same bill so you might have four and five bills of the same nature and the same content in the Senate and the House and then the Senate majority member decides he wants to pass it and he'll pass it and then they fight over who's going to be the paper of how and the authorship of that bill. And that's why you've got two and three thousand bills. Not because there is no rash of legislation needed to be passed by this State. Now, if they want to tell you the truth, that's the fact.

Mr. Guerisco: Do you think that the legislature should do any less than the convention in passing legislation? An action which may affect the people as much as this convention.

Mr. Nunez: Well, I think that you corollary between the legislature and the convention is just not quite what I would consider adopting a constitution and passing annual legislation that you can repeal at the next session on special sessions. I can't buy that concept at all. No, sir.

Mr. Roy: Didn't you and I go down in flames arguing the same stuff you've argued about denying the flexibility of the legislature when Mr. Riecke beat us initially on this same matter? Isn't that a fact?

Mr. Nunez: I don't know who you call us...I see your name on this proposal and this is almost the same proposal as Mr. Riecke first introduced and defeated the proposal that Senator Rayburn had. Yes, sir.

Mr. Roy: Didn't you and I argue for Rayburn's Amendment and against Riecke's initial Amendment and didn't we get beat for the same arguments you presently lauded into for ten or fifteen minutes?

Mr. Nunez: Mr. Roy, this is the first time I've been up here on this or any amendment on the legislature but I think legislators ought to take some initiative because they are the ones who are doing the job in the legislature and I think I would be neglecting my duty if I didn't express my opinion. I haven't been up here before on this proposal or Senator Rayburn's proposal. No, sir.

Mr. Roy: I agree.

Mr. Nunez: You agree with me.

Mr. Roy: No, I agree with what you just said, that you ought to take issue with what you disagree with. Now let me ask you one last question...you think that irrespective of the political philosophy that we have whether we should manage the legislation more during sessions or not which is what we are basing it on doing now? Don't you really believe like the old bills like with either this amendment to Riecke's bill or the original one, that this is a better drafted bill.

Mr. Nunez: Well I don't think either of them are better... better in comparatively speaking...I think that the convention just like they reconsidered Senator Rayburn's proposal and passed this Riecke's proposal if they hear fair arguments and good arguments from people who are actually doing the work would possibly reconsider Mr. Riecke's proposal here. But this one and the other legislation can live with for the next fifty or hundred years. I don't think they can live with this one and I think if we get into any proposal like the one Mr. Riecke now has that you, this convention, the people of this State will live to regret it.

Follow-up Discussion

Mr. Champagne: Ladies and gentlemen, delegates all. I am going to keep this very brief. I think we have had not too much rhetoric, the discussion here where some people might refer to in some instances and I didn't say that... 'not air' regarding the issue but in our sessions very important to us that it be killed in the House and the Senate, if the House member decides it is and it is to the member decides he wants to put it into the split session. I submit to you that the important question here is, do you consider it important enough to put it into this constitution. That is the question and either you vote yes or no and that's the solution we arrive. All of these other things are simply picking at something which is the problem with this proposal. We have to make a right to do it. But if I would be in order, Mr. Chairman, something which I hope I will probably never do again, I would like to move the previous question.

Further Discussion

Mr. Stagg: Mr. Chairman, and fellow delegates, I rise to oppose the Gravel or the Riecke substitute new amendment and I hope not to unnecessarily take up any time because I believe in the Senate Amendment that we labored so hard on last Saturday morning if we continuously bring up matters that have been resolved by the convention we'll be here quite a long time. I heard these arguments on last week. I came to Baton Rouge to speak to the Legislative Committee which by the way, spent six months studying these matters and when they were going to have a sixty day session within a one hundred twenty day period I thought that was great. In the Gravel or the new Riecke Proposal as the way I suppose it ought to be the accident of the calendar will give you less than fifty legislative days from the fourth Monday in May until the end of June, Mr. Gravel laid great store by his arguments that the legislature ought not to run over the end of the fiscal year. And I for searching my mind I can see no real good, valid reason why that makes a whole whale of a lot of difference. The point I would like to stress and then take my seat is that I hope that there are a number of delegates in this room who have listened to the debate on Friday on the Rayburn Amendment on Saturday on the Rayburn Amendment and here into the middle of the afternoon on the second Riecke Amendment will all of a sudden realize that maybe we are being stalled in place by repetitive arguments on the same point. If this is true, then we are here for a mighty long convention I have heard of bills being talked to death. I've never really been a believer to keep you here. I urge you to defeat the second Riecke Amendment
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and leave the original Riecke Amendment in line where it is, so that the legislature can meet one in fiscal session, not on the weekends as the original Riecke language permitted. The new Riecke language will in some years cause the legislature to stay in session five weekends if the calendar happens to fall on the seventh day of the month or the sixth and it will happen that way.

I urge that the legislatures be offered time off for weekend visits home. I urge you to defeat the new Riecke Amendment and leave the old Riecke Amendment exactly as we adopted it on Saturday morning.

Further Discussion

Mr. Burson

Fellow delegates, I speak in favor of the proposed amendment because I think it is a compromise not on principle but on details which are susceptible of compromise. I was for the Rayburn Proposal because to me it established that this convention wanted to get rid of the abomination of the fiscal session and provide for annual sessions which legislators were taught was before you left. It was the principle of the split session, which I think is good. I am for this amendment because I think it is a further crystallization of the idea and I do not interpret it as Mr. Stagg apparently did just a minute ago as a delaying tactic. There have been some disadvantages raised. The question of the interior committee payments to committee members has been raised. It is my understanding that we are going to consider later on under this legislative article, annual legislative salaries. Which, if we adopt that concept of course, will obviate any concern in this area at all. We have already adopted language which made the legislature a continuous body and they are authorized to have standing committees which will obviate the necessity in the future for interim committee and per diem payments for members thereof. I urge members to be a split session.

The advantages of the split session idea as submitted under this Riecke Amendment are, as I see it. It slows the legislative process down more than anything else. To give time to the seriousness of changing the laws. You know very often it’s more important what you don’t submit in the way of a bill than what you do submit. Because when you submit a bill by definition you are changing the law. And one of the great advantages of a system of law at all as opposed to an ad hoc system of legislation is that you put people some measure of predictability for their conduct. They know what the criminal law is. So that when they do something in the Soviet Union you don’t know what is going to result. You stick your hand in a buzz saw you may get a bouquet of flowers one time the next time you get your arm cut off. And it is important therefore, to the average citizen, the man on the street even if he never knows about it that a lot of time be given before a proposed change of the law gets into the legislative process. And I don’t think this has been emphasized enough in the course of our debate until now. Insofar as an objection that has been raised earlier about the introduction of twenty-eight hundred bills in twelve days. I would hope that we would not get twenty-eight hundred bills in the twelve days because I personally think that’s too many. But if we do, I submit to you that at least in the remaining fifty days the legislators will have a better chance to do their voting because they will have had a period of time in which they have had an opportunity to study the substance of these bills that are introduced in the original twelve day, or whatever short of period the legislatures will have.

Now there has been a lot of stress placed on the fact that the people don’t go to meetings. That apparently the people don’t care. I submit to you that that is wrong. I am not a member of the legislature but I have been for some years a member of an elected body. A parish school board during a very turbulent time and I can tell you from experience that the people do care when there are important things going on and they know about, believe me they let you know. I have seen times when I have had many a night constituents who cared a great deal about what was going on in their public school system. The reason the split session has a wholesome call; a night from constituents who cared a great deal about what was going on in their public school system. I am sure that they are a wholesome call; a night from constituents who cared a great deal about what was going on in their public school system. The reason the split session has a wholesome call; a night from constituents who cared a great deal about what was going on in their public school system. I am sure that they are wholesome.

I think the split session concept is a good one. I think it’s one the people want. Certainly the people in my district want it.

The state legislator from my district who is a man of great ability and honor for whom I have the highest regard and respect, has been in the Senate since 1959 and has been a legislator in the fiscal session. We have a minimum of eighty-three calendar days in the fiscal session. On Monday fell on the first day of April as I read it. And you would have a minimum of eighty-three calendar days in the fiscal session. If the Monday fell on the first day of April. So what we’re talking about is the potential difference of ten days or as low as three days from the original Riecke Amendment. Not in my view a justifiable reason. I will not vote for the amendment of a split session. All right, how about working days, which is the other important thing. The original Rayburn Amendment proposed sixty legislative days. This amendment would propose sixty-two legislative days. There are only fifty of those in which there could be a vote on legislation. Twelve of which would be restricted to introduction of bills. I do not see where the difference in two legislative days again is worth this, defeating a good concept.

Now finally the third important consideration would be the time for introduction of bills. Under the Rayburn Amendment the time for introduction of bills was nineteen calendar days. Under the proposed vote of the legislature. Under the Riecke Amendment, which is being proposed right now on the floor, it’s twelve calendar days. After that you would require a two-thirds vote for introduction of a bill. That is the difference of seven days. That is the significant difference in the two proposals. It provides for seven less days. This coupled with the legislative interim. I propose to make a change in the civil or criminal law of this State you should have it thought out carefully enough that you’re ready to do the first day you go in. The fact that there is an interim period of time and that is good for
the people of this State. I urge you to support the amendment on the floor at the present time.

Questions

Mr. Alexander Mr. Burson, we’ve heard some discussion to the effect that there has been two resolutions by Mr. Riecke but I find three different resolutions. Isn’t it a fact that the very first, now permit me to ask is all of my questions and I’ll be through and you may answer. Number one: isn’t it a fact that under the first resolution this waiting period would have been thirty days? Now, isn’t it also a fact that for thirty days, if one or some of the delegates was that what we’re doing for thirty days? Isn’t it also a fact that in the second resolution that thirty was reduced to fifteen days and now under the provision of this resolution that period has been reduced to ten days? Now I submit to you, Mr. Burson, isn’t it a fact that if the legislature and if this provision were in effect in 1973, that is this year, the legislature would have met on the second of April which would have been the first Monday? And isn’t it a fact that for ten days, at the last minute, in effect, this has been addressed. But isn’t it also a fact that the legislature could say after the first day, that we are not going to accept applications, we are going to summarily we will conduct hearings? Isn’t that a fact? There is nothing to prevent them from doing that. Is that not a fact Mr. Burson?

Mr. Burson Yes Sir, it certainly is as far as I understand the language of the amendment.

Mr. Alexander Finally, isn’t it a fact that no matter what the legislature does it could meet no longer, that is the whole legislative process could spread over no longer than ninety days?

Mr. Burson Yes Sir, as I understand it.

Further Discussion

Mr. Casey Mr. Chairman, delegates to the convention, at this point I really feel like apologizing, for even talking because there has been so much rhetoric on this one point but in the interest of adding my two cents, I would like to add my two cents and I would just initially like to say in answer to Mac Abraham that possibly some of us do speak out of both sides of our mouth. Mac, as you may or may not know, I’m very much for the legislature doing this thing. I think it is a fact that we’re discussing right now, deciding how many days we’re going to meet, whether we’re going to have a split session or take to introduce bills, but that measure was defeated and I realize you were one of the proponents of this measure. This mass of detail really doesn’t belong in the constitution to start with. This is not the place for this type of detail in our constitution to set forever or for fifty years how measures in the legislature are going to be handled, but the fact remains we have to make a decision on whether we want this amendment or whether we want the other amendment which is in existence at this time and that’s all I’m addressing in my remarks to. One point was brought up by Mr. Shannon that he was hesitant to this type of measure, and I’ll address this particularly to Mr. Shannon about the legislators’ compensation. We set our compensation right now I don’t think that’s a problem in either measure or the measure which is in existence at this time. Let the legislature decide what compensation is going to be going to pay its legislators whether they’re in session or out of session. Some people have said this is what the people don’t know. The first thirty thousand people in your area really want. You do know this, that they want honest, intelligent, efficient government and that’s all we can offer to them and we have to go to the people to get approval for the process of legislation. I would highly recommend that you go with the Riecke amendment. There are a lot of reasons that we can argue for or against and this has not been brought out, and let’s consider some emotional points. I know we’re trying to advance some points that maybe have some common sense. But what about the other reasons? I mean, all, some of the accountant’s would be against this amendment because it interferes with the tax season. Some of the people could say they would like to vote at the county vacations which was one of the other legal reasons we have had. There has been some concern about the interim time between the last time the Fraction of introduction and time. You have to go into session. But let’s face it, it sounds like good government. It sounds like good government. I’ll say that again and I would suggest for this legislature to make this decision. I think this is all I’m going to say and I hope you are going to stone it in the constitution and if you’re going to imbed nine days or fifteen days into the constitution I just have a feeling that some of the comments made by Mr. Nunez and others that this is really going to be a lobbyist field day and that’s all that interim period may be. We’re not sure that’s my only reason for saying we should not put it in the constitution but as I see it right now it could be, as somebody said, lobbyists heaven. The people will not necessarily benefit by this, it will be very time consuming. But all I’m going to suggest to you now is, take the old one and put on the new. Put on the new Riecke amendment. It is a little bit better than the old Riecke amendment is right now. I highly urge you to adopt this amendment.

Further Discussion

Mr. Newton First of all, I voted for the Rayburn amendment. I thought it was good, it allowed some flexibility. I introduced one of my own which would have allowed the legislature to do what it wanted to do and some of you may wonder what I’m doing on this amendment. Well it seems to me that there was a consensus in the convention that there should be a split session. Now, if we’re going to have split sessions, we’ve got a good Riecke amendment and a bad Riecke amendment. The first one that we had was bad as has been pointed out by Mr. Casey and Mr. Gravel. I think this new amendment is a good one. It keeps us from going, the legislature from going into a new fiscal year and I think this is very important. Also, there is no reason in here why the committees can’t meet from the first day of the session so, I know something about it but don’t think that’s a valid argument. It’s just a question of it being a good amendment or bad amendment. I think the present amendment is good and I urge its approval.

Further Discussion

Mr. Rayburn Mr Chairman and fellow delegates, I did not feel I could sit idly by without saying a word about what’s happened to this august body in the last few days. You would think that Saturday we had a pretty little Persian cat. Today, it’s changed considerably. Let me briefly tell you all this amendment, the only change it makes. It reduces from fifteen days to twelve days and it does change the time and date the legislature should convene. That’s all it does. Well if it’s been dressed up, it didn’t take much to do it. But you know how it was dressed up. It just not mixed in the political arena. A little getting together done. Three days isn’t going to help or hurt anyone too much is it? That’s all it does, reduce it from fifteen to twelve. As far as when the fiscal year ends, you can do that by executive order, you can do it by resolution or many other ways. It’s not in the constitution. That thirty-thousand people in your area really want. You do know this, that they want honest, intelligent, efficient government and that’s all we can offer to them and we have to go to the people to get approval for the process of legislation.
be tried if the legislature wanted to try them. It didn't give the legislature a mandate because the legislature didn't do anything. I believe if the people had demanded a split session they would have given you a split session but in any event it didn't work. I don't think we were able to work with the people on it to change it. I don't know whether it will work or not. I don't know one thing if you're coming over here for twelve days and have to, and I don't think we were able to work with the people on it to change it. I don't know whether it will work or not. I know one thing if you're coming over here for twelve days and have to, and I don't think we were able to work with the people on it to change it.

We're having our committee meetings, we're hearing proposals, but when we go to voting on them it might be a complete different proposal. Now let me say this. I've seen the time when I got a little flexible, when my people are looking at me and they called a vote on the question. I used to be in the legislature what I'd go to vote in executive session. We kind of camouflaged the issue, pledged when you got in executive session not to tell how you voted. Your people wonder about it. We abolished that. We try to stress the fact that our people would know and now even though we might meet in executive session in the legislature we've got to vote in public. Now you're hearing your committee proposals, your people, which we all seem to be so interested in, those poor people back home. I don't know how many of them has appeared before your committees and I think a committee member will verify that. But you're going to say to them that they can come here, but you haven't got to vote until they go home, then get out of your way. That could have a little bearing on some of your proposals. Some of your good supporters and your voter is sitting there before you vote you might vote a little different than if you've had a lapse of two weeks to go home and forget about them. And that's what you're doing when you're saying have committee meetings and you can't vote. You can't take any action. That's giving you a little cool off period. Giving somebody a little period to work on you, try to get you to change your mind if you ask the wrong question or made the wrong statement in that committee meeting and then when it's up for a vote, they'll try to say vote your conscience, I'm going to vote mine but I don't feel like it is fair to the legislature to say to them you've got to come here twelve days, ten days or since bill but if you can't have a vote on them, you can take no votes on them. You know what's going to happen. Let's wait and see if that doesn't come to be you're going to see legislators come over here the first day or maybe wait until the last day and introduce their bills and you won't see them during that twelve day period. What business will they have there? The can't vote on nothing. They don't know if the bill they hear or look at in that committee is going to work on it after they vote on it. I don't know, it's pretty well camouflaged. There's been a great colllation for three days. A great revival, a great get together for three days. The only difference, they did reduce the twelve days to nine days. We had one eighty and I thought it was pretty long. I did that just for week ends. Now if I stay in the legislature and we've got nine days that I can't plan anything else because we might decide to hold committee meetings or we might decide to do something else so I just say to you that I think this thing is too long and too, I think the people in the constitution what a public official has got to do if he gets elected and runs for that office. I feel like it would be saying to you Mr. Champagne that you're going to open up a big depart ment store. You've got to display it and look at it for fifteen days before you could do any business. Just got to keep them there and I don't think it would not let everybody come see it, talk about it and then make suggestions of what they wanted to change and go back and take all the bills to the committee and let them come back and change anything. Maybe that's what you want to do. I don't believe you really do. I know if you had served in the legislature you could see something. I don't think it would not let me and I'm a strong believer that a public office is a public trust and you can say all you want to about let the people be heard. Let the people speak, but if you've had to do a good office I think we should let them speak to you or you're going to speak to them. That's the way I conduct my business. If a bill is introduced that now is going to hurt a segment of the people I represent I get on the telephone and I tell them about it. I don't necessarily agree with them all the time but I try to keep them advised of what is going on and that's what any good public official should do. But I do think that if you're going to the time and trouble of having committee hearing in a short given period of sixty days or sixty two days you've got to take some action. Maybe you disagree with me. It's all right to have twelve days to introduce the bills, and lay-over there, but still and all I think, in my opinion, that would be twelve days that would not be fully utilized like I think it should be. It's got to cost around fifty thousand dollars to just to get the bills introduced just to get them introduced...if everybody stays the twelve days. And they are going to get paid whether they stay or not. That has a little bearing on it.

So this thing is far more far-reaching than I think most of you have realized. That is the sentiment within the legislature. You could either introduce your bills the first day or the twelfth day. And if you waited until the last day to introduce them, you certainly couldn't have a committee hearing on them. They'll have to be assigned to a committee and then if that committee cannot vote or cannot take action, you are going to have trouble getting a quorum. I've seen the time in the legislature when it adjourned both Houses, and you were running short of time and you'd call a committee meeting on a Saturday. wouldn't have a quorum. People have been away from home for five days, they are wanting to get back. They had a few little things they had to tend to. But my basic opposition is to this particular amendment is, don't ham-string the legislature. If the people of this state want split sessions, I think you will see sessions of the opportunity. If you don't see it, they are certainly not representing their people and I ask you to reject the amendment.

Mr. Riecke. Ladies and gentlemen, we worked Friday on this concept of a split session and we were so tied up with technicalities that I asked until my amendment be withdrawn so that I could revise it to overcome some of the obvious objections. We worked hours and hours and hours Friday, and the delegates here were so conscientious that you passed up your lunch time . you didn't even stop for lunch in order to listen to the arguments in favor and against. And after spending all this time and listening to all the arguments, many of which you have heard again today against the split session, you voted for a split session and for my amendment. Then another amendment was submitted to amend my amendment and anybody that says that there has been conniving or pressure or anything like that on this thing, I think should go back and listen to all the testimony. It amazes me, it really amazes me to hear people say up here at the microphone that this is something that the special interest private interest want

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Mr. Nunez: Ladies and gentlemen of the convention, what this amendment does would give the legislature...allow the legislature to meet...shall meet in annual sixty day sessions...no sixty out of seventy, no thirty day fiscal sessions. As I said, regular sixty day session annually like we now meet in the regular session in the even numbered years.

It would also allow us to consider any matter that comes before the legislature like you now can consider in the regular even numbered year session. I think it's a good amendment. I think procedure wise it is what the legislature can operate under, and I believe we would be strengthening the legislative process from a standpoint of allowing the legislature to consider any matter, any matter that it wants to bring before it during this period. It would not be limited to the fiscal matters, or would not be limited to the non-taxed matters or anything of that sort. It would be just the...let me say this, I think it would also, for the people who want to make a pure and simple constitution, it would be in line with what you now have that would make just a simple, sixty day annual session out of the...what you now have.

Don't know what more could be said about this. I think everything that could be said has been said. I don't want to go into the procedures that you have adopted amendments under the split session. I think enough has been said about that. I think some things may have been said that was not said to the legislature on committees, it's sometimes difficult now to get quorums if you allow twelve or fifteen days for introduction of bills only, and a person has no introduction of bills, I see no reason why he would stay up here. And if you don't have a quorum, I'd think you are not going to be able to introduce your bills and that's what you have now, that's what you now have. So what I have done with the sixty day session is to put a simple phrase into the present...into the new constitution that the legislature should have annual, sixty day sessions.

Questions

Mr. Champagne: I think I read this right. What you are saying is, you are not saying not more than sixty days, you actually say sixty days. Is that right?

Mr. Roemer: Sammy, you don't differentiate here between Sunday and any other day, do you?

Mr. Champagne: No...sixty days is sixty consecutive days.

Mr. Roemer: So the Sundays count against you.

Mr. Champagne: Yes, sir, exactly right. And there are many times that the legislature works on Sunday. I have never had a Fourth of July off since I have been up here.

Mr. Champagne: I am reading in this book they provided for me and it says...that's the question. The question I have says, "and shall be limited to sixty days". Now, as I understand it, that doesn't say sixty days.
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Mr. Nunez Mr. Champagne, I don’t have it in front of me but I suppose was not drafted up exactly like it was. "The legislature shall meet in annual sixty day sessions."

Mr. Champagne Well, that was my question. The way you drafted it is not the way it is. It says it’s limited to sixty days. It doesn’t say you shall meet for sixty days. That was why I...

Mr. Nunez Well, I think maybe we should put "shall meet for sixty days" if it doesn’t now because we have been meeting, the sixty day session has proved to be the effective session for the legislature. They are proven to be workable sessions and they are proven that the legislature can do their business within a sixty day period.

And if you want to say it isn’t there now, I haven’t checked the exact wording of it, but my intent was to make it exactly the same way as it is now and to make it an annual sixty day session.

Now the sixty day session is the session that does the job now. The thirty day session does not. If you want to ramble around and put sixty out of seventy, or sixty out of eighty, I think that’s where we have been before.

Mr. Jenkins A couple of questions, Senator Nunez.

First of all, under some legislation passed during the last session of the legislature, isn’t it true that the committees of the legislature will be able to meet year round and won’t be limited as in prior years to just a sixty or thirty day session?

Mr. Nunez That’s my understanding of the last session we allowed these...made all committees, standing committees be allowed to meet year round during the entire year. Right.

Mr. Jenkins Well, in that connection then, doesn’t the need for the split session somewhat be lessened because of the procedure that we now have in the legislature with regard to year round committee meetings, there is not as much of a need to have a split session of the legislature. Isn’t that correct?

Mr. Nunez It’s by that and many other reasons I don’t think there is a need for a split session of the legislature.

Mr. Jenkins One other question that I have, you mention that the sixty day sessions in even numbered years have worked well. Did you hear any complaints last year that the legislative session was not long enough, that the sixty day session was not long enough, that we couldn’t handle our business?

Mr. Nunez Representative Jenkins, I have never heard a complaint, and I know that the regular, even numbered years sixty day sessions have always excessive time...have always been enough time and I know the law always have worked well.

On the committee meetings, they have enough time to do their business, and even with the so-called load of bills that we have had, it’s been enough time.

Well, I think the sixty days have been ample time for the legislature to perform their business up here in Baton Rouge.

Mr. Jenkins So then if we had annual sixty day sessions, but limited to sixty days, shouldn’t that be more than enough time to handle all of the business?

Mr. Nunez I would agree with you. Yes, sir.

Mr. Jenkins With regard to the terminology about being limited to sixty days, isn’t it implicit in this proposal that we are not going to probably meet every day during a sixty-day session? But we are going to meet just certain days during that session just as always in the past?

Mr. Nunez You are right.

Mr. Duval Delegate Nunez, as I understood some of your prior remarks, you said that the split session concept merely gave the lobbyists a chance to talk and you never really heard from the people anyhow. Don’t you think the reason you never heard from the people is that there was never an interim period for them to find out what the heck was going on?

Mr. Nunez No, Mr. Duval, if I said I never heard from the people, I certainly have not. I think any legislator worth his salt up here wants to stay up here he better do what the people want and I think the majority of them do. I didn’t say that the reason why the split session...There were many reasons why a split session, in my opinion, won’t work and we’ve elaborated on them and I’ll go into it again, if you want me to.

Mrs. Warren Senator Nunez, would you say that what a person doesn’t know doesn’t hurt him?

Mr. Nunez That what a person doesn’t know doesn’t hurt him? Well, that’s an old saying but I don’t particularly agree with it. I like to know what hurts me, and I think the majority of the people do also.

Mrs. Warren Well, in light of that I’m wondering, are you against the Riecke amendment because it has a split session to allow people to really know what’s going on so that they can find out and they won’t be hurt so bad if they can say something about it.

Mr. Nunez Mrs. Warren, if I believed and if I felt that the split session that Riecke proposed would allow the average citizen of this state to know what is going on, I assure you that I would be up here speaking for it.

Mrs. Warren Mr. Nunez, I really don’t see how you could say that people don’t want to know because you’re coming from one district and you’re not thinking about people in other districts that would like to know. I would just like to have a chance to know what is going on.

Mr. Nunez Would you repeat that? I come from a district that the people don’t want to know, is that.

Mrs. Warren I said that you come from one particular district and you might know what the people there want but you don’t know what all the other people in other districts would like, so I do know that they would like to know what is going on and they would like to have that opportunity.

Mr. Nunez I think we’re getting to the point where we’re saying that either you’re for the people knowing or you’re against the people knowing. I contend all the time that I think that in the regular legislative process the people who want to be informed will become informed. The legislator that has a job to do and if he has legislation affecting his people within a 60-day period, I think that they will know. But as far as the district that I come from, I think that if you want to expand a little bit on my senatorial district I represent, I think it’s pretty cross-section of this state. It’s three different parishes in it. It has 90 or about 105,000 people, so I would say that it is pretty indicative of what each and every one of you represent out there.

Mrs. Warren I’m going to ask you one more question. Don’t you think that people are really more interested in what you do than what you say?

Mr. Nunez They’re really more interested in what I do than what I say? Yes, they’re interested in what I do if I do it a lot of times. They’ll indicate to me a lot of times whether they approve or not approve when I come up for reelection every four years, and that’s the procedure, the democratic process under which we operate. There the legislators up here are not representing areas now. They’re representing people and I think the new
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Supreme Court ruling or the federal reapportionment has made this more so than ever before. I don't represent land area. I represent a number of people. They're not going to be informed as much about their performance. If they don't like it...and let me just remark about that at this time because the legislature has the highest turnover of anybody, and everybody comes along in this group of elected officials, I think you find the turnover in the legislature. Since I've been up here it is 60%. While it was going on like 60%, and I think the last time it was a little more than 60. I can't see that you believe that the people aren't informed. I think they are well informed, if they are informed. I'm sorry to indicate it to me that when they want to change, they change. I think it's the way it should be. I see no real hang up on the people being informed and not being informed with the split session. I don't believe, and I reiterate again, that the fact that you say legislators introduce their bills in 12 days and go home, that you are informing the people. I can't see how they can be informed if you tell me that the press is going to analyze the bills and put a critique in the newspaper on every bill we have...They come in and pick up what we do and what we say. They pick up the debate and they report it as we debate it. I can't see any real incentive for the news media to do that. And I start going off each bill, it's debated. Many of them have no essence at all. Some of the most innocuous pieces of legislation, Mrs. Warren, will become the most important. It depends. It is not the most that is actually debated. I can't see where these 12 days that we introduce all of the legislation, and we give the professionals by the way, and I want to reiterate that also. That's who is going to become involved in this process more now than ever before. The professionals, the people that have the interest. The people when we're representing going back home like the legislators are I think we've got to give a little bit here and say that legislators regardless if you like them or not do represent the constituents. If they represent their constituents, the process normally eliminates them. I think if you look at the statistics I just gave you that 60% of them are defeated annually or every four years, you'll realize what I'm saying is a fact. I can't make it any more simple than that.

Mr. Avant Mr. Nunez, I just want to find out what you intend by this amendment because...I want to make sure that I understand your intentions by this amendment because I'm concerned about one particular point. That does not constitute the legislature shall convene the second Monday in May and shall be limited to 60 days. This provision says they shall meet annually for 60 days. Then there is an earlier provision that the constitution that the legislature shall be a continuous body during the term for which its members are elected. Do you intend that this 60 days shall be 60 consecutive days or do you intend that the legislature could select and meet for a period not to exceed 60 days but at any time between the first Monday in April on through the 31st of December so long as they met 60 days? I want to be sure that I understand what you mean, sir. Do you mean 60 consecutive days?

Mr. Nunez Mr. Avant, I think that the meaning is just relatively simple and it's clear to me and I think if you check with the present constitution it would be clear to you. The legislature shall meet annually in regular sessions for 60 days. The legislature shall convene at 12 o'clock noon on the fourth Monday in April of each year. No new matter intended to have the effect of law shall be introduced or received by either House of the legislature at any time after the ninth day of the session. I expanded on that nineteenth day because 15, some people thought, was not enough and we put the 19 there except by a favorable vote of one-third of the elected members of each House. My intention is that the legislature shall now meet like they'd now meet in the regular 60 day sessions for a continuous session of 60 days and regardless if that day falls on a Sunday, a Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday, fourth of July or what have you, shall count as a legislative day. Sixty consecutive days, yes sir.

Mr. Willis Mr. Nunez, as I read your proposal, Mr. Avant preempted part of my question, but I don't see how prohibiting the legislature from meeting every Monday after it convenes at 12 o'clock on the fourth day of April which would make for 52 days and then meet a couple or three Tuesdays and still comply with this constitutional provision, if it were adopted. Isn't that correct?

Mr. Nunez If you reinterpret it that way, Mr. Willis I certainly don't. My intention is, and if we have to amend it I'll be glad to do that, if this is what the convention prefers to go with. I think it's a good...I think that the 60 day session simply kept like I have it here, regardless if you put continuous days...and if you notice the present...this language almost tracks the present constitution. There is no provision in there that we meet in regular session in 60 days and that's it. I think it would be presumptuous on our part to think that if we put that in the legislature can make it a continuous body, assuming a continuous body could be interpreted as continuous session.

Mr. Nunez That's certainly not my intention to make the legislature a continuous body to meet 60 days throughout one calendar year. No it is not. My intention was to give the citizens in the simple amendment that you can say that the legislature shall meet 60 days in one year for each full year. And that's as simple as I can put it and if you want it amended, I'll be perfectly willing to accept it.

Mr. Willis Well I'm not indicating approval or disapproval. My only suggestion is that its simplicity destroys its being plain and particular.

Mr. Stinson Mr. Nunez, getting back on the split session that we were discussing, I think you partially answered, but it hasn't been clear to me as how the people back home are going to be able to get information as to 3,000 bills that would be introduced in that 12 days if it going to be a digest by the Legislative Council sent out to all the voters, or put in the papers or what?

Mr. Nunez You're asking me probably a good question. How would the people, according to the questions that has been asked, that everybody wants to inform the people during those 12 days of a mass of 2,000 or 3,000 bills That's been a mystery to me and I was trying to analyze that and tell you that someone that said the news media will inform them. Well I think the news media does an excellent job of informing the public about legislation while it's being debated, during debate, and on the vote, and in committee hearings. But isn't it an extremely rare situation will they have a bill that they take extreme interest in and give you a lot of coverage on a bill prepared in advance or a pre-filed bill. I think what a lot of people want to do, you can do now, that's to have a pre-file session. I think there is quite a bit of difference in a pre-file session where we can pre-file a lot of bills than in that 12 day limiting them on those bills, we can't do anything on those bills. Mr. Chairman, may I, at the will of this committee, it seems to be that questions raised about the 60 consecutive days. It's my intention...

Mr. Henry Did you want to withdraw them so you can clear them up?

Mr. Nunez Yes sir. Could I withdraw it and have the opportunity to bring it right back so we can

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Mr. Nunez. All right. If Senator Nunez's amendment also contains the provision that...for reconsideration of Mr. Riecke's amendment as I understand it only takes a simple majority to pass an amendment, but two-thirds on the reconsideration. Wouldn't that have to be two separate amendments, or would it be divided on...or just what would the procedure be?

Mr. Henry. Of course these amendments are susceptible to division. Someone could request a division of the question, but you're talking about separate issues. One, you're talking about the Riecke amendment, Mr. LeBlanc. We are operating just like we do in the House of Representatives. When amendments were offered, the Riecke amendments were adopted, the motion was made to reconsider the vote by which they were adopted and lay the motion on the table and the motion carried. Consequently, to undo all of that insofar as the mechanics of that you've got to call it from the table with a two-thirds vote. But just as you can do it in the House of Representatives, Mr. Nunez has come up with an entirely different amendment which we have not yet voted on. While it would affect the Riecke amendment, does not change any of the provision in the prior amendment, the Riecke amendment which we have adopted. If that's confusing enough...
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wise early. This is a compromise issue and I think it's a good compromise. First of all, look at this. Sixty days per year is a twenty-five percent increase over our present fifty-two-year period. Actually sixty-five years ago, there had been no time limit or annual period. Now you have one hundred and twenty days. You have a twenty-five percent increase and these men have enough time as you and I go home on Saturday and Sunday away from work if they care to. But there's a twenty-five percent increase now. How much more time are we going to give the legislature? So we have given them what they asked. We believe Senator Rayburn's decision to have a split session, it seems to be a very important issue at this time. As far as I'm concerned this is a split session and I'll vote for it. If the people back home want it split, they'll see that it's so as Senator Rayburn pointed out, Delegate Rayburn and we'll have a split session. If not, we'll have it run the other way, 19 days for introduction of bills and then vote on it. What I'm most concerned about is an issue that has not been discussed and which I tried to express when I brought up the resolution to amend Senator Rayburn's motion. That is the caliber of the legislator which has not been discussed here thus far. We have talked about the people of the state, about the voters, talked about a 5% turnout for elections, and the folks back home let us down sometimes. I hope that we, the delegates, will not let the folks back home down. Senator Triche, Senate Rayburn are the calibers of men who are doing their job here working hard. You can see how they can sway and persuade people. I'm not here and I'm not trained for that purpose. But I think if you will just reason this out, you will see that this is a compromise and it is the best compromise that has been put before this assembly thus far. Now the caliber of the legislator depends upon the amount of time a man spends down here that was my original intent. Senator Rayburn and maybe a man does not know when he is going to be here and when he's not going to be here. Sixty days is 60 calendar days. It's not 120 more or less. Between 3 months, 4 months, we already have a continuous body meeting. So let's limit the legislature to a 60 day session with quality legislators. That's the pitch that I would like to make in favor of this amendment. I hope you will vote for it favorably.

Further Discussion

Mrs. Warren, Mr. Chairman, and delegates, I'm not going to take much of your time. I'm just going to give you my simple ideas. This is a steal. It's going to steal the privilege of people back home having the opportunity to review the bills and put some input into the legislature. I'm going to ask you to vote against it.

CLOSING

Mr. Nunez, Mr. Chairman, gentlemen of the convention, ladies of the convention, I'll just be brief in my closing remarks. I think you've heard all the arguments. I personally believe that this is probably as good a compromise as you're ever going to arrive at. We've started off with 30 days, went to 90 days we went to 70 days and now we're down to a basic 60 day session. A 60 day session that has proven to work. A 60 day session that you know your legislature can do its job in. A 60 day session that the legislature has proven that they can function in, and they can operate under the basic 60 days, no debate for 50 years. And Mr. Roemer, I think you're wrong in saying this in 1921 caliber material. In 1921 they didn't have the 30 days, that was an amendment, and it's been amended and amended and amended. It should have been amended in 1971 or 1972 when we submitted the proposal to the people to increase that time, they rejected it, but if it down, repeat that to you again. They did turn it down. I think the climate is better and I think this convention has made that climate better. I think you'll be doing the people a favor, of this state, if you gave them the opportunity to vote on 60 day annual sessions. Sixty day annual sessions is what has been recommended by all the legislative committees that have been studying it. They've tried to do it several times. Tried to do it in legislature and then finally were successful in submitting it to the people. And let me reflect on you, when they defeated it, was defeated, so was 53 other amendments defeated. So was 40 some odd amendments the year before that defeated, and we 20 some odd amendments the year before that. I can say they defeated 60 day sessions because they didn't want it. They defeated it because of the political climate at the time and the time it was already been in the legislature under which the legislative session in the 30 day session, I believe that the people would allow them to work for 60 days. I think the people are satisfied it would be satisfied with a 60 day session. You talk to them. Sure some of them want split sessions, they want a lot of different things. But you take the 19 day limitation period, I think it's good to extend to that a few days. It does give a few more days to introduce bills and it gives the legislature and it gives the legislator more consideration. The Legislative Council who drafts those bills and the staff that has to enroll those bills and get them back to the legislature in the form they should be. That's why I include the line that I said was recommended by the people who do the work. The people who do the actual mechanical work of a legislative session. I'll vote yes. In the convention, I think this is a good amendment. I think it is a compromise. Don't ever think it isn't a compromise, it's a real compromise. As far as working on Saturday and Sunday I think that a lot of good people work on Saturday and Sunday. They get paid overtime for it, but the legislature doesn't. If I have a lot of good people work on Saturday and Sunday. I don't think it's fair. Roemer, a lot of dairy farmers, I'm from a farming and agricultural area, and when our crops are ready, I remember we used to pick them on a Saturday and Sunday. And I think the milk you produce is excellent. I've drank it since I was a kid and I know you milk those cows on a Saturday and Sunday. So I would ask you to go along with the provision. Saturday and Sunday is not bad. You can do as a good day's work on a Saturday and a Sunday as you would on a Monday, Tuesday, Wednesday. I've found legislature functions very well on Saturdays and Sundays. I've found it to function very well on the fourth of July. You put a 60 day limitation, but not a condition on going to provide you with good legislation. They're going to provide you with the time, with the element and they're going to come up with the legislation in the time you give them. There's a number of states in this union that work on unlimited sessions and I want to tell you in my dealings with them, in my travels throughout and talking to them, it would work. It doesn't work, you need a time limit. It makes you function better. A 60 day period has proven that it will give you, your legislative body, enough time to do the job that they need to do. Without further ado, I think we've talked about it enough for 3 or 4 days, I would ask you to approve this amendment and I think you've done the people of this state a favor. This convention look like it's going in the right direction. Thank you very much.

QUESTION

Mr. Toca, Mr. Nunez, did you know that all the good legislation we've passed in Boston, in Boston City in the last session was passed on a Sunday.

Mr. Nunez Well those are good folks in Boston City and they deserve good legislation and if it's going to be passed on a Sunday, or a Monday, or a Tuesday, we'll do it for them.
of when you can introduce bills whatsoever because they must be introduced during that first 15 day period, Mr. LeBlanc. So it will not affect that whatsoever. It has nothing to do with that.

Mr. Burns Senator, I’ve been sitting up here about four days now listening to the people back home. I mean referring to the people back home. Do you find that the people back home are in favor of shorter legislative sessions rather than longer ones?

Mr. De Blieux Well, I haven’t had any expression of a shorter period of time, but this is not going to lengthen the session any. It’s going to eliminate the necessity of the legislature meeting on a Saturday or Sunday.

Mr. Burns In other words, yours provides for a total of how many days?

Mr. De Blieux The total that is in the provision right now is the total of 65 days. You count the original 15, plus the 50 days. It does not change that whatsoever.

Mr. Burns Your amendment adds 5 days to the Riecke amendment.

Mr. De Blieux To the time in which that the legislature can get in its 50 days. That’s all it does. It doesn’t do anything else. Doesn’t add any more legislative days.

Point of Information

Mr. Avant My question is for the chair, not for Senator De Blieux. My question is one of parliamentary procedure. My question is, how many votes would it take to adopt an amendment to Mr. Riecke’s amendment?

Mr. Henry It would take a majority of those voting, sir.

[Previous Question ordered. Amendment rejected: 1h-102. Motion to reconsider tabled.]

INTRODUCTION OF RESOLUTIONS

[Journal 168]

Report of the Secretary

[Journal 168-169]

Announcements

[Journal 69]

[Adjournment to next Tuesday i.e., Thursday, May 29, 1973.]
ROLL CALL

[II delegates present and a quorum.]

PRAYER

Mr. Zimmerman Lord, we pray that You would make us instruments of Your peace. Where there is medi-
cocrity, let us bring creativity; where there has been confusion, let us bring clarity; where there has been division, let there be unity. Let us be mindful of what we have come to do, to serve rather than to rule, to set free rather than to bind. And finally, Lord, heal the wounds that have been in-

Pledge of Allegiance

READING AND ADOPTION OF THE JOURNAL

REPORTS OF COMMITTEES

[Int Journal 170-177]

INTRODUCTION OF PROPOSALS

[Int Journal 171]

[Motion to revert to Introduction of Resolutions adopted without objection.]

INTRODUCTION OF RESOLUTIONS

[Int Journal 170]

RESOLUTIONS ON SECOND READING AND REFERRAL

[Int Journal 171]

PROPOSALS ON SECOND READING AND REFERRAL

[Int Journal 171]

UNFINISHED BUSINESS

PROPOSALS ON THIRD READING AND FINAL PASSAGE

Mr. Poynter Committee Proposal No. 3, introduced by Delegate B)air, Chairman on behalf of the commit-
tee on Legislative Powers and Functions.

A proposal making provisions for the legislative branch of government, impeachment and removal of
officials and necessary provisions with respect to.

The status of this jucnture is that the convention has adopted Section 1, presently has under consider-
ation Section 2 of the Article.

Amendments

Mr. Poynter Amendments proposed by Delegates
Rayburn, Casey, womack and Fayard

Amending the reprinted bill

Amendment No. 1, strike out Amendment No. 1 pro-
posed by Mr. Riecke and others and adopted by the
Convention on July 14

Amendment No. 2, on page 1, delete lines 21
through 32 and insert in lieu thereof the following:

"Section 2A. The legislature shall meet annually
in regular session in the State Capitol during a
period of 85 calendar days, for not more than 60
legislative days. A legislative day is a calendar
day on which either House is in session. No such
session shall continue beyond the eighty-fifth
calendar day after convening. The legislature shall
convene at twelve o’clock noon on the third Monday
in April of each year. No new matter intended to
have the effect of law shall be introduced or re-
ceived by either House of the legislature after
midnight of the fifteenth calendar day except by a
favorable vote of two-thirds of the elected members
of each House..."

Explanation

Mr. Rayburn Mr. Chairman and fellow delegates,
much has been said in the last several days about
this particular issue. Many ideas have been brought

forth. I really believe we have here a workable
amendment. I believe we have one that you can sup-
port. I certainly hope so. It does make a little
change from our regular amendment. It provides
that the legislature shall convene the third Monday
in April in place of the fourth, and that’s to give
us more time in the present fiscal year and it does
increase the eighty days to eighty-five days. And
if you propose of that increased five days is to make
sure that if a legislature desires to have a split
session, there will be ample time to have it without
having to work on Sundays.

I think you are familiar with the amendment. I
think everything has been said that could be said
about it. I’ll be happy to answer any questions if
anyone has one, and I hope that you will go along
and support it.

Questions

Mr. Abraham Mr. Rayburn, this does allow the leg-
islature flexibility which I am in favor of. Now
I’d like to ask you, in your personal opinion, do
you think that the legislature, after all this dis-
cussion, will, under this provision, try a split
session?

Mr. Rayburn Mr. Abraham, I certainly think they
will and I will make a pledge to this body now... I
will... I can only speak for myself. I’m one mem-
ber of that body, but I certainly will support it,
and let me say this, Mr. Abraham. The reason that
I want this amendment adopted so bad is under today’s
constitution, we are locked in. We’ve got a provi-
sion that was put in there back in 1955 that was
workable at that time and was wonderful at that
time. It says we can’t go beyond thirty days.

Our appropriations in this State and our expendi-
tures have over doubled since that time. Now we
are locked in with a thirty-day and can’t do any-
things about it. This amendment would leave us the
flexibility of having a forty day session, fifty-
day session, fifty-five day session or even a thirty
day if we so desired, that’s all we’d need to take
care of our work load. But it does peg it down.
It cannot go beyond a sixty-day period.

Mr. Abraham And you will support these...

Mr. Rayburn I certainly will.

Mr. Fulco Mr. Rayburn, would you have any objec-
tions to the machine now for those who might want
to become co-authors of this amendment if we had the Chairman’s
permission to do so?

Mr. Rayburn I certainly have no objection, and I
would be happy to see as many as so desire join us.

Point of Information

Mr. Fulco Mr. Chairman, is it possible that we
eight open the machine now for those who might want
to become co-authors of this amendment?

Mr. Henry Well, it’s highly irregular... If there
are no objections from. Do you object, Mrs. Warren?
Mrs. Warren would object, so I would suggest
that perhaps we not do that

Mr. Fulco Well, thank you.

Questions

Mr. Burns Senator Rayburn, as you stated, we have
been at this thing for four days and now it looks
like we might be getting near the end, but before
we do, I’ve had so many dates and so many times for
introduction in the lengthy sessions, I just want
to ask you this final question.

If I understand your amendment, they meet in
regular session for a period of eighty-five days...
that’s the total it could last

Mr. Rayburn No sir... yes, sir. Mr. Burns, it could
not last for over eighty-five calendar days...
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Session itself cannot last over sixty legislative days in the eighty-five day period.

Mr. Burns: That's my next question. In other words, you meet in legislative session for not more than sixty days within an eighty-five day period.

Mr. Rayburn: That's correct, Mr. Burns.

Mr. Burns: And within that sixty days the bills would have to be introduced within the first fifteen days.

Mr. Rayburn: That is correct.

Mr. Burns: And I understand that you pledge your word that you would work towards seeing that they had a split session.

Mr. Rayburn: I certainly will because I want to try it. I really do, and I feel... I hope that it will be successful and I think it will.

Mrs. Warren: Mr. Chairman, and delegates. I think from the beginning I wanted to ask this question. I was a little bit confused by Senator Rayburn's statement when he said the legislature was "locked in," that I don't want them to be "locked in," but I was wondering if his amendment would keep the people locked out? That they wouldn't have the time that they would care... you know that they have the bills available for people to see.

So if they are going to be available, that you can get them before they act on them, I have no objection, and that is the reason I didn't want these people to say that they didn't want to put their name on the amendment before I knew what it was all about. Thank you.

Mr. Rayburn: Thank you very much.

Mr. Derbes: Senator Rayburn, is it not true under your proposal that certainly during the first fifteen days of any legislative session, the legislature could convene and in the regular course of business summarily pass a piece of legislation without providing the people an interim period for disclosure and suggestion?

Mr. Rayburn: That could happen, yes, sir. On the other hand, if we decide to have a split session and we want to set the first twelve days to introduce bills, we could do that, also. It does leave a little flexibility.

Mr. Chatelain: Senator, you know that I was one of those who changed my mind. I think three times Thursday or Friday, and you are working pretty hard on me to have changed it for the fourth time.

Mr. Rayburn: I don't see where one more change would hurt you.

Mr. Chatelain: I would like to ask you this question, sir. I did a lot of homework last night and talked to a lot of people, and I have my mind about made up. But here is the question I want to know, sir. I see you have three distinguished delegates who are co-authoring this with you. Would they have the same view that you might have so far as trying a split session? This is my problem.

Mr. Rayburn: I have talked to Mr. Casey. I am sure he shares my same views. I'm sure Mr. Womack shares my same views. They are the only two names I see on the amendment I have, and I am sure they share my views.

Mr. Chatelain: Then one more time for the record, that you will try, in your behalf you will try a split session.

Mr. Rayburn: I certainly will.

Mr. Chatelain: Thank you, sir.

Mr. Womack: Mr. Rayburn, I think you realize that in this case you can and have spoken for me. I'm willing and ready and want to try it, because if anything will improve the system we have, I want it.

Mr. Casey: Mr. Rayburn, I understand you have expressed the opinion that your co-authors who are legislators would support the introduction of legislation to try the split session method. Do you know that I would support that move?

Mr. Rayburn: Thank you very much.

Mr. D'Gerolamo: Mr. Chairman, Mr... Senator Rayburn, does not know, as I have, that I will also support the split session, and I am also speaking for Representative Toca, Representative Alario, Representative Johnny Jackson, Representative Taylor, and Representative Alfonse Jackson. We all support your...

Mr. Henry: We've got a Priest over here that can answer your questions, if you all want to, but we ought to go ahead and take care of the business of the day we have before us.

Mr. D'Gerolamo: Welcome to the fold, welcome to the fold.

Mr. Flory: Senator Rayburn, in view of the fact that all these members of the legislature are so eager to support the split session, I wonder why you didn't write it in your amendment?

Mr. Rayburn: Because, Mr. Flory, the reason I didn't write it in my amendment because we are now struggling with a thirty-day session that was written in the amendment in 1955, I believe, which has caused us a tremendous amount of problems within the last few years since our work load has got so heavy, and it's for that reason we set for the day for the session, and we are locked in. That's the reason I didn't do it. Mr. Flory, because of the fact that I felt like we should have a little latitude. We should try it without being locked in... be twenty years, thirty years, forty years or longer.

If there are no further questions, I move the adoption of the amendment, Mr. Chairman.

Further Discussion

Mr. Blair: Mr. Chairman, ladies and gentlemen of the convention. Instead of four days we have worked on this one section, we are going into the sixth day, and I think we have had many good ideas and many good amendments, but do you think as I think that probably we should bring this on to a head? To give you a good example, my good friend, Bob Ainsworth, who I had the utmost respect for and who I still have the utmost respect for, he was the one who was the author of the thirty-day fiscal session. That was obsolete in ten years, and thank you. It looks like we are going to get rid of this thirty-day session.

You have been patient, and I think we should move on. Give the legislature some way to move and not lock us in. There is only one state now to my knowledge that is Tennessee. California tried it back in 1953 and they have removed it. Several of them have it in the statutes.

Give us that latitude in which to work that has the locked in split session and we will appreciate it.

Further Discussion

Mr. Jack: Mr. Chairman and delegates. I'll be brief. I wasn't going to mention the name, but since the last speaker did, I want to mention it. Bob Ainsworth is a very good friend of mine and was down there. I did not see that thirty-day session as being feasible. I told him... then they had Cap Harnam, who was a very close friend of mine, and I talked in the Senate and me and they both said, 'Well, wellborn, if it doesn't
work, we'll get a constitutional amendment and do away with it.

Well, you see, you have never done away with it. Now on this amendment of Senator Rayburn's which I have heard and talked on for all the way, it gives you a chance under this provision which will be in the constitution of trying a split session. And I want them to try it and decide.

Now you are tired of four days of listening to arguments.

From 1940 to 1964 in that House, I heard people all the time talking about whether or not they ought to have a constitutional amendment. This amendment has been going on for thirty-three years to my knowledge and this is the way to put a stop to it. Now I am not in the legislation but if anybody will remind me and ask me, at my own expense I will be glad to come down to the committee and speak in favor of any provision necessary in the next session to set up the machinery to try out a split session.

I don't think you are going to like a split session. I told you the reason. But I would like to see it tried, but not put in the constitution like these other Riecke Amendments would.

So here you have it in plain language in this amendment, the Rayburn amendment, where you can try out that legislation and you have enough people already been telling you they'd come down there to committee and help you get through the necessary mechanics so you could have one and try it.

Now why put it in this constitution like the Riecke amendment? The reason we are in session now here as a constitutional convention is because people are sick and tired of these constitutional amendments. So don't think you are going to put something in this constitution and submit a batch of amendments to people to take it out. You better take a vote here to take this necessary time in this document as near to where it will be left alone for a good long length of time. And that's what the Rayburn amendment will do. So you can operate under either one of these. So I say, let's adopt this, and get on with other work. Thank you.

Further Discussion

Mr. Tate. Mr. Chairman and brother delegates, we have been discussing this question for the last three or four days. I think you have had excellent discussion, excellent debate, and in short, I move the previous question.

[Previous question ordered. Record vote ordered. Amendments adopted: RO-15. Motion to reconsider tabled.]

Amendment

Mr. Poynter Amendment No. 1 [by Mr. Poynter, et al...].

Amendment No. 1 [by Mr. Poynter, et al...].

"During any regular session held in an odd numbered year, no measure levying new taxes or increasing existing taxes shall be introduced or enacted. Page 2 at the end of line 9." Point of Order

Mr. Schmidt. I believe that we have voted on this and placed it on the table. Won't it take a two-thirds vote in order to get it removed?

Mr. Henry. It is a different amendment. It's an entirely different amendment, sir, and so it would be considered to take a majority of those present and voting to adopt such an amendment.

Explanation

Mr. Stinson. Mr. Chairman, and delegates of the convention. This is to a certain degree a new article, but it is entirely different from the one that was voted down by a close vote several days ago...last week.

The one...to discuss it first, I'd like to point out the difference. The one that was voted down and that was primarily the objection from a number of people was that this repealed that this...that this odd session that there could be no repeal of tax exemptions from industry. So in view of that, this new amendment deletes that from the former amendments and it only says that "at no annual session held in the odd numbered years could measures be introduced...measures levelling new taxes or increasing taxes at such an odd year session.

As was pointed out by much debate and a number of speeches at the last voting, the people in Louisiana have since the enactment of the fiscal session, have then felt secure in that an increase in taxes would only be every other year or the even years...the possibility. They did not feel it necessary to worry about increased taxation or to come down and lobby against it or work against it on the odd numbered years. So we would like to continue that security in the taxpayers of the State and say that only taxes can be considered and introduced and passed at the even numbered years of our regular session.

This would mean that taxes...at least be a holiday on taxes every other year, the odd numbered years. Those of use that have worked for this amendment and are supporting it feel that it will help the final phase of this constitution to be submitted to the people if this is included. And we would like to urge that this security and feeling of stability in our annual session is guaranteed to them and only have tax measures introduced on the even numbered years of our regular session. Of course, this would have no prohibition against a special session at any time the legislature or the governor could call an extraordinary session under our constitution.

I personally believe that in the future, that any taxes that the governors will call an extraordinary session where it will not bog down and interfere with our normal legislative matters on our annual session.

So I would like to urge that you insert this provision in the constitution to give the people a feeling of security and also help in the support of this constitution when it is submitted to the people for a state-wide vote.

If there are any questions, I would be happy to answer them.

Questions

Mr. Tobias. Mr. Stinson, you stated that this particular amendment would prohibit introduction of taxes in odd numbered years...proposals. You also stated that this would not prohibit special sessions of the legislature from considering tax matters in odd numbered years.

Well, my question is this. In what...why would you want to do this, because it would just add to the work load of this convention? I mean it would not put a lot more money when it can just be handled in an ordinary session. It is a false prohibition since the legislature could adjourn and come right back after a delay and consider it. So you are just churning your wheels.

Mr. Stinson. Mr. Tobias, if you had been a member of the legislature, you would realize that in sixty days, or if you have them, or whatever we vote, you really have too many problems and measures in each to really consider legislation. By this, we are really actually helping the legislators because if the tax burden that we have now is to be increased, I feel that it should be at an extraordinary session for that purpose where the people will all be knowing of it and can come down not for sixty days but for maybe ten or fifteen or whatever number of days the session is called for.

Mr. Tobias. Are you aware that a special session could cost upwards of seven hundred and fifty thousand dollars? Around seven hundred and fifty thousand dollars?

Mr. Stinson. Well, Mr. Tobias, for twenty-four years in the legislature I worried about the cost of government and I voted against it usually in the
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Minority, and no one ever complained about it or suffered from it. So I’ve about reached, in my old age, the fact that people like to spend money to have legislative sessions.

Mr. Tobias Are you aware that in 1965 there was an extraordinary session of the legislature...that’s an odd numbered year and they did consider tax matters?

Mr. Stinson Yes, sir. I was in attendance at that session.

Mr. Kelly Mr. Stinson, would you not agree that the Hayburn amendment which was just passed gives general sessions each year, which is directly adverse to what we have had in the past such as fiscal and non-fiscal legislative sessions. Would you agree with that?

Mr. Stinson Yes, sir.

Mr. Kelly Alright, sir, now by this amendment in effect, what we are doing is going right back to the old system? Is that correct?

Mr. Stinson No, sir.

Mr. Kelly In other words, you are saying that...see if my interpretation of amendment is correct, that in odd numbered years, you can have no tax matters or increases in existing taxes, which really we are getting back to the determination of a fiscal matter. Is that correct?

Mr. Stinson Well, there never has been a definite interpretation of what a fiscal matter is.

Mr. Kelly Alright, sir. Has there been a determination of what a tax is?

Mr. Stinson Yes, sir.

Mr. Kelly What is a tax?

Mr. Stinson A tax is something that is put on people that usually don’t want to pay it, but they have to go along because it is imposed on them.

Mr. Kelly Thank you.

Further Discussion

Mr. Stinson With the gentleman being facetious on that, real, I don’t think that there has been any problem legislatively as to what a tax is.

Now the reason that we have the provision to increase existing taxes there has been some question as to whether an increase is a tax or not. The governor’s call is put in the paper, if the legislature calls themselves under our new provision they advertise what it’s going to be. They have to advertise what tax is going on at that time, so the people would know in advance. And like it is now if we are in a regular session and have two thousand or three thousand bills, it’s in that many. It’s going to be confusing, and with the big fight for taxes, it’s going to really interfere with the normal passage of bills in the regular session.

Mr. O’Neill I know you have explained it already, Mr. Stinson, but I just like to be perfectly clear on it, this in no way would limit the legislature to what is now commonly known as a thirty-day fiscal session. Correct?

Mr. Stinson There would not be the limitation that is now on the fiscal session. No, sir. As far as that is concerned, apparently it is out the window when the people adopt this constitution.

If there are no further questions, I close, Mr. Speaker, and I’d like to urge and ask that you please favorably consider this measure.

Further Discussion

Mr. Blair Mr. Chairman, ladies and gentlemen of the convention, I rise in opposition to the amendment. It will further tie the hands of the legislature. We’ve had about three or four major tax years since 1948, and I think if you look back one of the years was brought out in 1965 and I think we had some tax adjustments in 1971. I think if you look back you will find that at quite a few of them were done in the odd years. So this, I think is a little window dressing, but don’t tie the legislature’s hands. If we had some adjustments to make, we could make it, and if it has to be done into a seven hundred fifty thousand or more or less special session.

The people, also, would, I think, know more in advance because in an extraordinary session you are only given a five day notice at the present time.

Further Discussion

Mr. Jenkins Mr. Chairman, delegates to the convention, I want to apologize that this measure comes before you here before but it is essentially the same as the one we considered before. But before the amendment failed 51 to 46 a change of three votes would have altered the outcome and five dele-
Further Discussion

Mr. DeBlieux Mr. Chairman, and ladies of the convention, I don't want to labor this too long because I think it's a dead issue to start with. But I would just like to lay one or two things out before you.

The proponents of this resolution I have always thought were those that were in favor of giving the legislature the power rather, of course, the governor with reference to the legislation in taxes. If you pass this amendment it would absolutely put the taxing power in the hands of the governor at his pleasure to do with as he sees fit because he can call a special session of the legislature anytime he sees fit and limit it to the tax issues he wants.

I think that one of the reasons why governors in the past have always rather have the biannual sessions of the legislature rather than the annual sessions. It was true that fiscal sessions did take a part of this power away from the governor insofar as other matters are concerned...fiscal matters but it still left it in the hands of the governor with reference to taxes.

Now if you want to build a powerful, executive over there to the legislature just adopt this amendment. If you want to strengthen the power of the true representatives of the people who are the representatives in the legislature, then you will vote against this amendment. And I ask you to vote against it because it is absolutely a step in the wrong direction.

Further Discussion

Mr. Smith Mr. Chairman, fellow delegates, I only want to get up here when I think that there is something important and I do think this amendment is important. And I want to join in with Mr. Stinson asking you to support it.

I like to talk about tying the hands of the legislature. Well sometimes I think you need to tie their hands. I was author of the two-thirds amendment. I like to keep on talking about it. I think it's a good law. That tied the hands of the legislature. But I think every other year industry, business and people ought to know that they are not going to have any taxes at least that particular session they can work on other things. Now, they want to eliminate the fiscal session which I think is good. I was one of the co-authors of the fiscal session but I think it failed its purpose. It didn't do what it was supposed to do and now I voted the Rayburn Amendment awhile ago. But I think this is a good law and it will help pass this constitution. I feel like we need the right to tax [on the tax session].

If the governor thinks we need a special session we can call that. But I think this is a fine amendment and I think the people back home if you are talking about the people back home and the little people they would be glad if you do. So I ask you to join with us and vote for this amendment.

Further Discussion

Mr. J. Jackson Mr. Chairman, and fellow delegates. I rise in support of this amendment. What this amendment does, is basically offers...and as someone would say...it is some peace of mind to constituency. I think that we have developed the latitude that the legislature needs. We have accomplished that by the adoption of Senator Rayburn's Amendment.

My concern is that you may have situations whereby and it has happened, that a tax measure could be introduced that maybe not affects everybody but affects a particular segment. So, for example, you have a lot of boards who could come very annually talking about increasing the license certification fees for a particular occupation. This provides some protection in the light that that can only happen every two years. For those persons who are concerned about local government and the fact that the legislature imposing financial burdens
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on that. Then it would appear that this amendment would provide a time span whereby local government would know that it could be satisfied within a period of two years. I think that if in fact that there is need on the part of the legislature, the part of the state to increase its taxes than we do have alternate sources by which it can be done.

We can do it in even years or we can do it by special session. I think for those proponents of split sessions...what this does, is in fact that the legislature does not come...adopt a split session concept. What this basically does, is to provide the public with the kinds of import particularly on every twenty-four hour issue like the one we have here because it would necessarily have to mean the calling of a special session or in fact, the public preparing itself to do the law in the legislature in the odd years. And for those reasons I would ask delegates here to give some favorable adoption of this amendment. Particularly in the fact that it does no more than provide the people of the state of Louisiana with some peace of mind and with some measuring stick as to when and where and how they can expect tax increases.

Mr. Jack Mr. Chairman, and members, I'll be brief. I spoke on the amendment last week and then we took out the exemptions, I am for this amendment. All in the history of Louisiana in the odd numbered years you could not put a tax on the people unless it was by a special session. Special sessions for taxes are very, very difficult. So I don't believe you will be able if we pass this amendment in the odd years to put a tax on the people.

There is enough stress and strain on people now in the whole world and it would make the people better off. More secure to know that at the annual session, under this new constitution they would not be able to put a tax on them at that session in odd years. There is a very little chance of being able to do it in the special session. Now the reason I haven't offered an amendment to include special sessions because you have already got to make some escape hatch if you had none. If we had because of an emergency of some kind have a tax in the odd years then the procedure would be a special session. So you are protected.

I don't see how anybody should object to this amendment. If the people, and they have shown it...don't like to pay taxes. A lot of them don't even if it's necessary. Most people are good citizens and do when it is necessary. But if you have got to tax them if possible, tax them during the even years. Let them at least go to bed...like the Lord made night and day so you can get some rest from the twenty-four operation hours in a day and a night. And I say let's give the people some peace of mind and if you are in the legislature it's not going to hurt you not to be able to put a tax or try to put a tax on the people in the odd years. I can't understand why anybody would be against this amendment. And I hope you will pass it.

Further Discussion

Mr. Stovall Mr. Chairman, ladies and gentlemen of the Convention, let us remind ourselves that we are presently dealing with the section on the Legislative Committee is our report of the Revenue and Taxation Committee. That will come later. We are presently trying to make basic decisions concerning the future of the Louisiana Legislature. And we have here two basic principles. One is the separation of powers. That there should be a strong legislature with the other branches that we should not restrict them but instead we should give to them the ability to respond to the needs of the future as it comes to us.

Now it seems to me that this amendment is another attempt to put the legislature in some kind of frame work that will prevent them from responding to the needs that might occur in the state. It really makes unnecessary the provision which we just passed.

Mr. Jack a few moments ago said he recognized that the thirty years is based on fear, on suspicion, on cynicism. I think that we need to have faith in the ability of our legislature to respond to the needs of the people and I encourage you to defeat this amendment in order that the future legislatures of our state might be able to respond to the needs of the people on a given occasion. Thank you.

Questions

Mr. Toomy Reverend Stovall, wouldn't the adoption of this amendment only give a reprieve of eighty-five days during the odd numbered years to the poor people, the rich people, the industry and everybody else to this state of taxes only for that eighty-five day period and only that period during the years.

Mr. Stovall Yes, Mr. Toomy. There could still be special sessions of the legislature which will increase taxes. This type of restriction is completely unnecessary for that very obvious reason and if there must be special sessions of the legislature to accomplish this purpose it increases the cost of operation of the state.

Mr. Bollinger Reverend Stovall, do you find it happening often in the past since this provision is in the present constitution...do you find it regularly that the governor or the legislature calls themselves to unconstitutional call the legislature into special session for the purpose of passing taxes? Is it a regular occurrence?

Mr. Stovall This has been done quite often in the past. Yes, Mr. Bollinger.

Mr. Bollinger It has been done quite often for the purpose of taxation?

Mr. Stovall As I recall, it has. Yes.

Mr. Bollinger Thank you.

Mrs. Warren Reverend Stovall, you mentioned Revenue and Taxation covering this issue. Will the Revenue and Taxation have anything to do or say about what the legislature is going to do in considering taxes in one year or the other?

Mr. Stovall Mrs. Warren, I'm not sure what the Revenue and Taxation Committee is going to do. I know that from listening to Mr. Stinson that I simply gather that's what he's talking about here is Revenue and Taxation. And I think he really should take this to that committee.

What we are dealing with here today, is the powers of the legislature. And I'm simply saying that this takes away from their flexibility, their ability to respond to changing situations and needs which might arise.

Mrs. Warren Yes, Mr. Stovall you said that it was Revenue and Taxation and then you say you don't know what they are going to do. I still ask the question, will they be deciding...whoever told you about it? they say who would be deciding when they were going to discuss the years that we were going to have taxes discussed or not?

Mr. Stovall I don't know Mrs. Warren.
on your back, he say...oh, no Mr. rattlesnake if ic dc you are going to bite me...he begged and he begged with the bull and finally the bull gave in and he told the rattlesnake to crawl up on his back and he came and he got out and the rattlesnake rattle and get to ready to bite the bull. the bull said to him, Mr. rattlesnake you said you weren’t going to bite. He said I was in the fire then.

I said that to say this, all of us seem to be in a little bit of fire now and we are going to say a lot of things we don’t want to get out of it. I do think in consideration of the people that they could sleep better at night if they knew when they were going discuss tax issues. For that reason I think that we should know the facts so that I can know what is going to happen to them. What future is going to be like. You can vote a tax on them and they don’t know anything about it and then it’s gone.

I heard some people in my community say the reason they voted against a lot of amendments and I want to tell you this...Because they thought it was taxes...they had voted once on taxes and they didn’t know what they were voting on so they decided after they found out they had voted on taxes they wouldn’t vote for any thing.

So let’s make it kinda clear for them so that they will know that we are not trying to put taxes on them and let’s support this amendment. Thank you.

Further Discussion

Mr. Flory. Mr. Chairman and delegates, I rise in support of the amendment. I do so for a number of reasons. This convention by a substantial majority just a few moments ago increased the time that the legislature could remain in session from three to nine weeks in the even numbered years when they can increase taxes to a regular twenty-four week period in two years and the fifty-one days of the even numbered years.

Now I suggest to you if you read the morning paper. With the announcement of phase four and in the same announcement the indication that future prices will be substantially in the immediate future. That the mood of the people of this state and across this nation are at the point that they are paying all that they can afford to pay and even more. That the burden has become too great for them to bear. Now I admit it takes revenues to run state government. And I’m not suggesting that we cut state services, but I do suggest to you that the average citizen of this state has to set their economy based upon the tax load taken by this state and by the federal government. And I suggest that this is satisfied at least in advance as to how they can set their personal economy. And I don’t think that they ought to be subjected every year to the possibility of increased state taxes.

It has been mentioned that the governor or the legislature could call themselves into special session in the even numbered years for the purpose of considering increase in taxes. That’s true. And I think that is the way it ought to be in the cases of emergency. But I submit to you that there are very rare instances when the governor of a state or when the legislature itself will call itself into a special session for the purposes of levying new taxes. It just doesn’t happen. They know there exists a dire emergency. And if they do, then of course the attention of the entire electorate of this state is focused on the legislature for that one specific purpose of increasing taxes which is put in a cell when they call that special session. And nothing else can be considered except what is in that call. So then the attention of the people of this state, with the legislature and if they have objection of course that attention is focused on the legislature and they have the right of course of their legislators know how they feel. So I suggest to you that in order to carry on the affairs of the state in an orderly proper fashion, that every biannually is adequate in order to increase taxes if that becomes necessary. But I don’t think we ought to subject the taxpayers of this state to wake up every morning of every year knowing not what their taxes are going to be in the next coming months. I ask you give strong consideration to the adoption of this amendment.

Further Discussion

Mrs. Warren. Mr. Chairman, fellow delegates, I rise to support this amendment. I think it is good. I have been sitting here for days and most I have heard in debate is let’s give the legislators more flexibility. I have heard a few people say, let’s give the people a chance. I think we have passed an amendment that was kind of in limbo. I didn’t know really which way to go and I am being truthful with you. I was tied between two opinions. A story came to my mind that I mentioned in the off-set of this convention about the rattlesnake and the bull.

I am going to tell it to you now.

I want you to think of this little story now. We have been talking about the farm and the vineyard and so forth and so on...but this is a story of the files also.

The bull lives in the forest and so does the rattlesnake.

One day, a big fire broke out in the forest and of course the rattlesnake on his back and he couldn’t get out like the bull so he crawled up to the bull and he said "Mr. bull, let me crawl out..."
Mr. De Blieux Mr. Stinson, if you are trying to limit the time when the legislature could pass taxes wouldn't it make a lot more sense if you had an amendment that stated that taxes could be passed only during the regular session during even years?

Mr. Stinson Well, it's just a matter of words. We would have the same meaning, I believe Mr. De Blieux. Would you vote for it if it was worded that way?

Mr. De Blieux Another question. Yes.

Isn't it a fact that if you don't do that you absolutely leave it to the governor at the time that he wanted to call a session of the legislature for the passing of taxes?

Mr. Stinson He would have the right under this, Mr. De Blieux.

We are not trying to tie the hands of any governor or any legislature under the... I believe it is going to be passed by the majority of the legislature can call that. We are not in any way trying to tie the hands.

[Record vote ordered. Amendment passed: 66-59. Motion to reconsider tabled. Section B of paragraph 2 Pended.]

Explaination

Mr. Blair Mr. Chairman, ladies and gentlemen of the convention, this particular part of Section 2 the B part we had a unanimous vote in the committee in this matter with two members being absent. Your main change at the present time in the constitution calls for a two-thirds vote for the legislature to call itself in session. This comes with a majority of the members of each house by the presiding officer of both houses. One other little change... we tied it I think a little tighter than what the objections are. We use object... or objects instead of subject matter and we think that we have tightened that a little better... we still have... we have worked with the Executive Committee. We have given you five days time for the legislators to have before they come into the session. That's your main differences.

I ask for the approval, Mr. Chairman.

Vice Chairman Miller in the Chair

Amendments

Mr. Poynter Amendments proposed by Delegate Juneau to the committee proposal as follows. Amendment No. 1. On page 2, line 11 strikeout the word "request" and insert in lieu thereof the word "petition". Amendment No. 2. On page 2, line 13 immediately after the words and punctuation "houses". and before the words "the governor" on line 13, insert the following "Such petition shall be in such form as shall be provided by law or the rules of the two houses".

Explanations

Mr. Juneau I am advised that the amendment in question is being taken out. I might add that this is not a substantive amendment it is more in the nature of a clarification. As you will note as we came out of committee we used the word written request. It is the thinking of most of us that this was a rather loose language and would be something that would be subject to interpretation. In order to tighten that language what we did was to insert in lieu thereof the word petition. And say that the petition would be provided for by statute.

For example, if one hundred and five members of the legislature wrote into the Speaker of the House of Representatives indicating that they wanted one particular subject taken up even though it might be one hundred and thirty-two different subjects under the language as we now have it. It is conceivable that it would be left to the speaker as to which items he would take up for the proclamation... I don't think that the speaker would want that prerogative and we wouldn't want to give it to him. The thrust of it is, that the legislature itself by a mechanical and meticulous statute could provide for the mechanics by which this petition would be circulated.

It was the thinking that that kind of language does not belong to that situation but this amendment would allow for that latitude.

I would move for the favorable adoption of the amendment.

Questions

Mr. Flory Mr. Juneau, my question is, your reasoning behind the line for the rules of the two houses that would make such provision when in all possibility and probability it could be that the rules of the two houses would be different.

Mr. Juneau Well, the thrust of the thing behind the provision as written that it was of necessity. I think Mr. Flory would require a joint rule between the two houses.

Sir, I didn't understand your question.

Mr. Flory I realize that what your intentions are that they be the same or be a joint rule and I don't know of any joint rules that they now have or could have. Because each house has its prerogative and we wouldn't want to give that same prerogative and we wouldn't want to give that same prerogative.

My only question to you is, I think it should be provided for in the law and not left to discretion of rules whereby they can both have different sets of rules on how to provide it rather than a uniform system whereby if you provided it in the law.

Wouldn't that be more appropriate than allowing it either in the law or in the rules.

Mr. Juneau I don't have any particular quarrel with that, Mr. Flory and I agree with you the intent... as I indicated is to keep uniformity. The reason why I put the rules because I just thought that would give some latitude. If the delegates think that would not achieve that purpose I would have no objection to leaving the provision as provided by law. Which would put it in the statute.

With the leave of the convention, we would like to withdraw the amendment. Refile the amendment with the deletion after the word law... insert therein a period and delete the words "or the rules of the two houses".

Sir, if there would be any question with regard to the uniformity I think that would take care of it and it would be handled by statute alone.

[Previous Question ordered. Amendment reread and adopted without objection.]

Amendment

Mr. Poynter If there is no objection, we won't go through the process of re-xeroxing. The amendment would read:

On page 2, line 13, right before the sentence that begins "the governor" insert the sentence... "Such petition shall be in such forms as shall be provided by law".

[Previous Question ordered. Amendment reread and adopted without objection.]

Mrs. Miller Are there further amendments on that.

Mr. Blair I believe we had a question, Mrs. Acting Chairman, Mr. Anzalone.

Mrs. Miller Mr. Anzalone had a question of you.

Mr. Blair...

Questions

Mr. Anzalone Mr. Blair and the Executive Department Committee, we took under consideration the call of
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a special session by the governor. One of the contested issues in this discussion of the committee was the issuance of a proclamation by the governor for a special session within five days before the legislature actually met. And, then came up the question of changing the subject matter of the proclamation before the legislature actually met within the special session. Is it the intent of the article as written by the legislative committee to allow the governor to change the subject matter of the proclamation after the five day period?

Mr. Blair. It stands corrected but it is the intention of our committee that he would have to name the subject matter within the call of the five days, and there would not be a change.

Mr. Anselone. We would not be able to change the subject matter after, or prior to, a five days, within five days, you would have to get that much notice.

Mr. Blair. Correct.

Amendment

Mr. Poynter. Amendments offered by Mr. Jenkins.

Amendment No. 1 - On page 2, line 13, immediately after word "called" insert the following: "however, any proposal to call or convene a special session of the legislature within thirty days prior to the convening of any regular, annual session of the legislature within thirty days after the adjournment sine die of any session, shall require the consent of three-fourths of the elected members of each house.

Mr. Jenkins, with your leave and that of the convention, I think the amendment technically now, since the previous amendment, on page 2, line 13, inserted after the word "called," I think the amendment, insert the following.

Explanation

Mr. Jenkins. Mr. Chairman, delegates to the convention, because of a number of different factors that have convened under the provisions that we have adopted, sort of a hiatus exists in the proposal that we have that would allow year round meetings of the legislature on a continuous basis, and this amendment is an attempt to cure that defect. We have now the proposals in the first session dealing with the fact that the legislature shall be a continuous session. Then in the second session, we have the provision that a mere majority of the elected members rather than two-thirds can call a special session. And then we have the omission of the provision in our current law providing that a special session cannot be called within thirty days before or after sessions, at least in odd numbered years now, so that you can see that it would be possible if merely a majority of the legislature wanted to continue in session or if the governor wanted to continue in session year round, indefinitely, it would be possible. There is nothing in the law whatsoever that would prevent that so the purpose of this particular provision is this, it is to say that, that thirty days before any session, or thirty days after any session, you can't call a special session. That is the only thing that it does, and I think that this will give us some protection so that we don't get into this situation. I don't think that's our intent at all, so I move its adoption.

Further Discussion

Mr. Blair. Madam Chairman, ladies and gentlemen of the convention, we object to this, in the present constitution it is the odd years that cause this at the present time, but in your even years, our sixty day sessions, we have nothing to prohibit us from calling a special session, we have nothing prohibitive of what we go as we had it because we think that it would give us a little more latitude to work with. We ask you to vote these down if you will.

Further Discussion

Mr. Avant. Mr. Blair, I notice in the present constitution, the provisions for the legislature to call itself a special session requires a two-thirds vote of the legislature.

Mr. Blair. That is correct.

Mr. Avant. The committee has changed that now to provide a machinery by which the legislature can convene itself in a special session by a simple majority petition?

Mr. Blair. That is correct.

Mr. Avant. And I would ask you, Sir, would you briefly explain the reason to me for that proposed change.

Mr. Blair. We felt that the committee...one of the main things we would like to have three strong bodies, your Executive body, your Legislative body and your Judicial body, and this was just a means of giving the legislature a little more strength, Sir, that was the feeling of the committee.

Mr. Avant. But the...in connection with Mr. Jenkins amendment, the provisions that you cited that there was no limitations on the special session following a regular session has to be construed in the light of the two-thirds vote, does it not, Sir?

Mr. Blair. That's true.

Mr. Avant. That's required?

Mr. Blair. As I understand it here, if I understand his amendment correctly, he has put in the restrictions both of the regular annual sessions now, where we did not have the restrictions in our sixty day session as we are working now.

Mr. Avant. Thank you, Mr. Blair.

Further Discussion

Mr. Roy. Madam Chairman, ladies and gentlemen of the convention, looks like we are going to get on that merry-go-round that I have been on somewhat with Woody with the Bill of Rights, where we come in we say that we are for an independent legislature. We fight for four or five days on that exact point. We finally passed Senator Rayburn's Amendment which I thought was going to go down. But in Section 2 we have the provision that a mere majority of the elected members rather than two-thirds can call a special session. And then we have the omission of the provision in our current law providing that a special session cannot be called within thirty days before or after sessions, at least in odd numbered years now, so that you can see that it would be possible if merely a majority of the legislature wanted to continue in session or if the governor wanted to continue in session year round, indefinitely, it would be possible. There is nothing in the law whatsoever that would prevent that so the purpose of this particular provision is this, it is to say that, that thirty days before any session, or thirty days after any session, you can't call a special session. That is the only thing that it does, and I think that this will give us some protection so that we don't get into this situation. I don't think that's our intent at all, so I move its adoption.
now that we want a three-fourths vote to call a special session to consider whether the legislature itself, at any time, ought to be able to convene itself on a simple majority vote. We are still going to have the two-thirds vote to consider the tax issue to alter it. I just see that we are going against what we said we had believed in and what we said and what we have in fact done in the last few days. We are once again making the legislature sit up at the whim of the government. The people disagree with anything you can always jump on the legislature and say they are raising your taxes. I am opposed to this amendment. I think it is a sneaky amendment because I think it requires a three-fourths vote at all times. But I am opposed to it even as it stands if you would take it that this year session in three-fourths vote. I think the legislature ought to be able to call itself into a special session on a simple majority vote. If you have any heat you want to put on them about a matter that's coming up, go ahead and put it on them. If they convene all year round and try to get around being a continuous body then you vote on them but I think the amendment is bad. I am against it.

Chairman Henry in the Chair
[Previous question ordered.]

Closing

Mr. Jenkins: Mr. Chairman, delegates to the convention, I know that it was unintentional but delegations by majority presented what amendment it does not require a three-fourths vote to call a special session, that's not what this does at all. Under the proposal proposed by the legislative committee and this does not change it, it is simply a majority could call the legislature into session. The only thing it deals with is within thirty days before or after any regular or special session it would take a three-fourths vote of the membership in order to come back in session or stay in session. Now that's exactly the way it is now in odd numbered years, it's not changed any. Now Senator Blair said but in even numbered years, that's not the case, well that's true there's no limitation in even numbered years on staying in continuous session but in even numbered years now, it takes a two-thirds vote to go into a special session. Where as under the proposal proposed by the Legislative Committee it would require a majority to come into a special session, or stay in one, so what this is attempting to do is not to limit the ability to call special sessions at all. It will still be by a majority vote at any time for taxes or anything else, but, within thirty days before or after any other session you could not call without three-fourths of all members, and if you have an emergency or something you can, but I believe back in the Davis administration you had cases of the legislature staying in continuous session and this is not a healthy situation when that occurs, when a simple majority can do that because there is always bills pending, there is always something that somebody would like to pass if he could just stay over another two or three days, and there were to be some cut-off date, so that's all this attempts to do. So I urge the adoption. Also, one other point I want to make is that it's been so that this calls on the governor, that this amendment makes the governor stronger, that's not true. Without this amendment, the governor is stronger than he is under the present constitution, because without this amendment under the proposal by the Legislative Committee, the governor can call a special session immediately at the adjournment of any regular session even in odd numbered years, and that under this amendment, it will still take a three-fourths vote as now in odd numbered years. So, I urge the adoption of this amendment.

Questions

Mr. Blair: Woody, in essence wouldn't you be restricting the legislature for almost five months, didn't we agree on 65 days, then you would have thirty days prior to that and thirty days afterwards so you're tying the hands of the legislature with a three-fourths vote for almost five months, isn't that true, if your amendment passes?

Mr. Jenkins: No, that's not correct at all. It would be for thirty days before and thirty days after, that's two months, not five months, and that would mean that you couldn't get anxious and go in early and you couldn't stay later. You would have to finish, unless three-fourths of the members think that it's important enough to stay. That's the way the present law is in odd numbered years.

Mr. Blair: In your odd years, your amendment just a few minutes ago limited to where we could not have the taxes argued, wouldn't you be in the odd years limited to some five months?

Mr. Jenkins: No, you would be in session for three months or almost three months under Rayburn's proposal then the rest of the year except for a two months period you could have special sessions at any time and you could even during those two months, if you have three-fourths of the members agreeing to it. Just like the present law.

Mr. Roy: Woody, do I understand that what you're saying is that if the legislature is in session and there is need to continue on, on something that is of real significance, you'd need a three-fourths vote to go beyond the sine die. Is that right?

Mr. Jenkins: That's right. That's so we won't have continuous sessions of the legislature...

Mr. Roy: I understand.

Mr. Jenkins: I don't think this body is for that.

Mr. Roy: All right.

Mr. Jenkins: Well you see we might as well not have limitations at all built into the session length if a simple majority of the legislature can keep things going, because a simple majority is what it would take anyway to keep going if we had unlimited sessions.

Mr. Roy: All right, but then what could happen, is that you couldn't get the three-fourths vote to keep it going, but one month later fifty percent plus one could come back and call the special session and you'd have all the trouble and all the expense of going back into a special session that could have been finished in maybe two or three days with an extension of the current regular session. Isn't that correct?

Mr. Jenkins: Well I don't know what expense, great expense, additional that you are talking about, about coming back rather than staying. What would be the additional expense?

Mr. Roy: But isn't that how it works? Say if you wait thirty days it only takes fifty percent plus one to call that special session that would maybe last another month, that you could have covered everything when it was hot and ready to be handled with just a majority vote saying let's go one or two extra weeks. Isn't that in essence what would happen?

Mr. Jenkins: That's right, it would take a majority vote later. So let me emphasize once again because that's the key point. We spent all this time discussing session lengths, how we'd do democracy, not to be held under this amendment, it will still take a three-fourths vote as now in odd numbered years. So, I urge the adoption of this amendment.
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an unlimited period of time. So in order to validate what we have already done, in order to make sure we have what we've already done, we have to have a limitation of this nature. Otherwise, a simple majority can keep it going indefinitely year round.

Mr. Roemer. Woody, what's the law now in the regular session years, and in the thirty day session years now, in regards to special sessions?

Mr. Jenkins. All right, the law right now is, during odd numbered years, just what we're saying here. No special session can be called within thirty days before or after without three-fourths of the membership agreeing. Now, in both odd numbered and even numbered years, you can have special sessions called by a three-fourths vote, so in even numbered years, I am sorry, by a two-thirds vote...so even in even numbered years now within thirty days before or after it takes a two-thirds vote to call a special session. So it's really keeping things essentially like they are and making sure that we don't have continuous sessions unless, I argue...

Mr. Roemer. What about outside that thirty days prior to and immediately after the session? What's the law now?

Mr. Jenkins. The law is two-thirds.

Mr. Roemer. The law is two-thirds now. Now as I understand the committee's recommendation, or at least the recommendation as it stands prior to your amendment, that's reduced to a simple majority?

Mr. Jenkins. That's correct.

Mr. Roemer. So at anytime, is it your understanding that under the committee's proposal, the legislature can vote itself into special session with fifty percent plus one, at any time?

Mr. Jenkins. That's correct. Even at the end of their regular session they can just keep going and, at the end of that special session they can keep going so that they go year round.

Mr. Roemer. But what I don't understand is why doesn't your amendment address itself not only to the thirty days immediately prior to and immediately following the session, but all the rest of the time that we are standing naked.

Mr. Jenkins. Well now, it does from this standpoint, Buddy, it says before and after. It says before any regular session or after any session. You can't have a special session within thirty days with a three-fourths vote. So at the end of any special session unless you have three-fifths of the members agreeing, you can't meet for another thirty days, so it does pertain to year round, although the main thrust, of course, would be during a regular session. I think that the thing to really consider is the whole impact of what we passed, unless we want a continuous, year round session, we have to have this.

[Record vote ordered. Amendment rejected: 32-83. Motion to reconsider tabled.]

Amendment

Mr. Poynter. Amendment proposed by Delegate Jenkins, being passed out now, to Committee Proposal No. 3 by Mr. Blair et al, amending the reprinted as enlarged proposal. Amendment No. 1 on page 2, line 12, immediately before the words "of the" delete the words "a majority" and insert in lieu thereof the words "two-thirds."

Explanation

Mr. Jenkins. Mr. Chairman and delegates to the convention, I would not have offered this amendment had the other one passed because I would have liked to "see the majority in there with that other limitation. But since it didn't, I just feel compelled to offer it. Now we should consider what we've done before, say you could have sixty calendar days, sixty legislative days a meeting within eighty-five calendar days. The rest of what we say is that by a simple majority a special session can be called.

That means when the majority of the members want to stay in session at the end of that eighty-five days they can, and they can stay in without limitation as to duration. That could last at the end of the thirty days they call another thirty day session, that's a limitation if any. Now what this amendment simply does then is to call the special session will take two-thirds vote of the members in order to call a special session. So that means you, under this, you will have some restrictions on having year round sessions. You could have year round unlimited session but it would take two-thirds of the members agreeing thereto. There needs to be some limitation on this otherwise the four, or five convention days that we've spent discussing this whole matter is absolutely meaningless, absolutely meaningless, unless we adopt some limitation of this nature, because the simple majority in session can be as they would if we had no limitation at all on legislative sessions, so for that reason, I urge the adoption of this amendment. It simply changed majority to two-thirds.

Questions

Mr. Avant. I think that you and I have the same understanding of the situation as it now exists, but I want to make sure that we do. Do you agree that the situation as it now exists, without the adoption of this amendment or some other amendment, is simply this that the legislature can vote itself in perpetual session, 365 days a year, every year?

Mr. Jenkins. There is no doubt about that. There can be no other interpretation of the proposal other than that and there would have been no point in putting this provision in there. We might as well have said that the legislature shall meet annually as provided by law. It is the same thing unless we have some limitation on it. Because that is all it would have taken, would have been a majority vote to keep the session going under such provision.

Mr. Toomy. The amendment that we adopted previously that in odd numbered years, no new taxes or increasing taxes will be introduced or enacted. Wouldn't the way the committee proposal is written presently, allow the majority vote to bring the legislature into special session, allow for the introduction or enactment of these special taxes during this session that there was so much fear about previously?

Mr. Jenkins. You are absolutely right. You see, what would happen, we would have a sixty day session in odd numbered years, we cannot increase taxes.

But right at the end of that, if the majority wanted to stay in session, they could call a special session, and in a period of five or six days, they could pass taxes in that special session, right at the end of an odd numbered year session. So without this, we defeat the real purpose of that other amendment. You are absolutely right.

Mr. Roy. Wouldn't it still require a two-thirds vote to assess those taxes?

Mr. Jenkins. Well yes, it sure would. If we keep that same provision, I assume we will.

Mr. Roy. Are you really concerned that the legislature will in some way attempt to keep itself in perennial session for more money or anything like that? Is that a concern?

Mr. Jenkins. It is not so much for more money, but here is the thing, Chris, if you look at other states
where they have had unlimited sessions, then look at how long they meet. They meet most of the year. They meet 120 or more days a year, because work expands to fill the time available. We always have bills laying on the desk and if we didn't have bills that don't come up yet, they haven't had committee meetings, because they were low on the priority of the various legislators. They want those bills, sure, but they don't want them that much relative to other legislation. All it would take would be 53 members in the House and 20 in the Senate to say, oh well, we've still got to do business, and so they just keep going and keep going until they do that. It would cost the taxpayers of this state a lot in additional legislation regulation interference with their private lives as well as the cost of such sessions.

Mr. Boy. You keep raising other states and I wonder if you have ever addressed yourself to the question of whether their staying in session for longer periods of time has been beneficial or not. Are you able to answer us that? Because that is the issue to me, is it beneficial for the state, and if it is then what's the gripe?

Mr. Jenkins. Well, that would have to be a subjective question and answer in both cases. There is no way I can answer that, Chris, but I know this that it will certainly tend to attract a different, and don't be better off person that's interested in the legislature. It will attract people who will make their living from being in politics, who will be in Baton Rouge more than they would be at home, who would lose contact with their people. This is what happens in Washington and that is why I think the Congress has so far drifted from the people in many instances. Because they are not with the people, they are there in Washington in that insulated environment, and I feel that we might have a situation like that. It is certainly not inconceivable.

Mr. Kay. Well, if that is the issue then, by a few more votes, if we assume that that is what legislators may be interested in, additional per diems or additional salary, then what is the difference between fifty percent plus one and two-thirds? Really, if you are going to subscribe to the legislature's notion that these folks are going to be trying to make a living out of it instead of doing what's best for the people.

Mr. Jenkins. That wasn't the only basis upon which this proposal was set forward so I am not going to be able to respond to what future legislators will be like or what they will do. I certainly think and hope that they will be good men and try their best, but I think the intention of this convention is to limit sessions to sixty days, legislative days or calendar days or something. I think that is the intent of this convention unless there are extraordinary circumstances, and, unwittingly I think, the proposal of the committee is such that we have not really limited them to that at this point. That is why we need some limitation to make sure that the majority can't keep it going from day to day, year in and year out.

Mr. Derbes. As I understand the further provisions of Section 8, any special session of the legislature called by a majority of the delegates would have to declare the purpose or purposes of the special session, would have to provide the specific number of days for which the special session is called, and in the event the special session exceeded the number of days or exceeded the purposes for which it was called, any legislation passed therein would be null. Isn't that correct?

Mr. Jenkins. That is correct, but at the end of that thirty days all they have to do is call another special session and there is not limit to the number of itemized proposals or limitations that could be included. If in our last legislative session we had something like 25 or 28, you could have a hundred, you could have any number, and I am sure what would happen you could just have each different bill listed as one of the subject matters to be continued but notice that there is no limitation in here to take it on another thirty days under the special session that is called. You just keep on with your thirty days on top of thirty days under the way this thing is set up right now.

Mr. Derbes. That is correct, but you seem to convey the impression that the legislature can just casually do this and they simply don't want to clarify what I believe the intent of Section 8 is and that is to specify the number of days for which an additional special session will be called and so set forth the parameters of that special session. So we agree on that.

Mr. Jenkins. We agree. That is no practical limitation though is what I am saying.

Mr. Derbes. Well I believe that it is a practical limitation, although I... but I am only questioning you and I don't take the convention's time. Thank you.

Mr. Duval. Mr. Jenkins, your amendment that passed in reference to the odd number years, it didn't pass by a two-thirds vote. Don't you think it should have had a two-thirds vote to pass?

Mr. Jenkins. No, I don't. I don't see any relevance between calling a special session and passing something in here.

Further Discussion

Mr. Burson. I speak in favor of this amendment for one simple reason. It is a matter of principle. If you wanted to establish an all powerful government then all you would need to do is set yourself up a king. If you wanted to establish an all powerful legislature then all you would have to do is say that the legislature can meet whenever the want to. Now we don't do that. This convention overwhelmingly rejected a measure which would have done that in effect. We have in our constitution at the present time a scheme which permits the legislature to meet for ninety days in a two year period of time and requires a two-thirds call for a special session by the legislators and has the three-quarters proposal within thirty days which Mr. Jenkins has proposed and was rejected. Now, we have already gone for 120 days which adds 25 percent to the time that the legislature will meet. We have reached the fiscal situation limitation and the limitation regarding the taxes is not the same thing by any manner of means. Now we are being asked to reduce the limitation of the fiscal permit by simply fifty percent plus one call a special session any time that majority of the legislature wants it. I submit to you ladies and gentlemen we should not forget while we are here with these grandiose schemes of government, that the same people who have lived under that constitution that set up the other scheme of the last fifty odd years are the same people that elected us to come here to represent them. I submit to you the people of the state of Louisiana are not noted for their love for radical changes in government. I think giving them 25 percent more legislature is already quite a step forward in increasing the power of the legislature and it may be a little more than they want to handle. The people already here as far as I am concerned of having continuous legislative sessions, because you have already adopted language which says that the legislature is a continuing body. You are going to be asked to adopt language here a little bit further on which sets out a whole number of things that the legislature commits and permits and I think that is quite out. Now, somewhere along the line I think before we leap from the restrictions inherent in the system that we've worked under, some of which I've agreed with, such as that little bit, in some thing that would very much resemble, as far as I can see, a Congress of the state of Louisiana, I think we had better stop and remember that when we
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get finished with our schemes here a majority of the people of the state of Louisiana have to approve this. I submit to you that I don’t believe that they are quite so concerned with words like flexibility and so on as they will be over what can be done to us, and I don’t think it is a question of distrust of the legislature. I think our people have a healthy cynicism about government in general, not just legislative government, executive government, judicial government or any other kind of government, and that the effect of their day to day lives and operations. If we are going to increase their dose of medicine, let’s not give them more than they can stand here at one sitting. I ask you to support this amendment. It keeps the law just as it is and while we are changing a lot of things, let’s not change everything.

Questions

Mr. Toomy Delegate Burson, without the adoption of this amendment would it not provide for the same amendment which you referred to earlier which read, the legislature shall meet in regular annual sessions as provided by law?

Mr. Burson As far as I can see, it would make that a clear possibility.

Mr. Toomy And you understand that amendment was defeated 15 to 96 in this convention.

Mr. Burson Yes sir.

Further Discussion

Mr. Blair Mr. Chairman, ladies and gentlemen of the convention, we oppose this amendment. It just comes down simply to this, do you want a strong independent legislature or do you want a real super strong governor, or what not. Let’s suppose the legislature wanted to call itself in session in an extraordinary session, the governor, with his two-thirds vote, could stop it and have a mere fourteen men in the Senate, and do you think that’s fair? Give us some room, give the governor his powers, but don’t keep tying our hands, let us have some room to work. I urge you to defeat this amendment.

Questions

Mr. Flory Senator Blair, you said I think twice now, that your committee was for a strong three branches of government, the legislative, executive and judicial. Are you suggesting that supporting the three strong arms of government and a weak public?

Mr. Blair No I’m not, Mr. Flory, and you know I don’t mean that, but at the same time why keep the legislature weak and give the governor power out of 144 members to let him control whether or not you can have a special session with fourteen men. I don’t think that’s right. And if you vote for this, you are giving the governor that much power.

Mr. Roy Senator Blair, I am going to do like Justice Tate who says this is a friendly question when he questions you from the bench, but isn’t it a fact that in 1921 when Mr. Burson was referring to the constitution of the state of Louisiana that we presently have that the budget was about 2.1 million dollars, and didn’t you just this past session go into a 2.1 billion dollar budget?

Mr. Blair That is true.

Mr. Roy And all we have done is give you 25 percent more time within which to deal with something of that magnitude when you are dealing with about a thousand and percent more money, think. Is that about right?

Mr. Blair I would think you are right, Mr. Roy, yes.

Mr. Roy Wouldn’t you think that the fact that the people of this state...do you agree with Mr. Burson

that the people of Louisiana are never far from change and that this would be a radical change just to give 25 percent more days of legislating?

Mr. Blair Mr. Roy, I would have to disagree with the fact that you are doing that. I definitely would, I would have to disagree with that.

Mr. Fulco Don’t you agree that in reference to Delegate Flory’s question about the weak public, that by making...or viewing this amendment and having an equally powerful legislature that the legislative body is a true representative of the people and not necessarily a weak people?

Mr. Blair I don’t believe we have any weak people, our voters or legislature either one.

Mr. Fulco But the legislative body represents the people, isn’t that right?

Mr. Blair That’s correct and this body is closer to the people than anyone. I am not worried about the present governor or the next governor or the next, but what about way down the line, maybe you had an extreme emergency and you couldn’t get a session because he had the control of a minority of fourteen people out of one hundred and forty-four.

Further Discussion

Mr. Fontenet Fellow delegates, I rise in opposition to this amendment and I’ll take a little bit of your time to give you my idea of what...of a little bit of philosophy right here. If I view this statement from a majority to a two-thirds vote, I think somehow we are losing sight of the democratic processes. I was taught the democratic process was that the majority rules and I think this is creating a bad precedent by creating a super majority. Whenever somebody gets up here and says right now I trust the legislature but in a couple of years maybe the legislature is going to be made up of people that are not responsive to the people or don’t agree with the people, such statements as this I think you are losing sight of your democratic and the makeup of your government. The people back home, like take your representative district, 35,000 people elect a representative and a senator to represent...these people are the spokesmen for this group of people, so when you are talking about the legislature, actually you are talking about the people. When you say I don’t trust the legislature, you are saying I don’t trust the people, because the legislature is the people. So why should you create a super majority. You are creating a bad precedent everything somebody gets up here and if this is a two-thirds majority, they are going to try to substitute two-thirds for it. I don’t think it is right. I think the majority ought to control and I think that if a majority of the legislature thinks they ought to go into a regular or extend a special session, I think a majority ought to control. Now, concerning...you might say that well why do you need a two-thirds vote for taxing purposes. I see an inconsistency there, but I can argue that for taxing purposes maybe you need a little extra protection, but I don’t feel like you ought to create a super majority for everything that the legislature does, and for this reason I don’t want to start creating a bad precedent right here today that will carry on into the deliberations of this convention right now on until January. For this reason I am going to oppose this amendment and I think we ought to let the legislature decide by a simple majority. And when I say I mean let the legislators. I mean let the people decide, because the people are the ones who choose these legislators and the legislature has to answer to the people.

Questions

Mr. Toomy Mr. Fontenet, you mention how much you trust the legislators, and I do too, but I want to know would you clarify to what extent you do. Do you think that we should have a majority vote on tax
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increases new taxes?

Mr. Fontenot This is just what I just tried to say. I can justify two-thirds vote for tax increases because taxing provisions are something that are so dear to the hearts of the people in the state that I think it needs protection. In that particular case, it's almost arbitrary, but I think politically speaking you...it has to be done; whereas I can't justify it for calling a session and I don't think there is any other legislative....any other job the legislature is trying to do.

Mr. Tommy Well, are those not the same legislators that you are talking about that you trust on one issue and you don't trust on another issue?

Mr. Fontenot That's right, they are, but I'm saying that the taxing issue is a lot dearer to the people's hearts than all these other issues whereas I feel like the protection of the two-thirds vote on the taxing issues is just absolutely needed. It is inconsistent, I agree with that, but I think the inconsistency is because we have to protect our people on provisions. That's the only justification I have for it.

If I'm in order, Mr. Chairman, I move the previous question.

[Previous question ordered.]

Mr. Jenkins Mr. Chairman, delegates, of course the only thing this does is on line 12 of page 2 change the words "a majority" to "two-thirds". But the impact of it is to protect everything that we've been here debating and discussing for the last four or five convention days. Frankly, I didn't come prepared to debate the merits or demerits of a year-round legislature, because I thought the delegates were fully convinced that a year-round session would not be in the interest of the people of this state. Suffice it to say, that the people would not tolerate year-round sessions of the legislature, and I really don't think by our past votes that we want year-round sessions, either. But the mechanism exists right here unless we adopt this amendment to have in essence, year-round sessions of the legislature. We've already said it will be a check against what we say by a simple majority it can have a special session. Not after a thirty day delay after a regular, but right at the end of a regular session, including those in odd numbered years that are supposed to forbid taxes. And at the end of the special session the majority can simply call another special session for thirty days. The legislature, under this, can stay in session for as long as it wants to. Many people have said that we need to increase the power of the legislature, and there is no one more concerned than I about the disparity in power, particularly between the executive and legislative branches. I fear that when we attempt to level the power among the various branches, though that we might succeed in doing something quite different. And that's tremendously increasing the overall power of government. If we don't...if we keep the level of power of the executive the same, and the judiciary the same and we simply tremendously increase the power of the legislative branch, the overall effect is going to be to tremendously increase the overall power of government. Let's increase the power of the legislature, at the same time decreasing the power, maybe, of the executive branch. But we need some limitations. We have some limitations. We have some trust in the legislature, but not complete, total trust, to the extent that we're willing to abnegate our responsibilities and let the legislature decide. I don't think we feel that way. Let's simply provide that, as we have in the past, a special session can be called by a two-thirds vote of the membership not by a mere majority. I'd hate to see us have a situation like we had during the period of sixty to sixty-four when we had a special session meeting on segregation matters for, I think, about sixty days continuously in special session. Of course two thirds agreed then, but it's harder to get two-thirds than a majority. Let's make sure that a substantial portion of the legislature really wants and will agree to, so that we won't have year-round sessions. So I urge your adoption of this amendment.

Questions

Mr. Casey Mr. Jenkins, I can certainly understand some of the arguments that you are setting forth, but would not, under your proposal if adopted, then permit the governor to have more control over the legislature to make the legislature a less independent body and thereby permit the governor, by having some control, for instance, in the Senate, by obtaining the consent of ten senators under your proposal rather than fourteen senators under the proposal as it exists to prohibit the calling of a special session of the legislature by itself. So therefore, would not the governor have more control under your proposal?

Mr. Jenkins I don't think your figures are correct at all. It simply keeps the system the same it keeps a two-thirds vote required. It would take fourteen to prevent it, just as now. Not ten, there's no question of ten being involved, I don't think.

Mr. Casey You're correct. My figures are wrong, but would not it take fewer senators to prevent a calling of a special session under your proposal than under the proposal as it exists right now? Is that not correct?

Mr. Jenkins That's correct, Tom, and let me say this. I know that you and many others would like to see year-round sessions of the legislature, because you've advocated in committee and on the floor, and I certainly respect your right to do this, but what I'm saying is I don't want this to get in the back door. I think that we've already pretty well agreed that we don't want year-round sessions of the legislature and yet if we don't adopt such a mechanism we can have the possibility, indeed the possibility that they will occur.

Mr. Casey Well, first of all, if you'll yield to another question with the permission of the chair, is it not correct, Mr. Jenkins, that I have not advocated year-round sessions of the legislature, that I have merely advocated the possibility, initially, that if the legislature were permitted by law to establish legislative sessions...that they would meet up through the number of years that is not me advocating year-round sessions, first of all. Is that not correct that I have merely advocated a different method.

Mr. Jenkins I think you're right. I'm sorry. I didn't mean to misrepresent your position. But I do think that the debate has come around to that point, whether or not we want the possibility of year-round sessions.

We'd appreciate your favorable vote on this amendment.

[Amendment rejected: F-25. Motion to reconsider tabled.]

Amendment

Mr. Payten Amendment Number 1 [by Mr. Abramson]. On page 2, line 16, after the word and period "session"., delete the remainder of the line, or the sentence, it says Amendment Number 2. On page 2, delete all of lines 17 through 24 in their entirety and insert in lieu thereof, the following: "The proclamation shall state the specific subjects to be considered and meet yearely. The time the legislature is to convene and the number of days for which the legislature is convened. The subject matter of the session may be amended by proclamation to the legislature until 48 hours prior to the hour in which the legislature convenes. The power to legislate under the penalty of nullity shall be limited to the subject specified by proclamation convening such extraordinary session."
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The session shall be limited to the time named therein, and shall not exceed thirty days. The governor may convene the legislature in extraordinary session without prior notice or proclamation on occasions of public emergencies caused by epidemics, attacks by the enemy, or public catastrophe.

Explanation

Mr. Abraham This amendment is brought up now on behalf of the Committee on the Executive Branch, and the reason I bring it up now is in order to bring this thing before the convention in the executive branch article, we have a provision for extraordinary session which allows the governor to call the legislature into extraordinary session. And we track it along the same lines of the existing constitution and the language is essentially the same as that proposed by the Committee on Legislative Branch with one exception. In the course of our discussions, it was brought out that many times a legislator or someone will have a subject that he would like brought up in a special session, but he will not ask for a special session himself. Once the special session is called, he would like to have the opportunity of submitting his subject matter. So, what this does is that it's essentially, as the one presented by the legislative article, except that it gives them a three day period in which the subject matter can be amended. That anyone wishing to have something added to it has within 48 hours of the time the legislature convenes to get his subject matter included...and that is the basic difference here, and, of course, the last paragraph and...what we've done here is repeated the exact language in the executive article that allows the governor to convene the legislature in extraordinary session without prior notice in public emergencies and so forth. Now, the reason we bring this up now is so that we can probably spell it out now, rather than having to consider it now and then have the same thing come up in the executive article later.

Questions

Mr. Juneau Instead of having five days as is this provision originally enacted, in essence, you have provided that within two days a matter may be put on the agenda and brought to a special session. Therefore, limiting the time period that the public would know on a specific subject until the limited time of two days before the session. Isn't that possible?

Mr. Abraham That's correct. It takes five days to call the session but the subject matter can be amended during a three day period and you cannot amend it after the 48 hours prior to the session.

Mr. Juneau Well then, in essence we might as well not have the five day provision, we might as well put it all down to two days, according to that amendment.

Mr. Abraham No it's still...you still have to have five days notice to call the thing. A couple of legislators said that we would like to have something considered, and we didn't feel that we should call a special session. For instance, as long as the special session is going to be called, we'd like an opportunity to get our subject matter in.

Mr. Juneau Well, wasn't the object of having a time delay so that the people wouldn't get caught short on public notice and what we've done is reduce that notice time to two days according to that...

Mr. Abraham You've reduced it to two days, that's correct.

Mr. Fontenot If I understood you correctly, you said that some of this language was traced from the present constitution, is that right?

Mr. Abraham Yes, it sort of tracks the present constitution.

Mr. Fontenot OK, my question is concerning the second paragraph. Is this the exact wording of the present constitution?

Mr. Abraham No, are you talking about the same, where the governor may convene in times...

Mr. Fontenot Right.

Mr. Abraham Yes, this is something new. This is new.

Mr. Fontenot Could you give me some idea what is your definition of a public emergency.

Mr. Abraham Well, we've given examples, such attacks by the enemy, by epidemics, or public catastrophes.

Mr. Fontenot Would a public catastrophe in your words be like a hurricane or a tornado...

Mr. Abraham Hurricane, flood or something like that.

Mr. Fontenot How about a riot?

Mr. Abraham I don't think a riot is a public catastrophe.

Mr. Florly Mr. Abraham, my question relates to the first line in your amendment where you mention the proclamation. Let's assume for the sake of discussion that a majority of the legislators see fit to call themselves into special session. And the Speaker of the House and the President Pro Tempore of the Senate issue the call. Could you tell me what goes in the proclamation?

Mr. Abraham Normally, what would go in the proclamation will be the specific subject to be considered, the date and time the legislature convenes and the number of days for which the legislature is convened.

Mr. Florly All right then.

Mr. Abraham We spell that out.

Mr. Florly All right, let's assume then there is a hundred and forty-four members of the legislature who all vote for a special session provided each in the call that they are concerned with is included in the call. Are you saying, then, that there is no limit to what could be put in the call?

Mr. Abraham Mr. Florly, there is no limit, right here, because if a majority wants to call a special session you could have the same thing...that a person says I will not agree to a special session unless I can get my subject matter into the call. This was brought up in previous discussion where you might have a hundred and thirty-two different things that wanted to...

Mr. Florly I'm just trying to understand the mechanics from those issuing the proclamation as to who makes the determination as to what goes in the call and what's included in the call. How does...

Mr. Abraham I would answer that by asking you a question...now.

Mr. Florly Well, it isn't in there, and would have thought that your amendment was attempting to clarify that.

Mr. Abraham Well, it was brought out in discussing this here, Mr. Florly, that there would have to be rules set up as to how the mechanics of these calls would be handled. I think Mr. Juneau brought that out. I would assume that you would have to do the same thing under either case.

Mr. Anzalone Mr. Abraham, the second paragraph dealing with the governor may convene the legislature in extraordinary session without prior notice
Mr. Abraham Yes, this is specific. This is... these are not examples. It says public emergencies caused by. So that limits it to these things.

Mr. Anzalone So it would prevent someone saying that something that was not a public emergency, not associated with these three things to be a reason for a call of the legislature.

Mr. Abraham That's correct.

Mr. Burson Mr. Abraham, I notice what I believe to be a difference and I wonder if you agree with me. The committee proposal says on line 24 that the special session shall never exceed thirty calendar days, whereas your proposal in the last line of the first paragraph says shall not exceed thirty days. Wouldn't that be different? In other words, it implies to me that maybe you could have a thirty legislative day session. It just doesn't say.

Mr. Abraham I don't know of any other way of measuring a day than by the calendar.

Mr. Burson Well, we have, of course... Jack.

Mr. Burson We have, of course, dealt with throughout discussion of legislative days on one hand and calendar days on the other. Isn't what you meant thirty calendar days, that's my question.

Mr. Abraham Well, that's correct, but in considering our articles, we were never in the process of talking about legislative days. We were talking about calendar days.

Further Discussion

Mr. Blair Mr. Chairman, ladies and gentlemen of the convention. We would like to divide the question. We have no objections to the last paragraph, but if you will notice he picks up language into... down to your first sentence and he should've inserted the subject matter of the session may be amended down to the end of that sentence. Then he picks up our same language again with the exception of calendar days. We'd much rather, since it's been brought out, the fact that we've been talking about legislative days and calendar days. So, I understand there's an amendment being prepared to take care of the last paragraph so to clear this I'd like to see, I'd urge you to defeat this one and come up with the other amendment, which we wouldn't have any objection to.

[Previous Question ordered.]

Closing

Mr. Abraham No, I simply wanted to bring out the reason that this was brought up now was not necessarily to... it's simply to bring the issue to you that we do have two proposals, and in order to save arguing over this thing twice, if this one passes then there's no point in us, in our legislative article, we are arguing the same issue again. So that's the only reason that it's brought up now.

[Amendment rejected: 3-92. Motion to reconsider tabled.]

Amendment

Mr. Poynter Amendments proposed by Mr. Denny.

Amendment Number 1, on page 2 between lines 24 and 25 insert the following: "The governor may convene the legislature in extraordinary session without prior notice or proclamation on occasions of public emergencies caused by epidemics, attacks by the enemy, or public catastrophe."

Explanation

Mr. Denny This is the same as the last paragraph in the previous amendment in which you rejected and which could not be divided. The question on it could not be divided. Senator Blair says that the legislative committee has no objections to it. As I understand it, it was omitted because in the original section, in the original draft of the legislative department there was no requirement of a five day notice. Therefore, this would have been unnecessary. When the five day notice was inserted and placed in their report, they overlooked the emergency situation and the purpose of this is merely to take care of emergencies as they are taken care of in the present constitution.

[Amendment adopted: 99-7. Motion to reconsider tabled. Previous Question ordered on the Section. Section passed: 92-8. Motion to reconsider tabled.]

Recess

[Quorum Call: 95 members present and a quorum.]

Reading of the Section

Mr. Poynter Section 3, size. Section 3, the number of members of the legislature shall be provided by law but the number of senate members shall not exceed 41 and the number of house members shall not exceed 111.

Explanation

Mr. Blair Mr. Chairman, ladies and gentlemen of the convention, we would add a down the way we might not know what would happen twenty years or more. So, we gave a little more latitude going from 39 to 41 that could be in the senate and going from 105 to 111 in the house. Now, there's two sides to this, of course. Our committee was a unanimous vote for this particular section, with two members being absent. But on the other side, of course, someone brought up there's a lot of argument back and forth, that might cause arguments in later years, especially in urban areas, or now you would go on from 39 to 41 to your senate, or to your 41. But our reason behind it was to give us a little more latitude in the legislature when we do apportion.

Questions

Mr. Tooney Senator Blair, I appreciate your comments on why you increased the numbers because the comments of your committee don't express any reasoning at all. Why did you pick these particular numbers if you wanted to have leeway?

Mr. Blair I think it would be in proportion as for as the senate increase and the house increase because of the numbers now being 105 and we've tried to keep it at an uneven number, of course, avoiding ties and things of that type. But along the line that we have at the present time. Just a little more latitude for the legislature to work under on apportionment when it came up.

Mr. Tooney Well, if this constitution is going to last for many years, which I hope it does, why didn't you increase it even greater than it is to allow for flexibility. Why these particular numbers. Why increase the senate by 2 and the house by 6.

Mr. Blair Well, particularly, one of the things in the House. I understand the House could handle the 111 members, and if you increased it more you would probably have to knock out a side. There were some people that thought that maybe we should reduce both houses, but our general agreement, after we studied
Mr. Blair  I could see possibilities, yes.
Mr. Chatelain Thank you.

Mr. Bollinger  Senator Blair, could you explain to the convention what was the purpose of limiting the legislature at all in the number of legislators? I was just curious and possibly some other people are curious.

Mr. Blair  I think if you had left it wide open that you would have had a lot of confusion, in fact, I've heard some complaint, and I wouldn't be surprised if you didn't have in that same amendment here, to peg it back to the 39 or 105. We felt that we had to hit on a number. For clarification and so there'd be no confusion and things of that nature.

Mr. Weiss  Delegate Blair, did your committee take into consideration the report on the state of the state of Louisiana in which we find that the population has actually increased slightly in the four year and below the age group, some 17%, and therefore in the years to come, although we've had a one increase each year in the past ten years, we may find that there's a decline in the population and therefore less people in the state. Did you all consider that in this figure?

Mr. Blair  Yes, we surely did, and it's kind of like giving someone a salary. You can give them the salary, but if you start to cut it, you're in trouble. We figured that we would definitely be in trouble if we cut the size of either house. And we again were hoping that we would come through with an article that would help pass the whole article as we will have it finished in January.

Mr. Weiss  Even though, to have the same number apportionment at this time there may be actually be less members of the legislature in the house to meet this number today in years ahead in view of the zero and small population growth that we're faced with in the future

Mr. Blair  Well, I look forward to Louisiana growing, Dr. Weiss, and I hope that doesn't create a real problem.

Mr. Velázquez  Senator Blair, since we do have small district numbers now, wouldn't you say that in the case of reapportionment, this increase that you put in would take what help those areas which were underrepresented before and might lose out in reapportionment to continue to have representation?

Mr. Blair  I think on this single member district, Mr. Velázquez that we would still have to go on a population basis, that is, if we keep it as we have maintained it could not be taken care of on a population basis.

Mr. Velázquez  Then doesn't this increase in number take care of the situation where there is an increase in population or a decrease in population?

Mr. Blair  Yes, if you had 39 now divided into the population comes out, what some 92,000 people that we represent in the senate, and what 34,000 in the house. So if you had the population divide it on the same number, and the population increased then you would have an increased amount of people that you would have to represent. Vice-versa with a decrease, if you had a decrease in population.

Mr. Velázquez Fine, thank you.
I think, addressed itself to more gerrymandering and was concerned with trying to put multimember districts in the areas. As a result of the provisions that this convention had adopted, the legislature would be required to go under single member districts and the reapportionment proposals that I think you are going to stop a lot of that business they had in 1970 with that proposal. I don’t see the same problem arising in 1980.

Further Discussion

Mr. Casey  Mr. Chairman and delegates to the convention. Senator Blair has already indicated that this proposal passed unanimously by the committee. I think it would be appropriate to comment on some of the questions that some of the members have brought out here. First of all, Mr. Sollinger, I think you asked the question about why should we have a limit at all in the constitution. In the New England states such as New Hampshire and Massachusetts, their house of representatives comprises as many as three or four hundred house members and they are severely overcrowded that large number beyond the most effective body by all standards that I have seen, the ideal situation is in the area that we are dealing with at this time. And to the question of Joe Tompson, the question was, why do we have these particular numbers that we are dealing with here now? Well, Senator Blair has already indicated that the Clerk of the House and the Senate will not have any senator appointed by senators or the committee. We discussed this matter, they indicated that the physical facilities could only comfortably handle the number of 105 members from 105 up to 111. The real reason that the committee adopted this proposal as it was, is merely for flexibility. Mr. Alario is absolutely correct that there is no real argument, or nothing sacred about the numbers 41 and 111. Nor is there anything sacred about the numbers 39 and 105. If we really, really want to streamline things, Mr. Alario, maybe this ideal situation might be have only 75 senators and 90 members of the house. Why stick with 105 members in the house and 39 members in the senate? And if you're going to argue 111 yield, but when I'm finished and if you're going to bring up the cost argument, that's the best argument that you can give them. Let's reduce it, down to 30 senators and 90 house members or 25 senators and 80 house members. You can pick any figure that you want to. So really don't consider those to be really the potent arguments behind this. I think they really don't say anything to the heart of the entire concept of a constitution. Are you going to be flexible and viable and versatile and offer to the legislature and to the people the most workable constitution that we can come up with. And I feel that you will not have a problem on reapportionment in the immediate future of adding additional spaces in either the house or the senate, although I'm the first to admit, that politically, it could happen, but I don't think that would be a major catastrophe because it's not a drastic change, increasing the Senate from 39 to 41 and 105 to 111 with a population growth you're not going to water down or diminish your representation. Each member of the house represents approximately 33,000 people. Each member of the Senate, approximately 93 to 95,000 people with the increase of population, by the time that we get to the next period of reapportionment, even if you reduce them up to a maximum, you would still have approximately the same percentage of representation in population. I don't think that this is a big thing to argue about. I don't think that we should really belabor the point too much longer. Either you're in favor of the concept of flexibility or you're against it or you're going to lock us into an agreement or a particular proposal. I think that's the whole issue that we're really deciding here and I will yield.

Questions

Mr. Alario  Delegate Casey, are you aware that in those amendments that I have indicated the proposal that the committee has submitted that in both instances we say, that it shall not exceed thirty-nine Senate members and shall not exceed one hundred and five, which means to me, does it mean to you... then that the legislature could reduce itself if it so chose and allow for that flexibility?

Mr. Casey  But my answer to that, Mr. Alario, if you are really concerned about the cost factor and really want to save the people of the State of Louisiana money, why not just say in the constitution, ”shall not exceed thirty Senators and shall not exceed ninety members of the House of Representatives”?

Mr. Fayard  Delegate Casey, as our committee studied this proposal, did we not consider that a presently constituted, you have approximately three representatives for each senator?

Mr. Casey  That's correct.

Mr. Fayard  As the proposal is presently presented to the convention, the increase is approximately by the same ratio. Is that not correct?

Mr. Casey  It is proportionate. That's correct.

Mr. Nunez  Representative Casey, why do we have to increase at all? Why can't we just leave it thirty-nine and one hundred and five? You're dealing in the area of increasing the numbers in the legislature. We can just pick up additional people like we did this past time. I wouldn't mind going to one hundred and fifty if we have to and you go to forty,000 and keep the numbers the same.

Mr. Casey  As I said, there's no sacred number. We could say thirty and ninety. Mr. Alario would like to say thirty-nine and one hundred and five. All we are trying to provide is the flexibility. The legislature doesn't have to go up to forty-one Senators and one hundred and eleven House members. Then, after in the next period of reapportionment plan, reduce the number to whatever number might be appropriate and the dictates of efficient government might require.

Mr. Nunez  But the flexibility is also there now. Just increase your district to include more people, if the population growth of the state dictates as such and a ten year count comes out and you have to pick up four or five thousand people, just like we did this time. Why can't we do it rather than increase the number of the legislature. I think that was his point.

Mr. Casey  My answer to that is, the flexibility is only one way that you can alter this. It provides for no flexibility upward and that's all we're offering. If you like the proposal as it is, vote against the amendment of Mr. Alario. If you do not want to provide the flexibility, the slight margin that we are allowing, then vote for the amendment. It's a very simple proposition as far as I'm concerned.

Mr. Nunez  You say it's a simple proposition, but when you start dividing the districts as opposed to a thirty-nine into forty-one and as opposed to one hundred and five, what are you going to do and what? One hundred and eleven? It's additional districts that you have to create.

Mr. Casey  That's correct.

Mr. Nunez  You have to recreate the lines whereby if you stuck with the same numbers, you'd have to move the boundaries to include new people that have moved into the area or just shift the boundaries. I think you are creating a problem when you take on additional numbers as to the same numbers and taking on additional people. I think you do create a problem.

Mr. Casey  Mr. Nunez, I would have to leave that to the infinite wisdom of the legislature to determine whether they are merely going to strictly re-
apportion by geographical bounds and keep the num-
bers rather than increase the numbers. So I’ll rely
on their infinite wisdom.

Dr. Weiss Delegate Casey, the Louisiana Office of
State Planning clearly indicates in projecting to
the future that we will not have an increase in pop-
ulation growth. Is the only reason that your com-
mittee recommended this is because they have more facili-
ties in the Senate and the House? Is that the purpose?

Mr. Casey Initially I think the committee has
well indicated that we would prefer to offer in the con-
textual situation, the ability, without locking too much in
and itemizing too many things. This is one of the areas where we
attempted to allow some smaller units, the state and
don’t personally consider them high, is the limita-
tion of the physical facilities. I think we are
saddled, we are locked with the State Capitol that
we have at this time. I don’t anticipate any real
change in the chambers as they exist today.

Mr. Alexander Mr. Casey, is it not a fact that
the basic concept of reapportionment is that it di-
vides the population by the number of seats? In
this instance 105 by 3,600,000, 39 by 3,600,000?

Mr. Casey That’s correct.

Mr. Alexander All this provision would do is in-
crease that number. 42 to 1,600,000 or 4,000,000
as it may be subsequently. Isn’t that right?

Mr. Casey That’s all. It’s a very simple mathem-
atical proposition.

Mr. Alexander Then the boundaries would move auto-
atically according to where the people live. It
would not affect the boundaries as far as keeping
them in place or moving them. They would move with
the population. Isn’t that right?

Mr. Casey That, of course, is part of the process of reapportionment to determine those boundaries.

Mr. Alexander Right. Thank you.

Further Discussion

Mr. J. Jackson Mr. Chairman, members of the con-
tention, I rise in opposition to Delegate Alario’s amend-
ment which in fact just says that we are going to
increase the number of seats that exist in the House and the Senate as it is today. The question of
cost is brought up as to whether it is going to cost
the people of the state additional amounts of money
for representation. I grant that we ought to consider
cost in government. But, how can you measure the
cost of the people being represented? Can you mea-
sure an additional four hundred dollars in cost as to,
for instance, representing an additional 35,000 people? I don’t think that the argument of cost is
as sound as it is being proposed. Another point is that the statistics, based on the principles
as indicated by a speaker relative to the State Planning Commission indicating that we possibly wouldn’t have a population increase.

As we move into the area of better labor management, we are going to have more people moving into our
state. I think that if you just suggest that in a period of ten years, if we just had three hundred thousand people, which means that we would fit the requirements of the prior proposal of the committee. Reapportionment is based on a multitude of factors, would necessitate on the amount of seats that exist
in the House or in the Senate. As I reflect and
and did some research, since 1921 this is about the proportionate increase that the House has had. I
think in 1921 it increased it from 78 to 104 and
gave five more seats, but urban areas, I think New
Orleans got a couple, or Jefferson got a couple or
Caddo Parish got a couple. I think as Mr. Casey
has said it; it’s just a proposition to offer some flexi-
bility to the legislature. If you freeze it at present, then in effect what we are basically doing, is stating that (1) that (2) that this is a fixed number and I disagree with it and (2) that cost will be so
great as opposed to the adequate representation of a
state. And (3) that the cost would be so great as represented per representative district or sena-
torial district. I think that Mr. Casey has ex-
pounded on that by saying that that’s only one av-
ersal. This allows us to tune in on the present figures of the committee is the maximum figure but I’m suggesting that that does provide some kind of latitude, some kinds of flexibility. Now if you want to allow for flexibility, we say it’s this, one hundred and sixty-five or a hundred and seventy-five. Based on the arguments pro and con for this kind of proposition, I think that what the committee has offered so far seems to rationally approach the kinds of growth that’s needed in our state legisla-
ture. For those reasons I would ask that you oppose Representative Alario’s amendment which limits the legis-
lation to the present fixed number. I will end
by remarks by saying, there’s no validity whatsoever,
and I agree with you Dr. Abraham, that we
ought to determine the representation as it is now
based on seats. Because I think the question we
would ask is, well, what if in the past we had larger seats. I think we’re renovating the Capitol right now. It’s a great expense to the state, so I think that argument holds but it does provide if
you look at some legislatures across the country that this is at least as good as the movement
of medium of representation of the people of our
state. For those reasons I ask you to oppose Rep-
resentative Alario’s amendments.

Further Discussion

Mr. Lendrum Mr. Chairman, fellow delegates. Cer-
tainly what has been said by Mr. Casey should really
sum up what should be the feeling of most of us here
today. This is the one area where the committee
really was unanimous in their feeling. If you no-
tice what the committee proposed, it did not really
ask that you change anything as far as the number
as the present number...but at least it gives you the
latitude to change if a change is necessary. What we have now, we started in 1921, I believe,
with 101 and in the Senate thirty-nine as it is
today. Now, I really wish that it was changed to
a larger number for somebody, so that the people could get better representation. I’ve heard
you talk so much about what the people are not in-
touching with them. The people I am going to see you too often. Only when election time comes around, and when there are so many of them that you are not able to see them even at that time. It is
necessary for the legislature to be able to increase
its size if it becomes necessary. If they deem it
in their wisdom to increase the size, then I believe
that they should have that type of latitude. Mr.
Alario’s amendment will only make matters stay as
they are now, and I don’t believe in staying where
we are now. I believe we should move forward. We’ve been where we are now for too long.

Further Discussion

Mr. Ginn Mr. Chairman, delegates. I, too, was a
member of the legislative committee, and originally,
I supported the concept of perhaps increasing the
number of senators and representatives to 101 for
the future, but since further brainstorming and
thoughts, and I rise in support of Mr. Alario’s amend-
mend. I’d like to tell you why. The 1921 constitution
seems to read and it seems that seat is not allowed for 100 representatives, in 1921. In 1954 we
increased the number of representatives to 101
giving that representative, I believe, to Jefferson
Parish, and in 1960 we increased the number of
more, representatives. One to Caddo, one to East
Baton Rouge Parish, and two to Jefferson Parish.
Gentlemen, I have a fear that the country people
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are losing representation. I understand that the population is growing in the metropolitan areas, but I am rising in support of Mr. Alario's amendment.

Amendment

Mr. Poynter Amendment No. 1 [by Mr. Tobias], on page 2, line 27 immediately after the word "law", change the comma to a period and delete the remainder of the line and delete lines 28 and 29 in their entirety.

Explanations

Mr. Tobias Briefly, all this amendment does is leave the number of legislators in the legislature to be absolutely flexible. The present restrictions, or the restrictions that this convention just voted, to me seem unreasonable. We've provided protection to the people with single member districts. Federal requirements require that we have an apportioned legislature on the basis of population. By adopting this amendment, we will allow absolute flexibility as times change. If the population decreased, perhaps the legislature would want to decrease the number of members in each house. This is to be left to them. There's a practical restriction too. The number of seats in the present Capitol is limited. There are very few situations they could add but someday we may have a new State Capitol Building and we may want to expand the number of Representatives and Senators in the legislature. I would urge the adoption.

Questions

Mr. Velazquez Mr. Tobias, if we have a choice between justice for all the people of Louisiana and a wall, which one do you think ought to go?

Mr. Tobias I would hope justice for all the people in Louisiana.

Mr. Velazquez I think you mis-heard me, brother.

Mr. Tobias I couldn't hear you. I'm sorry.

Mr. Velazquez I say if you have a choice between justice for all the people in Louisiana or a wall in the state legislature, which one has to go?

Mr. Tobias The wall has to go.

Mr. Velazquez Don't you feel that by allowing the state legislature to decide itself by law which size the legislature should be we protect some of the rural districts which are losing population to urban areas? To keep the representation that they need, to give the people of their district the services that those people need.

Mr. Tobias I would certainly hope so.

Mr. Velazquez Wouldn't you say that, in many ways, our rural people need protection as much as our urban people do?

Mr. Tobias I would hope so.

Mr. Velazquez Would you say that this last thing that we worked on, that managed to get by one vote, in many ways cheats our rural people who live in an area of declining population but not declining needs?

Mr. Tobias I would agree.

Mr. Velazquez Thank you, Mr. Tobias.

Mr. Burns Mr. Tobias: do I understand from your amendment that if the legislature should meet and decide to increase their number to 150 members or more members that they could do that?

Mr. Tobias That's correct, sir.

Mr. Burns Don't you think perhaps that the citizens of the state, or a majority of them, think we have too many at the present time?

Mr. Tobias My feeling is that most legislators presently in the legislature would not vote to dilute their voting strength in the legislature. You've got practical limitations on it.

Mr. Burns My question was based on the general line of questions and arguments that I have been listening to where so much is based on assumption and anticipatory, something that might happen way in the future. It's getting away from realism and my question was more or less based along that line, not that I think it's ever going to happen.

Mrs. Warren Mr. Tobias, are you saying give the legislature the opportunity of doing anything they would like to do? Because this is what it sounds like to me, the same as what Mr. Velazquez just got through saying. You're putting a wall around them. Let's tear it down a little bit. I am really wondering if you really want to...it's just like giving a person a blank check and you write in what you want. Now is this what you're saying?

Mr. Tobias I would answer you this way. Can you imagine the legislature trying to get rid of one of their members. For example, if they decided that they didn't like one particular member, if we were to reduce the number of Senators to 38, that district would have to be reapportioned among other districts. So it provides protection in that light. It provides protection both ways. The practicalities of it is that the legislature is just not going to change it for a long time to come, in my opinion.

Mrs. Warren I still don't understand you when you say, "try to get rid of one" and I don't know for what reason they would want to get rid of one. If it is necessary to get rid of one then I think they should be gotten rid of. If not, I don't think they should.

Mr. Tobias They probably wouldn't. This just allows maximum flexibility.

Mrs. Warren If you ask me a question, if it keeps going like it is now, I could just imagine they'll get anything or do anything.

Mr. Shannon I believe that we have gone through the animal kingdom and we got through the reptile kingdom and I think we've gone the gamut on everything. I move the question on the entire subject matter of Section 3.

Reading of the Section

Mr. Poynter Section 4: Qualifications, Residence Requirements, Term, Vacancies and Salary

Section 4 [A]: Every elector, who at the time of the general election shall have reached the age of 18 years shall be eligible to membership in the House of Representatives. Every elector who at the time of the general election shall have reached the age of 21 years shall be eligible for membership in the Senate.

No person shall be eligible for membership in the legislature unless at the time of the general election he shall have been a resident of the State for two years and actually domiciled within the legislative district from which he seeks election for one year immediately preceding his election. However, at the next regular election for members...
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 of 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, and he shall thereby renounce the retention of domicile to the contrary, notwithstanding.

C. The members of the legislature shall be elected for a term of four years each.

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

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

Explanation

Mr. Juneau Mr. Chairman and fellow delegates, I think what I'd like to do is an explanation is tell you some of the changes with regards to the present constitution.

Number 1, with regard to the House of Representatives as pertains to the age, there is no change. We have provided the age shall be eighteen. The present constitution says that a qualified elector shall be served in the House of Representatives. So in that respect there is no change.

With regard to the Senate, there is a change. In the present constitution, it requires that a member of the Senate be age twenty-five. That has been changed in the committee to age twenty-one. Now, if you go to Section 8 of Section 4. In that regard, there are several changes I'd like to call to your attention. With regard to the requirement that he be a resident of the State of Louisiana, the present constitution says that he must be a resident of the State of Louisiana...

Mr. Henry Mr. Juneau, do you mind if we go ahead with A first because that is the way we have been proceeding, if you don’t mind

Amendment

Mr. Poynter Amendment No 1 [by Mrs. Taylor], on page 3 of the immediately preceding, “age of,” and before the word, quote, “years,” delete the word, quote, “twenty one,” and insert in Lieu thereof the word, quote, “eighteen.”

Explanation

Mrs. Taylor Mr. Chairman and fellow delegates, I think the amendment really explains itself. All that the amendment does is lower the age from the recommended age of twenty one to eighteen for qualifications in the Senate.

By law, eighteen years olds are eligible to vote, and I would think that if eighteen year olds are mature enough to serve in the House of Representatives, then they are mature enough to also serve in the Senate.

Also, they have reached the age of majority and are fully responsible for their acts. And I would say that under democratic principles, the people should be allowed to elect their leaders without age restrictions. It is basically undemocratic to put limits on the representation the people can choose. I ask a favorable vote on this amendment.

Further Discussion

Mr. Tobias I was appointed to this convention to represent youth. I can honestly say that youth has not contacted me. They have been very quiet. But I am of the firm opinion that if a person is old enough to vote, he really ought to be allowed to run for the legislature.

As a practical matter, a person eighteen years of age is not going to run. This just allows that individual...we would be saying to the young people of this state, if you are old enough to vote you can have the power to run. You can run and you can be elected. You may not be elected, but you have that right. And I urge the adoption, and I agree with all of the reasons stated by Mrs. Taylor.

Questions

Mr. Bollinger Delegate Tobias, in your opinion, or from the arguments you are presenting in favor of the proposed amendment, wouldn't you consider a better provision to be simply state the electorate can run since it might be in twenty or thirty years the U. S. Constitution might provide for an elector say of seventeen or sixteen and this same argument would prevail.

Mr. Tobias As I understand, Mr. Landry has an amendment which he will offer up after this one which will provide exactly that and I think that...as a practical...I agree with both amendments. I think that Mr. Landry's amendment will offer more flexibility for the future than should the voting age ever be reduced to age 16 then I would believe that those people should be allowed to vote.

But I would urge the adoption of this amendment at this time. And when Mr. Landry comes back with his amendment, I would also urge the adoption of that amendment.

Mr. Burns Mr. Tobias, I understood you to make the statement that you thought that if a person was old enough to vote they were qualified for ran for office. Is that correct?

Mr. Tobias That is correct.

Mr. Burns Do you think this would apply, since then, to the office of governor?

Mr. Tobias Yes, sir.

Mr. Burns Do you think that the rights of a voter supersedes the importance to the State of Louisiana, for instance, as to getting an experienced person to head up the government of the state?

Mr. Tobias The point is that as a practical matter, the people of this state probably will not elect an eighteen year old to be their governor. I just say if you are going to...why have a distinction at say age eighteen. Perhaps we ought to put a limit on the age of governor, or perhaps on the Senate to lower to age fifty-five. That would sure make a few people happy here.

Mr. Burns Don't...do we not have age qualifications of limitations with reference to United States Senators?

Mr. Tobias Right. The Constitution was drafted back in the 1700's.

Further Discussion

Mr. Chehardy Mr. Speaker, ladies and gentlemen, Mrs. Taylor's amendment in my mind is a must if we are to proceed logically in what we are doing. I have an amendment proposed which does substantially the same thing, except it takes away a little more verbiage but this is such an important amendment, I am more concerned with seeing us take the proper action at this time than to delay. And I believe this is the greatest innovation that I've seen to date in our convention is one sentence stating that the age of eighteen qualifies you to be a member of the House, and in the very next breath, but to be a member of the Senate you must be twenty-one. Now even if we should presume a difference in age for any office, in those bodies both of which consider our laws and the passage of our laws, I believe
it is absolutely ridiculous to require or to state in effect that there is some difference in the abilities required of the member of the House and a member of the Senate. However, foremost I am in favor of eighteen year olds enjoying in every case the privilege of adulthood no matter what the public office is. If he stands out enough to be elected to any office that is his right, that is his privilege, and that is what we should not do anything to hinder. But just on the simple basis that we have a provision being offered which discriminates between members of the Senate and the House, not that I see any basis in the discrimination, I cannot understand how it has even reached the floor distinguishing what we expect of a member of the House and a member of the Senate, and just on the importance of the whole issue I am supporting Mrs. Taylor's amendment and I hope it receives a favorable vote.

Further Discussion

Mr. Abraham I simply want to relate an experience I had with the Student Constitutional Convention that was here last week. In...I worked with one of the committees and I crossed three of the little girls, little high school girls and I asked them what they did and they set them and they told me, they said, "Man, you guys sure were liberal. You all looked the ages which a person could hold office to twenty-five." They said, "We set all these elected offices up to thirty years of age."

Further Discussion

Mr. Velazquez I feel that one of the things that we really need is involvement in government, and that we owe it to ourselves to involve all the segments of our population, including our younger people in the democratic process. Before they are going to become involved in the democratic process, or they are going to try to find some other method which might not be as good for the country as democracy itself.

I think that since both houses in the Louisiana Legislature, the House of Representatives and the Senate, are apportioned on the basis of population, we shouldn't tell the people you can elect anybody except someone eighteen. Most eighteen-year-olds now know a lot more than we did when we were eighteen. We have at least eighteen-year-olds serving in this convention and I think it's unfair to discriminate in this manner. I myself have an amendment prepared to lower the age to eighteen, but I am supporting this amendment because I feel that it is so important a thing that it must be handled as soon as possible to give everybody justice.

Further Discussion

Mrs. Warren Mr. Chairman, delegates, I'm rising in support of Mrs. Taylor's amendment. I think that eighteen-year-olds are qualified, if they are qualified at eighteen years old to vote and they can go to war, and be responsible at eighteen. If they can stand trial as an adult at eighteen and they know their actions at eighteen, I think they are qualified to run for public office and I am going to thank you very much if you vote for Mrs. Taylor's amendment.

Further Discussion

Mr. Junge Mr. Chairman, I know that most of the previous speakers have spoken in support of the amendment. I want to speak and rise in opposition to the amendment for the reasons which I will outline. Number one, it has been asserted that this is a discrimination against type age with regard to the Senate and House of Representatives. If we would adopt that argument or follow it to its logical course, I think we would then conclude that the Senate should have 103 members and the House ought to have 105 members. I submit to you that historically in this country, in this Democracy we live in, that it is the accepted fact not only by the elders of this country but also by the youth, that there is a sound, stable reason for providing an age difference. We have lowered that age difference to twenty-one. I think it has not only by the House of Representatives is deemed to be that body which is the closest to the people because it is small in the legislative districts. Of the same nature, the Senate is an area which encompasses a larger area, and for that reason it was thought historically that more maturity, or a little bit more experience would not be a bad factor. I submit to you and take with heed to this extent, that this student constitutional convention didn't think what you are thinking. They thought that all elders ought to be under the age of 30. That is a significant fact to me. I submit to you that the people of this state have got to consider this a significant provision. They are looking to see what kind of age factors we establish and they are going to remember history. And in that regard, I would rise in opposition to the amendment.

Further Discussion

Mr. Guarisco I rise in opposition to the amendment for several reasons. One, I think a person should have a little age on him before he runs for public office even though he can vote. Socrates said that a person should go to school for the first twenty years of his life. For the next twenty years he should work in his chosen profession, and then for ten more years he should return to the university and only then, should he run for public office. I wouldn't want to carry it that far or most of us wouldn't be here.

In 1787, the framers of the Constitution of the United States whose average age was thirty-four, adopted three areas of age; thirty-five for President, thirty for Senator and twenty-five for United States Representative, twenty-five. And I think that we can do no less than that. I think that... I know some fifty-year old children. But by and large and generally speaking a person doesn't have some experience and some knowledge by having a little age on him. And I think that we should not go all out and be that liberal and allow people eighteen years old to hold these offices.

Questions

Mr. Reeves Mr. Guarisco, I am just wondering, I'd like an answer to this question, just yes or no. I understand from the Big Book that there was a man who taught in the Temple at only twelve.

Mr. Guarisco You will have to ask Reverend Stovall about that. I am not familiar with the Bible.

Mr. Duval Just to clear up the records of this convention because it is all being transcribed, I'm sure Mr. Guarisco wanted to clear up something, and Plato wrote the Republic and not Socrates. And I just wanted to get that straight.

Mr. Guarisco That's right, that's right.

Mr. Duval He wasn't fifty when he wrote it either.

Mr. Guarisco He drank poison before that. I guess

Further Discussion

Mr. Hayes I rise in support of the amendment. If my history serves me correctly, the Senate was simply a compromise. And I don't understand why the old age because the Senate represents an area and people it's the representatives who represent people. Now the age has been lowered to eighteen. They nominate almost always with an amendment here the other day which means that they are apparently not needed. They wanted to make just one House. If you had one House, it would have to be the House of Representatives. So, if we are going to lower the age to eighteen
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for voting purposes, I think that it should not be any higher for the House or Senate. I am in support of one age for the House and one for the Senate because there is really no need for the Senate except for a compromise. I don’t really know why we have a State Senate in the first place.

Further Discussion

Mr. Burns. Mr. Chairman, and gentlemen of the House, I see no reason why the age limit should be twenty-one in the Senate and eighteen in the House. They have just as important legislation originating in the House of Representatives as there is in the Senate. But my main reason for getting up here is because of my question of Mr. Tobias might have led to the impression that I was against this particular amendment.

I see a vast difference between the age limit that should apply to a Governor, for instance, and should apply to members of the legislature. And I think in this day and time when we are recognizing youth in all the different phases of our government and our economy. The time has not only been past and I am not speaking only about eighteen years of age. We are talking about people nineteen years of age and twenty years of age that may just lack a day or two or a week or two of being twenty years of age.

But those, because of the age limit are not qualified to run. And this last but not least, and I am not interested in this phase of it. If I was an office holder, and intended to run for office again, I would think long and hard before I ever voted against this amendment.

Further Discussion

Mr. Derbes. Mr. Chairman, I support the Taylor amendment and I move the previous question.

[Notice for the Previous question rejected: 30-71.]

Further Discussion

Mr. Fontenot. Thank you very much, fellow delegates. I appreciate you giving me a little last opportunity to say something.

Mr. Tobias said he represented youth. Well, I am even younger than him and also rise in support of the amendment. I don’t know exactly how much to say it, but I can’t see discriminating against those persons between the ages of fifteen and twenty. Could you let an eighteen-year-old run for Representative and not let him run for Senator? Now remember what I am saying. Letting him run, that doesn’t mean that he is going to win.

Right now, an individual who is eighty-five years old and senile and in the hospital bed can run for office. A twenty-year-old qualified individual cannot run for office if you reject this, cannot run for Senator, excuse me, if you reject this amendment. Not only... I think it’s discriminating against a qualified eighteen or nineteen or twenty year old to run for office.

You are discriminating against him to run for Senator. And I agree, sometimes you have to discriminate, but I don’t think in this particular instance you should discriminate against a man running for Senator and not running for Representative. I feel we have many candidates who have higher running for the Senate who are not qualified to run, yet the law says they can run. But you are going to keep a qualified twenty-year-old from running for office. I don’t think we ought to do it in the constitution. I think if you are eligible to vote, you ought to run for Senator or Representative.

I appreciate you giving me these last couple of comments. I wish you would approve the amendment.

Further Discussion

Mr. Rayburn. Mr. Chairman and fellow delegates, I just want to say I have served in both bodies of the legislature, and I was fortunate when I first ran for public office as being the youngest police juror in the State of Louisiana. Certainly I think that there is room for youth in this state. And if they are qualified to run for House of Representatives at eighteen years of age, I am of the opinion that they should run for Senate at eighteen years of age. They are voting on exactly the same bills, they have to make identical the same decisions and even though I am a member of the Senate and have been for many years, if they had had a provision when I first ran for office, I couldn’t have run for the legislature and that’s why I ran for the Police Jury, because I could.

Back in the days they had to run, you had to have property. Well, I qualified and didn’t have none. But I didn’t find it out until after I had qualified. I happened to have a good friend that, of course, he decided it to me, and I decided it back to him all in the same deed. But I got on record as being that little property owner. I was afraid somebody was going to question me and disqualify me. But let me just say this. The youth of this state today knows more than I knew when I was thirty years old. My children do, and I don’t think they are any smart children. But they know more at eighteen than I knew when I was twenty-eight or thirty, and I think your children are in the same category. They have come a long ways and if you are going to let them run for the House, I suggest you let them run for the Senate. Fact of the business, I believe I would vote to let them run for anything.

Amendments

Mr. Poynter Amendment No 1 [by Mr. A. Landry], on page 2, delete line 32 in its entirety. Amendment No. 2, on page 3 delete lines 1 through 5, before the words in our entirety, and insert in lieu thereof the following: "Section 4A, every elector shall be eligible to membership in the House of Representatives or the Senate."

Explanation

Mr. A. Landry. Mr. Chairman, delegates to this convention, you will notice my amendment is very brief. The reason for that is this, that as amended by Mrs. Taylor, if you read the amendment and read the proposed amendment and then every elector who at the time of the general election shall have reached the age of eighteen you are creating a question because of the fact that we have primary elections and second primary elections before we have general elections. And there could possibly be a situation where a person who would reach the age of eighteen between the second primary and the general election, and therefore not qualify to be a candidate. And cannot qualify by either of the committees that have charge of qualification, then you might be depriving him of his constitutional rights to be a candidate.

And I believe that an elector as was well-said awhile ago, that a person who has reached the age of majority, who has registered under the laws of the State of Louisiana, and I like the rest, cannot see the discrimination between a Representative or a Senator, and I urge you to adopt my amendments.

Questions

Mr. Dollinger. Delegate Landry, I question your thoughts on the constitutional legality of the elector having reached the age eighteen between the second and general... primary and the general... identification. It says every elector who at the time of the general election I think there is no question in there what it means... If he will reach the age of eighteen at the time of the general election he can qualify and can be elected.

Well, how is he going to qualify when all of the executive committees have closed. Who are you going to qualify with?

Mr. A. Landry. I’ll answer that question by
Mr. Bollinger. He can qualify even though he is seventeen.

Mr. A. Landry. Right. He can qualify at seventeen, he cannot be elected.

Mr. Bollinger. And how is he going to qualify if he is not an elector? He has to be eighteen to be registered to vote. He is not an elector until he has registered...

Mr. Roy. Isn't it a fact now that a seventeen-year-old may register ahead of time so that if on the day of election, he is eighteen, he may vote?

Mr. A. Landry. That is correct. Mr. Roy, providing he has reached the age of eighteen during the time that the books of the registration have closed, is my understanding of it. He cannot register, for instance, let's take in 1971...In November you had a primary election. In December you had a second primary. Then, on February 1st you had a general election. And therefore, a young man who had reached the age of let's say, eighteen, in January of 1972, say December 31st or January 31st, I don't think he could have qualified in time to be a candidate for the general election.

Mr. Roy. That's the only thing...I'm in favor of what you are trying to do. I am wondering, though, what he might be in the case of a young man of eighteen who has reached the age of let's say, eighteen, because he has pre-registered, but not be eighteen at the time of the date that he is in fact elected.

Mr. A. Landry. I think, Mr. Roy, that the election laws of the state would provide. I can't see any reason to have this in the constitution to say that he must reach the age before the general election. I think it would be much better to provide in our election laws to help this young man or young lady to qualify.

Mr. Derbes. Mr. Landry. I am in complete agreement with the purpose of your amendment, but it seems to me it raises in my mind a couple of questions. It seems to me it is...not indeed as liberal in its provisions as the original proposal by the Committee, which is to say, young men says, "Every elector shall be eligible to membership in the House of Representatives or the Senate." Now suppose the Committee on the Bill of Rights proposed as a provision which says, "An elector is a person who is eighteen years of age and a resident of this state." Alright, now, suppose on the date of qualifying, the person is not an elector, but the exception is not provided in your amendment. It would seem to me that he could not be permitted to qualify.

Mr. A. Landry. Mr. Derbes, wouldn't that be also true under the original bill that if he is not an elector, how can he qualify?

Mr. Derbes. Well, no, by that I mean...

Mr. A. Landry. You have to reach the age of eighteen to be an elector.

Mr. Derbes. It's a tricky situation here, but suppose a person is short of his eighteenth birthday, but he will be eighteen on the date of the general election. Then according to the original committee proposal, he would be eligible to qualify. In other words, further action, action additional to your proposal, it would seem to me that there would be some doubt as to whether or not he could qualify.

Mr. A. Landry. I don't think so. I think if you look at it, it addresses itself to the legislature who will pass or enact our legislation. Our election laws. I don't think that has anything to do with it because our election laws may prohibit this young man. Under what you are saying, from qualifying, then you'd have a question between the Supreme Court and whether or not his constitutional rights have been deprived, because he was eighteen at the time of the election.

Mr. Derbes. It would seem to me, Mr. Landry, that by simple clarification of your amendment, we would remove the doubt and have it and crystallize any problems. It would seem to be all we need to say is every person who is an elector at the time of the general election shall be eligible to membership in the House of Representatives or the Senate.

Mr. A. Landry. Well, I think we are trying to put something in the constitution that the election laws of the state have already taken care of. Don't think it's necessary.

Mr. De Blieux. Mr. Landry, I'd just like to get this point over. At the present time, we have primary elections and general elections. Isn't that right?

Mr. A. Landry. That is correct, sir.

Mr. De Blieux. Now under the provisions as we presently have it in the constitution, if a person only has to be eighteen at the time of the general election, wouldn't it be possible that a person would be a candidate for office before he is even eligible to run in the primary?

Mr. A. Landry. I don't think so under the laws of the State of Louisiana.

Mr. De Blieux. He would have to be an elector in order to qualify in the primary election?

Mr. A. Landry. That's my...

Mr. De Blieux. Even though that you have a provision in the constitution that says he is eligible if he is eighteen at the time of the general election.

Mr. A. Landry. At the deadline for qualifying set by the Louisiana Legislature, yes...

Mr. De Blieux. In order to qualify for the election. In other words, if we leave that provision like it is now, wouldn't we be in trouble trying to administer it mechanically?

Mr. A. Landry. We'd wind up in court, sir.

Mr. Gravel. Mr. Landry, what...there is something that concerns me about your proposal. As a matter of fact, if we adopt your proposal in lieu of the one that we have now as a consequence of Mrs. Taylor's amendment, your proposal would permit somebody who was not eligible to serve, to actually run and be elected.

Mr. A. Landry. I don't get your question because I said every elector. I understand what an elector means, maybe I am wrong, but my understanding of an elector is a person who has met the residence requirements of the State of Louisiana, who has reached the age of eighteen, or age of majority, whichever the age of majority is, and has also registered and qualified as a voter.

Mr. De Blieux. What I am saying is this. Isn't the effect of your amendment to provide that a person can only become a member of the House of Representatives or the Senate when he has reached the age of eighteen, or age of majority, whichever the age of majority is, and has also registered and qualified as a voter.

Mr. De Blieux. What I am saying is this. This would permit somebody, let's say that is seventeen years of age to run for office under the amendment as proposed by Mrs. Taylor a person would have to be eighteen.
at the time of his election. This would permit someone seventeen to run for office and that person could be elected but would not be eligible to serve until he was eighteen which might be several months past the time that the legislative session began.

Mr. A. Landry You are talking about under the Taylor amendment.

Mr. De Bitleux No the Taylor amendment provides that the person must be eighteen years of age at the time he is elected.

Mr. A. Landry That is correct. That's what I'm saying you have to be an elector. And in order to qualify in any election.

Mr. De Bitleux That's not what it says...

Mr. A. Landry So you have to be eighteen.

Mr. De Bitleux No sir, that's what bothers me. Isn't it a fact that your provision, Mr. Landry, really addresses itself to eligibility for membership and has nothing to do with the age of the person who is qualifying to run for the office.

Mr. A. Landry That's correct, but the Louisiana laws are set out by the Constitution itself. Today, how and who are electors, and how they qualify, and I could tell you this that, if you remember the 1921 Constitution, it didn't say you had to be a certain age. It says you must be eighteen years of age and we were lucky in the State of Louisiana when the Constitution of the United States was amended reducing the age to eighteen that our constitution at least complied with that and we were able to elect eighteen-year-olds if the people wanted it. And that's all it said in 1921 Constitution.

And you go back to the 1921 Constitution, it had no provision except being an elector.

Mr. De Bitleux But all I am saying is that this provision standing by itself, Mr. Landry, deleting the provision that the committee proposed, as amended by Mrs. Taylor, does permit someone who is not an elector to run for the office, and does only permit that person, if elected, to serve in the legislature when that person becomes an elector.

Mr. A. Landry I don't think so because of the fact that you have laws in the State of Louisiana tells you when you can qualify, and in order to qualify, as I recall, you have to be a qualified elector, and if there are not an elector until you have registered to vote.

Vice Chairman Alexander in the Chair

Mr. Anzalone Mr. Ambroise, are you aware that by placing the word elector in your provision that should the voting age be reduced sometime in the future that you are automatically going to lower the age of a member of the House of Representatives or the Senate.

Mr. A. Landry That is correct. I also understand the fact that in twenty-five or thirty years from now the United States Constitution increases the age of eligibility, then it also takes care of that. It gives you the flexibility.

Mr. Nunez Mr. Landry, my concern was identical to what Mr. Gravel's concern was. It seems to me you are making membership of the House and Senate based on being an elector and no qualifications at all except in the statutes that is so big, based on being able to run.

Another thing is we have liberalized it to the point where a nineteen-year-old can run for the House or the Senate and it seems to me that you are making it if he can take office on May 1, and that's about where we have it, I'm going to get to my question in just a minute, and he just turned seventeen. That he can run in August qualify and run, and if he turns eighteen on May 1 he is eligible to serve.

Is that correct?

Mr. A. Landry I don't think so. I think if you read the bill, the proposal as it is now written, that if a person is seventeen and reaches the age of eighteen before the general election, then he is eligible to run for the office of Representative or Senator.

My amendment says he has to be an elector and you cannot violate the United States Constitution at the present time that says eighteen which the State of Louisiana has adopted.

Mr. Nunez But your qualifications for membership...

Mr. A. Landry You have to be an elector at the time you qualify, yes sir.

Mr. Nunez I understand. But your qualifications for membership is an elector. He can run at seventeen. I'm just trying to save us four months of majority and let him get a little older. Let him be eighteen. I think we have liberalized it quite considerably when we went down to eighteen on everything. You want to make it actually seventeen, and according to Mr. Gravel's theory, he can run at sixteen and wait until he is eighteen to serve.

I would interpret it. I am not quite sure that Mr. Gravel's interpretation is correct, but I am almost sure that what I am saying, that he can run in August at seventeen, just turned seventeen by the way, and he doesn't turn eighteen until May 1, which means that if we go into session May 1, he is eligible to become a member if was elected, and he is eighteen years old on May 1, which means he just turned seventeen and is running for office, and I think you are going just a little too far.

Mr. A. Landry I think you will find that the way the proposal is now written that you can do exactly what you say.

Under my proposal, you have to be an elector and therefore you would have to be eighteen.

Mrs. Warren A child five years old and going to be six in November can enter school. Mr. Derbes asked you about an exception. Wouldn't it be in order to have that exception put into your amendment?

Mr. A. Landry No, I don't think so.

Mr. Roy Mr. Landry, we both feel the same way, but I think Mr. Gravel is right and so is Senator Nunez. I am wondering if we are not making any amendments. Every other who at the time of election shall have reached the age of eighteen years shall be eligible to membership in the House of Representatives or the Senate.

Mr. A. Landry Mr. Roy, let me say this: I don't mind any amendments. However, how familiar are you with the election laws of this state whereby you have to qualify to run for office? You cannot qualify to run for office unless you are an elector. And, therefore, you cannot run at seventeen when the law says you have to be eighteen to register to vote.

Mr. Roy But the constitution, according to you is going to say that you are elector if you pre-register at seventeen.

Mr. A. Landry No, I did not say that. You had better read it again. All I said is that an elector shall be eligible for the House of Representatives or the Senate. Now, what is an elector? An elector is a person who has reached the age of eighteen, who has met the residency requirements and has also registered to vote.

Mr. Burson Mr. Landry, isn't it true that under Article 3, Section 9 of the present State Constitution the language reads five years old? Every other elector under this constitution shall be eligible to a seat in the House of Representatives.

[321]
Mr. A. Landry You are correct, Mr. Burson.

Mr. Burson And wouldn't your language substantially repeat the same provision except it also makes his eligible for a seat in the Senate?

Mr. A. Landry That is correct, sir.

Mr. Burson The interpretation of the election laws that you are giving us is after serving...how many years...

Mr. A. Landry Twenty-one years...

Mr. Burson And these twenty-one years have all been under Article 3, Section 9 of the present constitution?

Mr. A. Landry That is correct, sir.

Mr. Winchester Eighteen is the age that a person can become an elector?

Mr. A. Landry That is correct, sir.

Mr. Winchester If it was twenty-one he could become a member of the House or Senate, then at eighteen be eligible for office but could he run for office any time that he was eighteen...between eighteen and twenty-one. But he could not take office until he was twenty-one if that was the requirement. Doesn't that answer your question? Doesn't that explain it a little more clearly.

Mr. A. Landry In other words, we have already reduced it to the age of eighteen under the present Louisiana constitution by adopting the amendment to the Federal Constitution. A person who is an elector at age eighteen could now run for the House of Representatives under our present constitution. All we are doing is changing it to provide that he could also be a Senator, not only a Representative. It is the same language that was used not only in 1921 constitution, but way back in 1852, they did not use age. They used...said an elector.

Mr. Winchester This does not change the requirements that a man to qualify for office has to be an elector does it?

Mr. A. Landry Then the state sets what an elector is.

Further Discussion

Mr. De Blieux Mr. Acting Chairman and ladies and gentlemen of the convention. This is a good amendment. Let me just ask you this. What is an elector?

An elector is a registered voter. It doesn't make any difference whether that voter is twenty years of age, eighteen years of age, forty-five years of age, if he is not registered, if he is not a voter. Now, it doesn't make any difference when he becomes eighteen years of age because he can't register to vote he's not an elector. This particular provision clarifies what we have already done by the previous amendment.

Now this business about a person becoming eighteen years of age some two, three or four months later on hasn't got anything to do with this because it doesn't say they are eighteen at the time he is going to take office, or eighteen at the time of the general election. It says an elector. It means he must be a registered voter. And I think this is a good amendment and it clarifies the law, makes no...absolutely makes it distinct that there is no question about when he will be eligible to run for the office, of the House of Representatives or the Senate. And I ask you to vote for it for clarification purposes.

Questions

Mr. Nunez Senator, after rereading what the present constitution says, and rereading what the amendment, the draft of the proposal is, and rereading Mr. Ambroise...Mr. Landry's amendment here, I am reconsidering what I said beforehand because very possibly he is right and we should adopt it because what we have in there now, that he can be eighteen at the time of the general election which means he can qualify at seventeen. Is that correct? What we just adopted. Unless we adopt this, he can, in fact, qualify at seventeen years old in August if he's going to be eighteen at the time of the general election.

Mr. De Blieux That's right. You are telling him he can do something which he cannot legally do because there is no way for him to get into the primary.

Mr. Nunez But if we adopt this, by the definition of an elector on the statute which means you have to be a registered voter to qualify, then we are truly making it eighteen years old to qualify, not when you take office. And I think that's where I...

Mr. De Blieux That's right, that's right. You are saying that as long as he is eighteen, at the time he qualified and a registered voter, he can run for this office. That all you need.

Further Discussion

Mr. Perez Mr. Chairman and delegates, I would hope that you would understand the present posture in which we now find ourselves. The amendment which was previously adopted and the provision recommended by the committee which provides that every elector who at the time of his election has reached the age of eighteen years shall be eligible to membership in the House of Representatives, puts us in this posture.

Under our election laws, a person may not qualify...or rather may not register either until that person is eighteen years old, or unless that person will be eighteen years old before the next succeeding election. So we are now talking about, with respect to this section, the general election which is many months before the first primary. So what we have now provided in the present posture, what is now adopted so far by the body, is that a person would be able to qualify as a candidate for a Democratic primary and yet not be registered as a democrat. So that what it would do would be to open wide the requirements that a person has to be...or rather it would do away with the requirement that a person has to be a member of the party before that person can qualify for office. And he also must be an elector.

So I say that in the present posture of what we have now adopted, we have created a real nightmare. Now I do not believe that the amendment offered by Mr. Landry completely clarifies the situation. It should provide that every person before he can qualify, must qualify as a candidate, must be an elector and in that case, I believe we will have solved the problem. But in the present light, neither one of these provisions is workable, but the second provision by Mr. Landry is certainly more workable than the first provision which we now have.

So I would urge that we adopt the proposal by Mr. Landry, then possibly we could come back and amend it to help straighten it out to require that the person be registered prior to the time that that person qualified to run.

Further Discussion

Mr. Roy Mr. Chairman, and fellow delegates, I don't want to get into a legal discussion of whether the vote of some of these provisions as corrected to what Mr. Landry's proposal does. I agree essentially with what he is trying to say, and I just wanted to say that I'm opposed to it and I ask if you could accept something else. Something else because I have a proposal coming up which I think clearly states the limitations which may be imposed and also eliminates the words "general election" where we presupposing that the legislature is going to continue with our
democratic primaries, and it may be that in the future, we have open primaries which would, of course, do away with general elections. So, if it makes any difference, my provision that I'm going to propose subsequent to this is that every elector who at the time of the election shall have reached the age of 18 years shall be eligible to membership of the House of Representatives or the Senate. Meaning that you may qualify, a person 17 years of age, will be able to qualify to run for the position if, at the date of the election he is 18 years of age. Secondly, it does away with the notion of a general election because we may not have general elections. I just wanted to say that. Thank you.

[Previous Question ordered.]

Closing

Mr. A. Landry Thank you, Mr. Chairman. The only thing that I can say is that in my 21 years experience as an elected official of my parish, I urge you to adopt this amendment so that we will not have the elections in the courts. Keep it out of the courts if we can. Thank you.

[Record vote ordered. Amendment adopted: 22-25. Motion to reconsider tabled.]

Amendments

Mr. Poynter Amendment No. 1 [by Mr. Roy]. Delete Amendment No. 1 as proposed by Delegate Taylor and adopted by the convention on July 15, 1973. Mr. Roy would need to amend that now to delete the last amendment as well.

Amendment No. 2. On page 2, delete lines 32 in its entirety and on page 3, delete lines 1 through 5 both inclusive in their entirety and insert in lieu thereof the following: "Section 4A. Every elector who at the time of election shall have reached the age of 18 years shall be eligible to membership in the House of Representatives or the Senate."

Explanations

Mr. Roy Well, I've raised the issue that I think is a valid one with the distinction between what Mr. Landry has proposed and what we have adopted. Nine changes two things. It definitely states that at the time of the election, you must be 18 years of age. You have to be elected prior to that time, and besides that, it obviates the chance of talking about dealing with general elections and gives the legislature the chance to call into open primaries without any problem. That's all I have to say. Apparently everybody has got his mind made up. I don't know what good questions will do, so let's just. I'd just as soon vote on it. If you think I'm wrong, vote against it.

Chairman Henry in the Chair

Further Discussion

Mr. Perez I only wanted to comment that this puts us right back into the same quagmire we just got out of a few minutes ago. I want to call that to your attention to be sure that you don't misunderstand what you would be doing. You would be putting yourself in a position where a person could run in a democratic primary without him even being registered as a democrat and of course without him even being registered as a democrat. Therefore, according to our law, he could not be registered. Thank you.

Further Discussion

Mr. Gravel Mr. Chairman, ladies and gentlemen of the convention, I want to make it absolutely clear that in the States Senate, I tried to help in my questions to Mr. Landry. Mr. Landry's proposal that has just been overwhelmingly adopted has to do with the qualifications for membership in the House or in the Senate. It's totally and completely disassociated from any age requirement with respect to the qualifications of a candidate who seeks either one of the offices of Senator or Representative. Let me tell you why I think that the Roy amendment should be adopted and why it should supersede what you just did. I don't have to tell you if you are old enough to recall, but this is what I'm trying to avoid, and this is what Mr. Roy is trying to avoid. Many years ago I think the candidates name was Rush Holt. A man ran for the United States Senate, Holt ran for the United States Senate, from West Virginia. He was, I think he was 25 years of age. He got elected, but he could not serve in the United States Senate if he got to be 30 years of age. Now just so you'll know what you've done, that's precisely what the situation can be if the constitution does contain the provision that you've adopted that Mr. Landry sponsored. Now the distinction between his proposal and the proposal of Mr. Roy, is that Mr. Roy's proposal requires that at the time of the election the candidate would be an elector or 18 years of age. Now that's the only difference. You are going to admit of the possibility insofar as this particular language is concerned, if you don't undo what you just did of someone being elected to office that can't hold the office.

Questions

Mr. A. Landry You tell me how a person is going to qualify under the Louisiana law if he is not 18 and is not registered to vote?

Mr. Gravel You're presupposing that, Mr. Landry, and that I think is a problem and mine too, is that the provisions of the present Louisiana law are going to always remain in effect. I'll agree with you that there are statutes that are still statutory to this that it's possible to protect the result of what you've done. But it's going to take statutory provisions to do that.

Mr. A. Landry All right, what election are you talking about? The primary election, the general election, or what election, the second primary election?

Mr. Gravel The election, of course, has always been considered in Louisiana to be that particular time when an election takes place, which would be in my judgment, the general election. That's what the court . . .

Mr. A. Landry My final question. Can the legislature of the state of Louisiana in an act of law state to the effect that an elector shall be younger than the age set by the United States Constitution?

Mr. Gravel For Louisiana purposes I think they could. One thing that you've done here too, Mr. Landry, just so there won't be any question about it, is you have eliminated the provision that was sponsored by Mrs. Taylor fixing the age of the elector at 18. You're leaving open now the question of the age of the elector that was foreclosed I thought by the adoption of the Taylor amendment. If you don't adopt the Roy amendment you have completely deleted from the law what you just overwhelmingly adopted when it was proposed by Mrs. Taylor.

Mr. Silverberg Delegate Gravel, isn't it true that the example you just used, I think it was the West Virginia situation where a senator was elected who was 29 years old, I believe we had the same thing happen in Louisiana when Russell Long was elected. But weren't in each case, wasn't each of these two men an elector at the time?

Mr. Gravel They were an elector, that's correct, but they were not eligible to serve in the United States Senate until they got to be 30 years of age.

Mr. Silverberg Well aren't you using an extreme example and isn't there a great deal of redundancy in this new amendment?

[323]
Mr. Gravel. No sir, Mr. Silverberg. I don't think so. I think the Roy proposal does exactly what this convention voted should be done with respect to the electors. You've now eliminated that by the adoption of Mr. Landry's amendment. There's nothing in Mr. Landry's proposal that says anything at all about the age of the electors or the age of the eligible electors who are going to serve in the House or Senate. You're going to have to do that somewhere else. All that the Roy amendment does, ladies and gentlemen of the convention, is to say that for a person to be eligible for membership in the House of Senate, it is that he has to have been 18 years of age at the time of his election. There's something amiss in the Landry proposal that you've just adopted is not.

Mr. Gravel. The present constitution says that every elector under this constitution shall be eligible to a seat in the House of Representatives. Now what's so different than that and Mr. Landry's amendment? The statutes provide 18 years old is a qualified elector and we're doing the same thing with this amendment. That's one question. Now the other question is how would a candidate qualify as a democratic or republican or what, if he's not a qualified elector? He won't be if he doesn't become 18 until the general election or whatever election he's talking about. But after he reaches 18 what does he qualify as? He can change his party affiliations after he wins the democratic...theoretically speaking, he can do that. After he wins one primary, he can change to the other. I don't see any point in it, but he can do it.

Mr. Gravel. Senator Nunez, I will admit that there can be other things done to cure the defects that I have pointed out. I'll admit that, but all that the provision does that was adopted, the one that was sponsored by Mr. Landry, does it to say that a person has to be an elector in order to be eligible for membership in the House or Senate. It doesn't have anything to do with age requirements or with the fact that a person should be an elector at the time of the election, which I think should be in the constitution.

Mr. Nunez. Well, what I pointed out to you, it isn't in the present constitution and we establish in the statutes that a qualified elector shall be 18 years old, it's there now and now you supposing that we're going to change that and make that 21? Is that what you...

Mr. Gravel. I don't know. As it presently stands, we do not have any age provision with respect to electors in the constitution. After we adopted Mr. Taylor's amendment, I think at least with respect to the House and to the Senate, we did have a provision that persons 18 years of age were electors at the time of their election would be eligible for membership.

Mr. Guarisco. Mr. Gravel, maybe you can clear this up for me. You use the Holt example. Now unqualified electors is a person that isn't a voter or have you supposing that we're going to change that and make that 21? Is that what you...

Mr. Guastic. I don't understand. Mr. Gravel. Because all this provision has to do, all this provision addresses itself to is to the age of membership in the House. I'm not disagreeing that you can't otherwise put something in the constitution to cure what I consider to be the defect. I just think you're going to get into trouble. Somewhere we're going to have to establish the age of the elector, either in the statute or in the constitution.

Mr. Guarisco. Well isn't that something for another committee or another proposal somewhere else.
Mr. Rayburn Well let me ask you this, Mr. Gravel. Under Mr. Roy's amendment where he says in Section 4, every elector who at the time of election shall have reached the age of 18 years shall be eligible for membership in the House or Senate. Now, when would you consider a candidate to be elected? After the general election?

Mr. Gravel That would be the election. That's the only election...

Mr. Rayburn That's right. You'd be a nominee prior to the general election.

Mr. Gravel That's correct. The courts have consistently held that, that a primary is not the election. There are some cases that deal precisely with this kind of a problem growing out of resolutions... Further Discussion

Mr. A. Landry Mr. Chairman and members of the convention, I rise in opposition to Mr. Roy's amendment for the simple reason that for 53 years our present constitution states that every elector under this constitution shall be eligible to a seat in the House of Representatives. The legislature has found occasion to set out the qualifications for an elector. Under Mr. Roy's proposal, there is a question as to when a person becomes an elector. Under my original amendment a person has to be elected in order to qualify to be a candidate. Therefore mine is clear and precise and I hope that you will vote against the Roy amendment.

Further Discussion

Mr. Avant Mr. Chairman and fellow delegates, I ask you to vote against the Roy amendment because in all due respect to both Mr. Roy and Mr. Landry, I'm not satisfied that the Roy amendment as I have prepared and will offer which I think will make it clear. That makes it clear that you have to be elector before you can qualify. I think that that is good because this idea of qualifying and seeking for 53 years in anticipation of being an elector either at the time of the general election or at the time you take office, is fraught with problems. One role, you can see, you can't register until you become 18, but perhaps you can qualify. If you don't have to register as a voter, you don't have to declare your party affiliation. You don't have to declare whether you're an independent or anything other than that you want the office and you're going to be 18 at the time of the election and at the time you will take office. For those reasons, I ask you to vote against Mr. Roy's amendment, in all due respect to Mr. Roy, and vote for this amendment which I will offer later. It will simple make it clear by saying every elector shall be eligible to qualify for nomination for and election to membership in either House of the legislature. That means it clear that you have to be an elector. That means you have to be at least 18 years of age, have to registered and you have to meet the qualifications of an elector.

Questions

Mr. LeBlanc Mr. Avant, is there any instance in which a 17 year old can register to vote before his 18th birthday except before the time of the 30 day period time the registration books close and say the first primary? Is there any other time that he can preregister providing he would be 18 at the time...

Mr. Avant Mr. LeBlanc, I have to answer to you sir, that I just don't know. I really don't. I understand that there's a provision for preregistration in anticipation of being 18 at the time of an election. But what the technicalities of that are, I frankly don't know.

Mr. Roy But Mr. Avant, the question is if the legislature chose to say that a person who preregisters at the age of 16 or 17 is an elector. If the legislature defined elector as a preregistered individual, then under your view and Mr. Landry's amendment, he could run and serve in the House of Representatives if he were only 17, or the Senate. Isn't that right?

Mr. Avant If they so defined it and if they have the power to so define it when we finish...under the constitution, if it's adopted.

Mr. Roy Wasn't it your view that Mrs. Taylor's proposal and the sense of this whole convention was that inasmuch as 18 year olds have been given the right to vote and what have you and they fight for this country, that we wanted them to be able to serve in the House of Representatives or the Senate? Isn't that the view?

Mr. Avant It is my intention, Mr. Roy, that a person who is 18 years of age and otherwise qualified can be either a Senator or a Representative. But now we're refining ourselves to set out the qualifications about what you're going to do with the fellow who is going to be 18 at the time he takes office or what general election is held, but he's not 18 at the time he has to qualify for the first primary. I think we ought to make that clear. I don't think we ought to leave it up in the air where we're going to have a lawsuit to figure it out. I'll yield to any questions. Otherwise, I have nothing to say.

Mr. A. Landry Mr. Avant, isn't it correct in fact that under the present constitution every elector under this constitution shall be eligible to a seat in the House of Representatives? Isn't it true that we are here giving the legislature a lot of power? Isn't it true that in 53 years, up until last year in 1972 until the convention of United States was amended to 18 years old, was the only time that the Louisiana legislature reduced the qualifications of an elector from 21 to 18? Is that correct?

Mr. Avant I think it's correct. If you say it's correct, sir, I assume it's correct. I do not know.

Mr. A. Landry Do you feel that the legislature, by just saying an elector, would go ahead and who represent their people...If they're going to reduce the age to 16 and say he's a qualified elector then it's up to them and then that individual should also be qualified to be a candidate for Representative or Senator? Is that correct?

Mr. Avant The purpose of my amendment, Mr. Landry, is to simply make it clear that you have to be an elector and eligible to vote before you can qualify.

Mr. A. Landry I was not really asking a question about your amendment because it's not before us. Isn't it true that Mr. Roy's amendment sets it at 18 so if the Louisiana legislature wants to reduce the age of an elector from 18 to 17 that it would be locked in at 18 and that 17 would not be eligible and would not be an elector under the present constitution as Mr. Roy so advocates. That if they reduce the age to 17 then the constitution would be locked in under 18. Am I right?

Mr. Avant Yes, that's right.

Mr. A. Landry So it wouldn't be very good would it?

Mr. Henry Why do you rise Mr. Denney?

Motion

Mr. Denney I rise, Mr. Chairman, to move that we adjourn until 1:30 in the morning. I think we are all fuzzy on this. Mr. Avant has got another
amendment. I think we can approach this matter much better with a fresher mind.

[Motion to adjourn to 9:30 o'clock a.m., Friday, July 20, 1973 adopted: 72-74. Adjournment to 9:30 o'clock a.m., Friday, July 20, 1973.]
Friday, July 20, 1973

ROLL CALL
[63 delegates present and a quorum.]

PRAYER

Mrs. Taylor: May we bow our heads.
Heavenly Father, we ask thy blessings upon the delegates this morning. We ask that thou be with us at the time of decision making. We ask that thy grace be upon the knowledge, the open mindedness, the fairness, to truly represent all people of this state. We ask these blessings in thy name.

Amen.

PLEDGE OF ALLEGIANCE

READING AND ADOPTION OF THE JOURNAL

Personal Privilege

Mr. Asseff: Mr. Chairman, delegates. Since I did not take my fair share in the prior debate, I will do it today. And I want to make it clear to the members, I will not ask again to speak on this subject under any privilege. I am doing it once and which you may ignore. I am aware of the fact that I could not win a popularity contest in the convention, but too often politics is misunderstood. I am sure you will understand what I say in the spirit in which it is intended. The desire for a good constitution that the people will approve.

Adequately concerned about our procedure and our public image and sincerely want a good constitution, I would say nothing, and let the opponents of the proposals profit by the mistakes we make. As they will do in the ratification act.

Do remember the fight does not end here, it will be fought before the people of Louisiana who will make a judgment of us. Unless we present a reasonably united front, we might as well forget a new constitution. The issues alone will split us wide open. If there also is a split on other matters regardless of the reason, there is no hope. There have been personality clashes. The minority, those who disagree with the majority, in many cases feel they did not have a fair chance and were ignored. And others feel left out.

As we well know, a person will fight you harder by wounding his pride, not giving him a fair chance and for personality clashes than he will of the issues.

It is possible to accommodate reconciliation on the issues but almost impossible on other grounds.

I do not like the debate, you have heard it being said, and certainly, I have no reason to do so. When I entered politics in 1952 by becoming Director of the Legislative Counsel, I was selected by Circuit Judges, Robert Ainsworth of New Orleans. My education and background were thrown in my face. And here I have faced the same thing. It seems strange that my district which is poor, and has many illiterates does not hold it against me. But the educated members of this convention do. I shall vote my convictions and only on the issues unless I am convinced that the people want a particular thing and will reject the constitution if it is not included. That is what my people want me to do whether I get along with a person or whether we is good politics are immaterial to one person and one. I have heard here, you must vote a particular way, it is good politics. I have spent over thirty years in the theory and practice of politics and I think I know the game, since I won without knocking on the door.

I voted against reducing the age to the Senator to eighteen. I would vote against reducing the voting age to eighteen. I voted against single member districts and I will vote against equal rights amendment. A lot of people fretting about districts I voted against my best interest personally. For it is virtually impossible to beat me in that district.

All I ask is my right to vote on the issues as I think best. I am not voting against anyone as some of you seem to think. Vote as you please and I never will criticize you. I shall account for my votes at the proper time and the proper place to the voters of my district. And if I ever look at a vote that and I run on the issues above stated and on my vote.

I am in complete agreement with the Chairman that we must work and not worry too much. But to date, I have seen little of either though therein lies the hope for a new constitution.

The people are not enthusiastic about a new constitution. Most see it as the Faith idea that it's all about. And many do not care. Our public image is at a low ebb. And many think we are wasting the state's money by the way we make it. Most now will come off it all. That spells trouble. For in recent years in Louisiana when the voters do not understand or do not care, they vote no. At the moment we are doing what the legislature does, we are moving slowly, working our meetings into our business or professional schedules and making the writing of the constitution a part-time job.

If we continue this way, we are going to have the same last minute rush with chaos and few knowing what is going on. Absenteeism will be high for many of us will be unable to work the long hours and the six days a week required.

I have listened to you without talking. Ignore everything I say but don't say you weren't told. We can discuss the plan and end up at least working at least four days a week. If we do we can finish and go a good job. If we don't, I predict we will not meet the deadline, there will be a nightmare, and the provisions will be passed or defeated without thorough debate. Many mistakes will be made and the voters will reject the constitution.

It is difficult for me to understand how anyone can say we cannot think. We can, and we must. Certainly, we can't play it by ear. Have we forgotten by December 20th, everyone will want to go home for the Christmas holidays. Then we have the Thanksgiving holidays. We will have the Thanksgiving holidays. Style and Drafting will need at least a month to review the completed document and present it to you for your consideration. And don't forget the football season begins in September and how many of you are going to come to a convention against the football game. Not many.

I urge the following... let's vote on the issues and only on the issues and not feel that it is a personal vote for or against it. Too, let us avoid personality clashes. We do not care about each other but at least keep an outward appearance. Three, above all let us work four or five days a week until we see how we progress. Good then we can always change it. In doing this we will do a better job. Will move faster, we will impress the public that we are serious, working hard and not wasting their money. And so improve our image.

It is argued that if we meet on Saturday we will not get a full house. I wonder how many of you think we are going to get a full house when we start meeting six days a week, fourteen hours a day. You'll be lucky if you get eighty present. Let us unite in our effort to do what is best for the people of Louisiana. Let us put aside our personal differences and avoid personality clashes. If we disagree, let them be honest disagreements. But let us work and set up the schedules then we will all know what to expect.

The fate of a new constitution and good government for Louisiana may well hang in the balance. We would hate to see this happen and get it rejected. But at the present moment, I predict it would be.

In conclusion, I want to say this Mr. Chairman, as you know the United Givers always say... ask have you given your fair share... I must concede that I have given my fair share of the fussing. I will not go again repeat it. I do not wish to discuss it. But when the nightmare comes this is one delegate who will not be present.

Thank you Mr. Chairman, I appreciate your permitting me to speak and for at least some of the delegates listening.
Mr. Poynter, Committee Proposal 3, introduced by Delegate Blair, Chairman on behalf of the Committee on Legislative Powers, A proposal making provisions for the legislative branch of government, impeachment and removal of officials, and necessary provisions with respect thereto.

The status today is that Sections 1 through 3 as amended have been adopted by the convention to date, and at the present time the convention has before it Section 4, and in particular; we adjourned yesterday with a pending amendment to Section 4, Paragraph A thereof, proposed by Delegate Roy.

[Amendment pending until Section 4 withdrawn.]

Amendments

Mr. Poynter, At this time we have amendments offered up by Mr. Roy, Mr. Taylor, Landry and many other delegates have their name attached as coauthors.

Amendment No. 1, delete Amendment No. 1 proposed by Delegate Taylor and adopted by the convention on July 19, 1973.

Amendment No. 2, on page 2, delete line 32 in its entirety and on page 3 delete lines 1 through 5, both inclusive in their entirety and insert in lieu thereof the following: "Section 4 A. Every person who is an elector and has reached the age of eighteen years at the time of qualifications for the offices shall be eligible for membership in the legislature." Amendment No. 3, delete Amendment No. 1 proposed by Delegate Landry and adopted by the convention on July 19, 1973.

Explanation

Mr. Roy, Mr. Chairman and ladies and gentlemen of the convention, this essentially is a compromise between blacks, cajuns, red necks, Republican, Patricians, city dwellers, youth, liberals, conservatives and moderates. What it says is, it looks into the constitution the notion that you must be at least eighteen years of age to serve as a member of either House. It also is the notion that only the people would be able to change the qualifications for that position. It also locks into the constitution the idea that you must be eighteen at the time of qualification rather than, as yesterday's proposal provided, eighteen at the time that you would be a delegate. That's all that this technical amendment in that qualification, the word "should" should be left off of it and it should just be qualification. I would like for you to make that change in the Style and Calendar Committee, if it did choose to do so at a later date. It's strictly a technical amendment. All of the authors are the people who initiated the whole concept of putting into the constitution a minimum age requirement. Mrs. Taylor, Mr. Landry, myself, Mr. Denny, etc.

[Amendments adopted without objection.]

Explanation

Mr. Juneau, Mr. Chairman, fellow delegates, now that we've through with the uncontroversial parts of this provision, I'd like to go on to Section B. I thought it would be appropriate to indicate to you what the changes are with the present constitution with regard to the draft you now have before you. Number 1, the residency requirement for someone running for the house has been changed from a period of five years to two years. Secondly, and an important change, is that the requirement that in the representation of residents within the district for the period of one year has been changed to the word "domicile." Now, let me just offer this explanation in that regard. It is our explanation that "domicile" is a more restrictive word than is the word "residence." By that I mean, you can have but one domicile but you can have more than one residence. To be a domicile of an area, that means you have a place that is your primary area where you intend to be your permanent home. The thought being behind the committee with regard to inserting the word "domicile," we thought that there ought to be one place where your residence is, where you intend to permanently make your home, wherein you can run for office. We further thought that this would give some continuity, some stability, to the area from which you run. It would require that you live and intend to permanently live...your seat at that time is to live in that particular area for one year before. We also ran this provision in there with regard to a situation which may arise after reapportionment. It provides that after reapportionment of the districts in the legislature, that for that period and that period alone, that next four year term, that he would be able to run from any district which is created in whole or in part from the district from which he originally came. That takes care of a problem that could conceivably arise with reapportionment. With regard to the vacancy, if someone changes his domicile, the seat of that member in the legislature is vacated. Now some question has arisen as to what happens in the situation, I'll give you an example that's closest to me would be, for example in Lafayette. If you lived in District 43 and you moved because of the legislative districts eight blocks away and you were then in a new district, would that vacate your seat? Under the law that you would change your permanent domicile and that's where you intended to move to, yes, that would vacate your seat. The position was this, that if you did not provide such a provision in the code we would possibly be just the mere changing of the residence, as I said, you can have more than one residence. So that if you were moving from across the street, but it is much more acute when you are moving from one parish to another or moving from north to south Louisiana. The thrust of the provision is with that in mind that we have a time period and have a permanent attachment to the particular area from which he is running. We further submit that in this regard that the reason for
having the domicile provision with regard to vacan-
cy and with regard to an area that if that's the area
you want to represent, that's the area you
ought to live in. I submit that that's a reasonable
logical concept. I would move for the favorable
adoption, Mr. Chairman.

Questions

Mr. Denney Mr. Juneau, I have several questions.
You say the general election in line 7. In view
of the amendment to Section A, do you think that
that should now be changed to, at the time of his
qualification?

Mr. Juneau I wouldn't see any particular objection.
Of course when we wrote the article, as you realize,
it was written in context with the previous article.
I think that would be consistent, Mr. Denney.

Mr. Denney Mr. Juneau, in line 8, at the end of
the line, you have the word "actually domiciled" but
later in the same paragraph you don't use the word
"actually." Is there a distinction between the two?
Because when you use the word in one place and don't
modify the same word in the same manner, it's con-
ceivable that there would be reason for that.

Mr. Juneau We didn't put that connotation on it.
Mr. Denney. The concept of the word "domicile" was
the word we were trying to lock in. I personally
don't see that problem but if there was a problem,
I wouldn't have any particular objection, and I don't
think the committee would either, to the elimination
of the word "actually," if that's deemed to be a problem.

Mr. Denney I also would like to know, Mr. Juneau,
on line 10, the phrase, "immediately preceding his
election or qualification", if that were also
changed, does that apply to the two years residency
in the state, as well as the one year residency or
domicile within the legislative district, or does it
only apply to the one year domicile in the legis-
lative district?

Mr. Juneau You're saying whether the words "im-
immediately preceding his election" apply to the two
and one year provisions...

Mr. Denney Correct. Or just to the one year
provision. It wasn't clear to me and I just wanted
to know exactly what you meant.

Mr. Juneau My understanding of the provision is
that it applies to the domiciliary provision with
regard to one year. Mr. Denney.

Mr. Denney It does not apply to the two...

Mr. Juneau That's right.

Mr. Denney And finally, this is more stylistic
than anything. I notice you use the word reappor-
tionment in 48 but when you look down in Section 5,
you talk only about apportionment. Is there any
reason for that distinction or was that just stylist-
ic?

Mr. Juneau No, but the point was raised earlier.
I thought that after this thing was drafted that
this particular language would appear probably
throughout several sections of the constitution. I
thought that that was a matter that would properly
address itself to Style and Drafting.

Mr. Denney Style and Drafting. Thank you.

Mrs. Warren Mr. Juneau, did I understand you to
say that you felt that a person should live in the
district in which he is running?

Mr. Juneau That's correct, yes.

Mrs. Warren Beginning at B and going down to the
period on line 10, then when you leave there, going
down to 10, it reads, "no person shall be eligible
to membership in the legislature unless at the time
of the general election he has been a resident of
the state for two years and actually domiciled within
a legislative district from which he has run for
the one year immediately preceding this election."
Then on line 11 you start with an exception. I'm
wondering if that exception there is to favor peo-
ple or incumbents, incumbent elected officials.
May I make that plain?

Mr. Juneau No, it was not thought to favor any
incumbent. We did think that it was grossly unfair
from the standpoint that if an individual is an
elected official, was elected by people within a
particular district, and that district then was reappror-
tioned, he would be split in half, then we
thought that the people in that district for that
term and that term alone should at least have the
decision whether that individual should continue to
represent them in that election. The reason was
because he would have been domiciled in at least a
portion of that district at the time that he was in
office.

Mrs. Warren Why would you assume that he would
want to represent the people which the district
would be? The one running for office if he didn't
any longer live in the district?

Mr. Juneau At the time he was serving in office,
Mrs. Warren, he was in fact a member of at least a
portion of that district.

Mrs. Warren I follow you. But why not if he was
in a portion... why shouldn't he run from the one he
is in? Not be able to run from any of it. Why
shouldn't he run from where he is.

Mr. Juneau Mrs. Warren, again I can only tell you
that the thrust of the thing was that we were trying
to get for, not any period of time but a period of four years for the people in that area to
make that determination. The person submitting
himself to office is not making the determi-
nation. It will be made by the people within at least a
portion of that district would have the right to
ty for this four year period we can retain
that individual in office.

Mrs. Warren I still don't get it. I really don't.

Mr. Burns Mr. Juneau, did your committee consider
that the same importance should be given to the
residency requirement in the district from which the
candidate runs and should have run for the legis-
lative district for two years? In other words, it
seems like to me it's just as important to the
district from which the candidate runs for the legis-
lative district for two years? In other words, it
seems like to me it's just as important to the
district from which the candidate runs for the legis-
lative district for two years. I just

cite this example. Suppose a person from a parish
bordering the Arkansas line moves down to St.
Tfan-cy Parish, my parish which is in the extreme
southeast corner of the state, and after he's lived
there a year, he can't possibly know the people of
that parish and the conditions that exist in that
parish, but yet by some fluke, some political align-
ment, he might be elected. So therefore, I ask you
do you not think it's just as important that both
of them should be two years?

Mr. Juneau Let me answer it this way. Under the
hypothetical situation that you posed, Mr. Burns.
Number one, he couldn't run for the legislature be-
cause, as I understand your hypoth et, he would have
only been in the state one year. He's knocked out by
the one year provision under the state requirement
anyways that's number one. Number two there is under
the present law and has always been, a longer period
of time to which you must be a resident of the state
as opposed to a resident of the particular district
in which you run. The theory was that we do
have a transient society and we do very frequently
have people moving within a locality. A situation
could move to Bonalusa and vice versa. It was
thought that a one-year period within the confines of the state of Louisiana was sufficient time for the people to get to know him and to give him sufficient time to know the problems of that area. We didn't want to restrict...we thought that the two-year requirement for a state requirement would go to the contrary...we don't want to give him that latitude. We want that to be the determination. We don't give him the latitude to say I'm going to move that domicile just to fit the needs of whatever district I want to move into.

Mr. Juneau: Well, as you are well aware, Joe, under the present law you can have but one domicile; there can not be but one domicile. The thrust of this is that an individual cannot on his volition move that domicile into another...any declaration of retention of domicile to the contrary...we don't want to give him that latitude. We want that to be the determination. We don't give him the latitude to say I'm going to move that domicile just to fit the needs of whatever district I want to move into.

Amendment

Mr. Poynter Amendment Number One [by Mr. Casey]: Goes to the reprinted bill. On page 3, after the partial word "tion" at the beginning of line 10, strike out the period and before the word "the" insert the following: "and if he was a resident of the state for at least two years immediately preceding his election.

Explanations

Mr. Casey: Mr. Chairman and Delegates, the proposed amendment which I'm submitting at this time is strictly a technical amendment to make that portion of Amendment One, Section One, of the reapportionment requirement to require that a person not only be domiciled for one year, but also that in this case he must also have been a resident of the state for at least two years immediately preceding his election, just as it is required for any other election prior to reapportionment where he must be a two-year resident and also domiciled just to fit the needs of whatever district I want to move into.

[Amendment adopted without objection.]

Amendments

Mr. Poynter Amendments sent up by Delegate Abra- ham: Amendment Number One: On page 3, line 10, at the beginning of the line after the word "election" insert a period and delete the remainder of the line. Amendment Number Two: On page 3 delete lines 11 through 17 both inclusive in their entirety. Amendment Number Three: On page 3, line 18 at the beginning of the line, before the word "the" delete the word "tion" and delete the period.

Explanations

Mr. Abraham: What this amendment does, is eliminate the one-year residency requirement within a district. It also eliminates the choice that a person has of running in either a district that he has moved to through a change of the district lines. Now, what I am concerned about, if a person has established residency in this state for two years, he may live in an area, a town, say he lives in Baton Rouge. This man may move across the street, but because the district lines are as they are he would be in another district. Now, here is a man who has lived in the town all of his life. He’s known in this town. And simply because he’s moved into another district, he’s going to have to wait another year before he can run or office. This also means that the incumbent legislator, who lives in the city of Baton Rouge, might move into another district and he would not be able to run. He’d have to lay out four years because he’d have to establish residency requirements one year in that district. Now, when you have reapportionment and you redraw the lines there is going to be some confusion. There are going to be some incumbents who would have to make a choice as to where they run. There may be many people who are not incumbents, who are not running for the legislature, but what’s going to be the case is, there is going to be some penalty. There won’t be a penalty on you but you’re going to give him the choice to where he can run in another district. So, on the one hand, we’re placing a one-year restriction on a person. He’s got to live in an area for a year, but on the other hand, we’re saying you can
Questions

Mr. De Blioux As I see this, Mr. Jackson, there's no way that that can happen. He's got to actually be domiciled within the area before he's eligible to run for the office.

Mr. J. Jackson I take issue with you, Senator, because as the committee proposal is presently written and as reiterated by Mr. Penne, it says that he can have a situation whereby a man can qualify being domiciled in let's say legislative district "A", but he qualifies for "B" and let's say he wins the election in "B". He can stay in "A" for one full term. That's my appreciation of the kind of example.

Mr. De Blioux I don't believe that is correct, Mr. Jackson, because of this. Let's suppose this. Let's take an area. Since I'm right here in East Baton Rouge Parish we'll say the East Baton Rouge Parish, and the district of residence of Mr. Jackson has to be outside of that particular area insofar as the district is concerned. If you do that, you can allow him to run for this particular office because he wants to represent because he was a part of it before the election, before the redistricting. Therefore he would be eligible. He's still known within the area, that's where he campaigned, that's where he wants to represent. The people have to take their chances whether or not they want him or somebody else. If you don't have this particular provision, you will eliminate that person who has possibly been campaigning for the office for a long time from being eligible to run. You're not going to have a person in absentee. He's got to be a resident of the area he represents. He must be a domicile in that district. You just allow him to change his domicile so that he might run.

Mr. J. Jackson Yes, Senator, I guess my only caution to you is whereas you point out the faults of the new amendment, I want to suggest to you that the present amendment which I propose to the committee has faults, I think, that exceed very greatly because...I still maintain the position that one, you are providing an exceptional choice for candidates for a district, and secondly, you are saying that when he qualifies just because he's a part of his old district, that he's eligible to run in some cases from two to four depending on how they cut the district. Not only that, but more so, he can represent another district up to four years without even staying in that district. I think if you would read the committee's provisions, it allows for that to happen. That the provision as offered by me believe Delegate...

Mr. De Blioux I'd just like to say this. If you knock out this provision, you will allow the gerrymandering of candidates, particularly potential candidates, out of a district and out of the office. That's what you do. You can eliminate candidates by redistricting regardless of the qualifications if you knock out this particular provision. I don't think it's good to do that. I ask that you reject the amendments, Mr. Chairman and ladies and gentlemen of the convention. I think it's a bad proposal.

Mrs. Warren Senator De Blioux, I'm under the impression, and if I'm wrong correct me, that you are in favor of a person the particular run in a district that he does not live in, under special provisions.

Mr. De Blioux No, Mrs. Warren, he must move his...
domicile into that. He has the time to do that, but he does not want to do that. If he previously lived within the district that has been divided, he can change from one portion of the previous district to the newly created area to run for the office. That's all that this provides for. Mr. Abraham's amendment will knock out that provision and I say that if you knock out that provision it is possible you are reducing the number of districts potential candidates so as to favor somebody else. I don't think we want to do that.

Mrs. Warren: Mr. De Blieux, you mentioned in one of your statements that a person might move within a district hoping to run for office. I'm wondering if the Legislature, the representation that we are going to get...

[Quorum Call: 107 delegates present and a quorum.]

Mrs. Warren: Senator De Blieux, I'm wondering if this amendment that you are speaking in favor of would not be in favor of an individual instead of being in the interest of the people. You mentioned that a person was well known in that area. There are people who are well known in districts that are not known all over it, so he has his choice to run from any district that he would like to run from because he is well known.

Mr. De Blieux: Mrs. Warren, I think it's the other way around, regardless of how well known a candidate may be, if the people don't want him to represent them, they are not going to vote for him. But what I'm trying to do is preserve to the right of the people of a district to have the representative of their choice. This way you allow them to do that. The only way they can be deprived of a choice to run under the provision is by the committee's proposal which is that they not get themselves for election. After he has offered himself for election, it's up to the voters to decide whether or not they want him or not. I don't think that we ought to be able to gerrymander people out of a district in favor of another candidate if we should adopt Mr. Abraham's provision. That's exactly what it would provide for. I don't believe that we ought to be able to do that.

Mr. De Blieux: Mr. De Blieux, do you think reapportionment is to gerrymander people out of positions?

Mr. De Blieux: Sometimes it could be. I've seen the legislature do exactly that. Of course the provisions are there but, I've seen them make proposals in order for the benefit of individuals rather than for the benefit of the people. That's what I'm talking about. It can happen.

Mrs. Warren: Well you say the legislature is the people, so I mean this doesn't put very much confidence in the legislature from this point. Wouldn't you think so?

Mr. De Blieux: Sometimes some of us, even here sometimes we forget about the people we represent. I hope that we don't do that, but unfortunately we are all human beings in that regard and we do have imperfections. I just want to get, against those imperfections taking over as much as possible

Mr. LeBleu: Senator De Blieux, I've read a lot of what we're talking about of representative in absentia. If you took a theoretical House district which was composed of 5 precincts, between now and the next census some of the precincts filled up with people to require reapportionment. At the next reapportionment, the other four precincts would be in different districts. Therefore any person would live within the 5 original precincts but only the incumbent but any person who lived within, any candidate or any person who wanted to be a candidate, who lived within the 5 original precincts would be allowed to run in either of the 5 plus any of the new districts that would be created of

which he was a part. Therefore he could take his choice maybe out of 4 or 5 seats. I think you stated this, within one year after his election and no matter from what district to run for if he visited would have to move within that district and be a resident. Is that correct?

Mr. De Blieux: That's not my understanding of the provision, Mr. LeBleu. That is true that he could run, but he must first move into the area and establish domicile. He does not have to live in the newly created area a year before he is eligible to run. He only has to have been a resident of the area from which the district was composed originally in order to qualify for election. He first let him get elected then decide to move. He's got to move and create his domicile before. That's the way I understand the provision because it says he must be domiciled within the new districts.

Further Discussion

Mrs. Taylor: Mr. Chairman and fellow delegates, I rise in support of Mr. Abraham's amendment. You know, it's about time we stop making special provisions for special people. It seems to me the committee was thinking in terms of protecting incumbents. I guess you find it strange that I would be here speaking out against this committee proposal and I don't think I have the belief that every individual should be treated equally whether he be an incumbent or not. I don't think there is a special provision for special individuals if, because of reapportionment, a portion of their district becomes a new district, I feel that every person should qualify from the district where he lives. We have a lot of special people. It's as simple as that and I urge you to pay close attention and support the amendment that's been proposed by Mr. Abraham.

Further Discussion

Mr. Drew: Mr. Chairman, ladies and gentlemen of the convention, I rise in opposition to this amendment and primarily to Amendment No. 1 which deletes and this pertains to all elections, the one year requirement.

If you will read this section you will see that Amendment No. 1 deleting "for one year immediately preceding his election," is an election for the legislature, it does not only apply to the elections following reapportionment. If this Amendment No. 1 is deleted from the committee proposal, you are going to have to move and move and move and have hedge hopping at any time you see fit. That proposal that is being deleted applies to all elections for membership in the legislature. For that reason I oppose it. On the second amendment which deletes lines 11 through 17, and while under the rules I am not at liberty to discuss an amendment which has already been filed and I thought possibly might come up prior to these amendments, I do have an amendment which will clarify this, lines 11 through 17 and I think make it much more workable and in accord with the will of the people. That amendment will be offered if these amendments are defeated or it will still be offered. But I sincerely urge you to defeat, in the event there is a division of the question, Amendment No. 1. If you do not defeat Amendment No. 1, I would mean that you could move from district to district to district within the metropolitan areas or in the rural areas and run from any district that you saw fit. That's what you would do by deleting that one year residency or domicile requirement. I don't think that's what the people of the state want. In my opinion they want a representative who has lived in the district long enough to be familiar with the problems and the people of that district. I ask that you do defeat this amendment and permit me to offer an amendment which I think will straighten it out as I do disagree with the provisions of lines 11 through 17 that part of the provision which deletes incumbent or non-incumbent in many instances, to have his choice of running in three different dis...
Mr. O'Neill Mr. Drew, do I understand that your amendment will not raise the requirements at all, only clarify?

Mr. Drew It will do nothing to lines 6 through 10 as written in the committee proposal, Mr. O'Neill.

Mr. O'Neill Okay good. Thank you.

Mr. Drew I urge your rejection of the amendments.

Further Discussion

Mr. Janeau Mr. Chairman, I'll make my remarks very brief. There are, of course, two separate issues and we can discuss this in context. I want to reiterate what Mr. Drew did and I think it's very, very important to consider this point. If you would adopt the Abraham amendment you are then saying that an individual does not have to live in a particular district for any time period of time, period of time before he runs for office. I can assure you that I don't think the people of this state support that concept. For that reason and that reason alone I think this is unjust. I would strenuously oppose the adoption of the Abraham amendment.

Further Discussion

Mr. Fontenot I rise in opposition to this amendment and I'll make my remarks very brief. I'll take an example, perhaps we could understand it a little bit better. It's kind of complicated. Suppose somebody who are politically against each other, like I'm going to use the example Mr. DeBlieux and Mr. Lawrence Chehardy who tend to be political opposites. Suppose one of them decides to move and run against the other man in his district. If you do away with this one year requirement Mr. DeBlieux could move into Mr. Chehardy's district and run against him if Mr. Chehardy was running for the legislature or vice versa. Mr. Chehardy could move into Mr. DeBlieux's district and run against him the day before the qualifications. All he has to do is be domiciled the day before the qualifications. There is no one year requirement to be domiciled before he can qualify. So technically you're opening the door to some political figure moving into any district he wanted and I think it's a bad provision. I think we ought to vote it down. If we vote it down, maybe Mr. Drew would have an opportunity to propose his amendment. Therefore I move the previous question.

[Motion for the Previous Question rejected: 52-45.]

Further Discussion

Mr. Burns Mr. Chairman and fellow delegates I have no intent of prolonging this discussion, but inasmuch as I did express my views in questioning one of the speakers just now, I would like to rise in opposition to Amendment No. 1. It seems like it's always my luck, the few times that I get up here, that about three previous speakers speak on the same point and in the same view that I entertain. I would just add my voice to the three previous speakers in opposition to this Amendment No. 1. I haven't been impressed by the argument that's said in behalf of this amendment of Mr. Abraham's where they concentrate all of their arguments on the convenience of the candidates. I think that this convention has talked so much about the people, that in considering this amendment we ought to think about the people of these districts rather than of the convenience and the facility of making it so easy for candidates to hop from one district to another. I believe that the people are entitled to have a candidate or a representative who has been in their district or their parish long enough to acquaint himself with the economy of the parish and with the people and their customs and habits to where the people will be served. I ask for defeat of this Amendment No. 1 and Amendment No. 2 and 3.

[Previous Question ordered.]

Closing

Mr. Abraham Mr. Chairman, there seems to be quite a bit of controversy on my amendment as it stands on the whole question. If I'm in order at this time, I would move for reconsideration of the question between Amendment No. 1 and Amendment No. 2 and 3.

[Division of the Question ordered. Amendment No. 1 reads and rejected: 3-104. Motion to reconsider tabled. Amendments No. 2, 3, and 4 read and rejected: 29-82. Motion to reconsider tabled.]

Amendments

Mr. Poynter Mr. Drew sends up the next set of amendments.

Amendment No. 1. On page 3, delete lines 11 through 17 both inclusive in their entirety and insert in lieu thereof the following: "However, following reapportionment at the next regular election for members of the legislature the citizen shall run from the district in which he is domiciled."

Amendment No. 2. Page 3, line 18, at the beginning of the line delete the word "tion" and delete the period.

Explanations

Mr. Drew Mr. Chairman, members of the convention, as lines 11 through 17 are added to the amendment you have the example again it could apply to any metropolitan area or rural area. Let me take Mr. Fowler's district as an example. Mr. Fowler represents DeSoto Parish, Red River Parish, and Sabine Parish. That is the present district from which he was elected. If the committee proposal, and I understand what they were trying to do, but if the committee proposal on lines 11 through 17 remains in this proposal, it would mean that Mr. Fowler, in the event of reapportionment DeSoto was put in district 11, Red River in district 12 and Sabine in district 13 with Mr. Fowler living in Coushatta which would be district 12, would be eligible to run in any one of the three districts that he may choose. That would give him an advantage. In the event of reapportionment to pick out the district in which he had the greatest strength and run from that district whether he was a resident or domicile thereof or not. That is the purpose of this amendment. Let me add this, this amendment has no effect whatsoever, but goes hand in hand with the amendment that was offered by Mr. Casey, and does not have to be deleted. If you will read Amendment No. 1, we are deleting lines 11 through 17 as Mr. Abraham's applied or had in his amendment. This may be surplus, I really don't think it is though. What it would do, and I will go back to Mr. Fowler's district, that should those three parishes be put in three separate districts, Mr. Fowler would have to run from the district in which he is domicile and he would be the only district he could run in. Not select any one of those three districts in which he had the greatest strength. Of course, under the committee proposal if he did move during the next 4 years and change his domicile to another district in which he was running or elected from, he would not be eligible for reelection. This provision I feel changes the elections after reapportionment. My main objection to Mr. Abraham's was that he was taking out the one year residency in all elections and that would certainly encourage hedge hopping and running in any district that you would have seen fit to run in. It would have been a question of whether
we wanted Teddy Kennedy to come to Louisiana and run for Senate. I mean that would have been a good analogy to the situation. I think that under this amendment that is being offered here, you are going to have a Representative living in the district with the people that he represents and I think that is what the people desire. I move for the adoption of the amendment.

Questions

Mr. Denery Mr. Drew, only one question. Is there a reason for saying at the next regular election? Suppose the incumbent should die after reapportionment and a new member of the legislature would have to be elected. Under your amendment as it is now written, he could then select his district.

Mr. Drew I think that any election after the first election after reapportionment would follow the general rules in the first part of the proposal, Mr. Denery.

Mr. Denery In other words, the word "regular" is inserted there for a specific purpose.

Mr. Drew It would be, in other words, it's the next regular election following reapportionment.

Mr. Denery I don't know that I made my point clear. Suppose there were a special election to fill a vacancy.

Mr. Drew After reapportionment?

Mr. Denery Yes.

Mr. Drew I think that would be the next regular election.

Mr. Denery You mean a special election would be a regular election, then?

Mr. Drew It would be the first regular election after reapportionment, yes sir.

Mr. Denery Thank you, sir.

Mr. Asseff Mr. Drew, though this does not alter your comment, isn't it true that Representative Fowler represents half of DeSoto, and I the other half? He represents 4 wards, it doesn't alter but I would like it clear for the record, that I represent half of DeSoto and he the other half.

Mr. Drew At the same time, Mr. Asseff, he could still run in DeSoto because a portion of his district is there.

Mr. Asseff That's correct. I said that.

Mr. Fontenot Mr. Drew, did I understand you to say that you were not doing away with the Casey amendment?

Mr. Drew No sir. I think it's probably surplus, but it does not have to be deleted.

Mr. Fontenot I can't understand how we're not because I thought the Casey amendment was an addition to the...

Mr. Drew All the Casey amendment did was restate the two year state residency requirement.

Mr. Fontenot Okay, let me ask you further. Your provision, as I interpret it, is an exception to the general election rules. It's an exception because it's a special rule for reapportionment elections. Is that correct?

Mr. Drew It's not the exception in the effect that the committee proposal is, Mr. Fontenot. There is some question and I'm sorry that I haven't been able to work it out on the thing. But apparently the reason I say that this may not absolutely be neces-

sary because if a party is required to run in the parish in which they are domiciled it more or less follows the general rules of all elections for the legislature.

Mr. Fontenot wouldn't it be possible for an out of state person or a person from New Orleans to move into your district after reapportionment, under your provision, and run against your member of the legislature? The only requirement is that he move there and actually be domiciled.

Mr. Drew That could very possibly be done, Mr. Fontenot. That's the question that I say that I don't know exactly the answer to and I hope maybe that there would be other amendments that would clarify that point. But as this now reads, in other words I think that the first part of lines 1 through 9 would very probably apply.

Mr. Fontenot I tend to disagree. It would seem like, don't you agree, that the first 5 lines of the general rule and then your however creates an exception. Isn't that correct? It creates an exception for elections after reapportionment.

Mr. Drew To some extent yes sir.

Mr. Fontenot And whenever you create an exception the previous sentences do not apply. Is that correct?

Mr. Drew That could possibly be the correct interpretation, yes sir.

Mr. Fontenot So as I understand it, if you agree with me, a person from say moving out of state could move into a legislative district and be he would have to do is actually move in and be domiciled and he could run after a reapportionment.

Mr. Drew Not from out of state, Mr. Fontenot.

Mr. Fontenot Why not?

Mr. Drew Because Mr. Casey's amendment requires two years state residency. Following this amendment Mr. Casey's reinstates the two year state residency provision.

Mr. Henry Before we go any further, if you don't mind, on the merits of this I think we've got a little technical problem, Mr. Drew, insofar as the Casey amendment is concerned. It appears to me while you are deleting lines 11 through 17, the Casey amendment it took up on line 16 and you've got "and if he was a resident of the state for at least 2 years immediately preceding his election" just dangling there. Is that right, Mr. Clerk?

Mr. Paynter It would not and the instructions certainly would be rather confused. If it's your intention, Mr. Drew, to keep the Casey language, I think perhaps a better way if we just added the Casey language at the end of the language inserted in your Amendment No. 1 and then add Amendment No. 3 striking his.

Mr. Drew Or delete the period after domiciled [...]. Well if it is in order I would like to make that amendment.

Mr. Henry Well let's withdraw these and then...

Mr. Paynter If we come in, the problem would be at the "and" at the beginning. I don't think it would need to be there and make your language read "how ever, following reapportionment, at the next regular election for members of the legislature a candidate shall run from the district in which he is domiciled if he was a resident..." picking up with the Casey language, but dropping the "and" if he was a resident of the state for at least two years immediately preceding his election Then add an Amendment No. 3 to take off Mr. Casey's amendment.

[Amendment withdrawn.]
Amendments

Mr. Peyser: The language would read Amendment No. 1 [by Mr. Drew], page 3, delete lines 11 through 17 and insert the following: "However, following reapportionment at the next regular election for members of the legislature, a candidate shall not run from the district in which he is domiciled." Then pick up the Casey language which you have in front of you dropping the "and if he is a resident of the state for at least two years immediately preceding his election." Amendment No. 2 stays the same.

Mr. LeBleu: Mr. Drew, Mr. Fontenot spoke and raised another question. I think what he was questioning you about is didn't you intend to require one year's residence even after reapportionment? I think this could be added to your amendment while you are fooling with it, if you intended to do that.

Mr. Drew: Conway, that's the question that I say I'm not satisfied with this amendment as it's drafted because that is a hiatus at the present time. I think possibly an amendment will come along on that basis.

Mr. LeBleu: The other question that I had, without your amendment to the committee proposal and when you refer to Representative Fowler's district, mention was made of the incumbent but wouldn't the committee proposal allow any resident of either of those three parishes to run in either of three separate districts under your proposed reapportionment.

Mr. Drew: I think the committee proposal would definitely allow anyone. It's not limited to incumbents and this is not limited to incumbents.

Mr. Anzalone: Mr. Harmon, what you are actually doing with this... with your amendment, is removing the option of the elected representative to run in either district that he may be reapportioned out of.

Mr. Drew: I am trying to prevent a district from having a representative that is a non-resident for a period of four years and that can be done under the committee proposal.

Mr. Anzalone: Mr. Harmon, I hate to say do you know or... but would you agree that probably a better amendment would be to force him to run in one district but force him to move into that district within a certain time, a short period of time.

Mr. Drew: Actually, Joe, the way this amendment is written, he could do it, and that is the reason I think it will probably be clarified by additional amendment as to whether the convention would require the one year domicile or not.

Mr. Anzalone: Well, of course what I am saying is that as a practical matter, if I am an elected representative and going to run from another district and they don't want me, well I am not going to want to move there.

Mrs. Warren: I think that Mr. Drew has just about clarified what I wanted to ask because I had an amendment and if his was going to do the same thing that mine was going to do, I was wanting to save some time, so I am wondering if it is in order for me to let him see it, Mr. Chairman?

Mr. Henry: Well, when he gets through speaking, it would be appropriate for you all to try to work out that, yes, ma'm, Mrs. Warren.

Mr. Juneau: Mr. Drew, the one concern that I have is I appreciate the provision as you now have it drafted. An individual after reapportionment could merely move and establish a domicile within a period of two months. You don't have the one year restrictive period and immediately run for office as long as he would have lived in another part of the state for two years. Is that right?

Mr. Drew: I'm afraid that could be done.

Mr. Juneau: I don't have too much objection to what you're trying to do, but I don't like that provision and I think that's contrary to the initial portion which requires that a person live at least one year in the area from which he is running.

Mr. Rachal: Yes, my question was the same as Mr. Juneau's, actually, but what disturbs me now is the way that you answered it when you said, I'm afraid that is so, and I wondered if you are beginning to think that possibly we should have that one year requirement as is required in line ten.

Mr. Drew: Well, Mr. Rachal, the one reason that I didn't put it in there because you have this possibility that did happen, one representative district line was a certain street and the incumbent representative lived on the street... on the side of the street that went into a new district. Mr. Rachal, don't know who this person was, but the amendment wanted to permit him to change his domicile across the street and run in his old district or not. And that is and that didn't. Of course, it is not limited to incumbents, I mean it's anyone after reapportionment could possibly move into a district. That is a possibility as this proposal is written.

Mr. Rachal: Yes, well your amendment then would mean that after reapportionment, it's open shop, so to speak, that anybody could move and run provided he has been in the state for two years.

Mr. Drew: Except he would have to be domiciled in his district. He would run from a district in which he did not live, or was not domiciled.

Mr. Rachal: No, I mean he could immediately move in the new district and run without having to satisfy any residency requirements in that district.

Mr. Drew: As I said, Mr. Rachal, I think that possibly needs some clarification.

If there are no further questions I move...

Mr. Avant: Mr. Drew, I am just concerned about one thing and I want to make sure I understand it.

As I understand the committee proposal in its entirety, not just this particular language, it contemplates first that the reapportionment will be conducted by the legislature. That is not done then, under certain circumstances it may be done by the Supreme Court which I would take would mean a majority, or four justices of the Supreme Court would be the minimum.

And of course there is still always the final alternative that what happened when the legislature was last reapportioned could conceivably occur again. That still remains the possibility.

But however it is done, it is possible that whoever does it, if they were so constituted and inclined, could draw those lines so as to make sure that a particular incumbent member of the legislature would not be returned to office. Isn't that a possibility?

Mr. Drew: That is a definite possibility. Yes, sir. And further answering, Mr. Avant, that is the reason that I think that possibly more consideration should be given because under mine, under this amendment as written, I never incorporated into it, I believe that incumbent could then move into his old district and run as well as anyone else.

If there are no further questions, I move that this...

Mr. Flory: Mr. Drew in pursuing that same hypothetical case, if the line was drawn and it was done
by either the Federal Court or the State Court and they handed down the decision at five o'clock this afternoon and they said you have seventy-two hours with which to comply, he should then change his domicile under those conditions in order to run from the district in which he would have normally run from without the reapportionment.

Mr. Drew: I was trying to remember, Mr. Flory, as to the effect of a declaration. I mean how soon a declaration of a change of homestead is effective. Off hand, I don't recall.

Further Discussion

Mr. Fontenot: Fellow delegates, I appreciate Mr. Drew, I appreciate the problem he is trying to alleviate, but I am afraid he is creating a bigger problem than he is trying to do away with.

By his amendment, as I stated previously, a member, a public figure could move to another district and run against another public figure if he so wished and I am against this. I think the amendment will create this possibility. Therefore I am against it. I think we ought to come up with another amendment to clarify exactly what Mr. Drew wants.

But I am afraid if you vote for this amendment you are going to be creating a bigger problem than you are trying to solve. Therefore, I move that we reject this amendment and I move the previous question.

[Previous Question ordered. Amendments rejected: 46-63. Motion to reconsider tabled.]

Recess

[Quorum Call: 94 delegates present and a quorum.]

Amendment

Mr. Poynter: Amendment proposed by Mr. [J.] Jackson as follows: Amendment No. 1 on page 3 delete lines 11 through 17 both inclusive in their entirety. 8. Amend line 18 by striking out the word "tion" and insert in lieu thereof the following, quote, "however, at the first general election for members of the legislature following the reapportionment of the legislature, any person may qualify for election to either House of the legislature from the district in which such person is then domiciled, if he was domiciled in the prior district for at least one year immediately preceding his qualifications.

Explanation

Mr. J. Jackson: Presently the concern about the committee amendments is that it has a Tarzan effect. In effect, the committee amendments permit someone to swing from one district to another district and at the same time allows him for a period of time, up to four years to represent that district in absentia. The arguments that I've heard against it is that you may if you say that just provided by law or just that he must meet a one year residency requirement is that this may possibly disenfranchise someone. My amendment allows that a person after reapportionment that a person can qualify for a new legislative district with the requirement that he must have at least one year requirement in the prior district. What this does in effect, allows someone who feels as though he's been gerrymandered out of a district to set up a domicile at qualification time and at the same time it waives the one year requirement for the new district that at the same time maintains some degree of residential requirement in the fact that he must have resided in that old district.

Questions

Mr. Alexander: Mr. Jackson, is it the intent of this amendment to apply to all elections, primaries, etc.

Mr. J. Jackson: No. It says Rev. Alexander that at the first general election for members of the legislature following reapportionment so it wouldn't apply to all elections because of the possibility you may have two elections and maybe up to four primaries during the course of ten years.

Mr. Alexander: I'm trying to determine what you're trying to remedy here.

Mr. J. Jackson: What I'm trying to remedy in effect Reverend, and I'll try to explain it again is the fact that the basic concern by the committee proposal is that someone could run in the district and he doesn't have to be domiciled. I'm saying in my proposal that he must be domiciled. The second problem with the committee proposal is that it sets a one year residency requirement for a new district, particularly, if you remove something on the basis before the election and third thing that I'm doing is, I basically feel that you have a principle whereby someone must stay in the district to represent and what I'm attempting to do is fill that requirement, at the same time saying he must have at least one year in
the old district in which he moved.

Mr. Alexander Of course my concern Mr. Jackson here is with the word general.

Mr. J. Jackson I have no problems Reverend if you feel as though that is going to eliminate him from the primaries but it's my appreciation that if a man qualifies, then further down in the paragraph it says that he must qualify in the district which he's then domiciled.

Mr. Alexander Let me see if I can make myself a little clearer. It appears to me that your language would refer to the general election only but there could be some other qualifications for primary elections and that would make the kind of difference that I don't think would be consistent with your whole intent. I think your interest is to connect...

Mr. J. Jackson Reverend if you look at the language that says any person may qualify for election to either house of the legislature from the district in which such person is then domiciled. So in other words if he decides that because his district has been reapportioned, before he qualifies then he moves into that district which means if there is a primary that exists and is run in that district then he is eligible to run in that primary. I think the meat of the substance is because we may at some point decide to mandate the opening of primaries, to say that, not to take out the fact that he couldn't be elected at the general election.

Mr. Alexander Don't you think it would be safer to say the first election, instead of general election, because then you confine it to the general election after the primaries.

Mr. Alexander I have no major objections to that.

Point of Information

Mr. Alexander O.K. You may have to withdraw it to include that language because I think technically, it may not work because of the word "general election". Am I right Mr. Chairman? Mr. Chairman we're raising a technical question here about the wording. The word general election would confine this provision if adopted to general elections and would eliminate primary elections. Isn't that correct?

Mr. Henry I think what you're doing is calling on me to make a judgement which more properly we should address to Justice Tate because this is where I would end it. I don't want to be too literal but it's a decision or judgment which I don't think I properly speaking have the authority or right to make. If there is some confusion insofar as the amendment is concerned and clear verbiage could be used and certainly it should be used but I don't believe it's at the discretion of the chair to make such a determination as to whether something is legally correct or incorrect.

Mr. Alexander I see. I will yield to Justice Tate.

Mr. Henry No sir. Justice Tate isn't working on the bench today so he won't get to answer that either.

Questions

Mr. Kelly Mr. Jackson, I think I realize what you're trying to accomplish but there's one thing in your amendment that disturbs me and that is the latter part of the last two lines. If he was domiciled in the prior district for at least one year immediately preceding his qualification. Am I to understand that what you're trying to accomplish in this amendment is that in order for a man to seek a place in the legislature, he must be domiciled in the new district at the time of the time of the election.

Mr. J. Jackson Right. At the time of qualifying for the election.

Mr. Kelly What does the statement of being domiciled in the prior district have to do with the concept that you're trying to advocate here?

Mr. J. Jackson The concept is that the problem with the new district is that there has been some arguments fostered that some people will not have the residential requirement of one year for a new district, a new legislative district, particularly if he moved a month or anything less than twelve months before the election. What I attempted to do is set in a residency requirement, a one year residency requirement, to refer where you have to be a part of some district prior to the creation of the new district, so in essence prior refers to any other district created prior to the creation to the new district.

Mr. Kelly Could not this be accomplished by the first part of your amendment which simply says "delete lines 11 through 17 and line 16". Would not this accomplish the same purpose?

Mr. J. Jackson No, I think we just rejected an amendment to that extent because that amendment did not address itself to the argument about disenfranchising some people who did not meet the domicile requirements, particularly if they happened to be a part of some boundary. I think if I say...

Mr. Juneau Johnny, I understand what you're trying to do but I think this is a bad amendment. As I read this amendment, under the reapportionment year, if the individual was domiciled in his prior district for a period of one year, in this amendment he could run in any district of Louisiana after reapportionment. That's what it says to me. Is that correct?

Mr. J. Jackson Mr. Chairman, I think that the basic arguments here...what if I didn't move from my district...let's say I move in another district. That's not a part of my old district. Should I then be denied the right of running? Let's say I move from North Baton Rouge to South Baton Rouge, in the course of moving I'm not an incumbent but just a candidate. Should I still be denied the right of running in that office so you have that kind of problem when you don't at least set some kind of if you try to word it at all I think it's for me to word it. One way of solving it is just eliminate our one year residency requirement then the problem is you've got to establish some basic of requirement and what I've attempted to do is to limit them to his particular district because a man may want to run somewhere and my position is that if he moves uptown and he sets that up as his domicile then he ought not be disenfranchised from running. I don't think we can do anything to prevent a person from moving where he chooses to move. I hope that we wouldn't but at the same time I think that we ought to provide some protection that if somebody is going to play tarzan that where they land is where they are going to represent.

Mr. De Blieux Mr. Jackson, let me see if you and I understand each other. The first sentence of section B requires that a candidate must be a resident of the State for two years and domiciled within the district from which he runs for one year. Is that correct?

Mr. J. Jackson Right

Mr. De Blieux Your amendment is supposed to make an exception to that. Just how do you change those particular words of qualifications by your amendment?
Mr. J. Jackson Based on the arguments we have heard this morning, the only exception is to the extent that one, let’s say if a person is gerrymandered out of his particular district, it’s possible and it’s conceivable that under the first section, the first lines you just referred to, he could not be eligible to run because he would one, not have one year residency requirement in the new legislative district. I think that’s the argument we heard this morning. So what I’m saying is that he can run in any district he wants to run providing that he moves and that he has a residency requirement in some prior district before.

Mr. De Blieux In other words, if I understand your amendment correctly, if he resided in the parish of East Baton Rouge naturally he would be in a representative district. Suppose he resided here seven years and decided he wanted to move down in Orleans parish and run from one of those districts down there, could he do that...

Mr. J. Jackson Provided he meets the requirements of domiciliary...

Mr. De Blieux Your requirements says he must reside within that district for one year. Now wouldn’t he meet those qualifications of the first sentence because he only has to be domiciled in a district for one year before he can run. Isn’t that true?

Mr. J. Jackson Let’s use your same example. What if he stayed in the State for ten years and moved to New Orleans ten months later before the final reapportionment was...before the election was to be held. Then according to what you say, on this first amendment, on the arguments I heard this morning, he would be disenfranchised because he has the two year requirements but he does not have the one year requirement.

Mr. De Blieux That’s right but you can still require them to have one year requirement.

Mr. J. Jackson That’s a matter of him having one year requirement in some prior district, Senator De Blieux, and...

Mr. De Blieux In other words, you want to remove the restrictions on how long he has to reside in the new district before he can run.

Mr. J. Jackson Right. But all I’m saying is be- fore you can run in that new district he must be domiciled in that district. As far as I appreciate it there is some judicial distinction between residence and domicile and that in order to...the courts have interpreted domicile as being more permanent and you just can’t automatically say one day before qualification that this is my domicile. I think if someone contested it as Mr. Drew mentioned, that possibly what you would have is the court interpretation of the word domicile so I try to word it this way as to allow for those of us who feel that he ought to come from the district he represents and to allow that persons who want to run would not be disenfranchised.

Mr. De Blieux Now let me see if I understand you correctly. So long as he was domiciled in some other district for one year he can move into any district he wants to and run upon, you might say, a moments notice.

Mr. J. Jackson No.

Mr. De Blieux Well, that’s the way I read you.

Mr. J. Jackson In order for him to qualify, he must be then domiciled in the new legislative district.

Mr. De Blieux How long does it take to establish a domicile? Can’t you do that upon an affidavit?

Mr. J. Jackson No. And as I appreciate it, and maybe Mr. Drew might want to comment, I think it’s a greater perfunctory than you can just arbitrarily come up and say I want to just move over there and so this is my domicile. I’ve heard anywhere from six months to a year but as I understand it the biggest...the courts have interpreted...

Mr. Henry Mr. Jackson, you’ve exceeded your time so please wind up your remarks.

Further Discussion

Mr. J. Jackson Fellow delegates, the major objections to committee proposals is that in effect it does allow someone to play tarzan and represents a district for four years without living there. The second objection is that it provides the kinds of options without the necessary requirements and what I have attempted to do is to allow someone to run wherever he wants to run provided that he meets three requirements. One, that he meets the two year State requirement. Two, that at the time of qualification for any new legislative district he must then prove domicile in a new legislative district and that three, to meet the problems of the one year requirement is to provide him that he at least have one year requirement in some other district. Now, as a matter of fact you could possibly take off the last one year requirement because if he has been in the State for two years then he normally for what because it was interpreted in some instances this is an attempt to get around the concept that someone play tarzan without living and representing a district without having to address itself to those, particularly disenfranchising someone who just happens to be gerrymandered out of a district.

Further Discussion

Mr. Anzalone Ladies and Gentlemen of the convention, delegate Jackson has a proposal wherein a representative of the people should live and reside with his people which is good. But what Representative Jackson is attempting to do he is not doing with his amendment for these reasons. He is saying that you have to be domiciled in the new district at the time you qualify to run. There can be and will be possibility where this would force an incumbent representative to move away from the district that he now represents into a new district which is diametrically opposed to what Representative Jackson is saying. Coupled with the fact that if you leave in a residency or domiciliary requirement of one year you are going to have to second guess all the final judgment of the Supreme Court as to where you are going to have to be living at the time you run for office. If we could be sure that the Supreme Court or the legislature was going to readdress itself itself in some one year prior to the date of qualification this would have some merit but there is no assurance that this is going to happen. These are the basic reasons that I urge your rejection of the amendment.

Questions

Mr. Kelly Joe, do you not agree in order for Mr. Jackson to accomplish the purpose which I think he is trying to accomplish, all you need to do is delete lines 11 through 17 and “tion” on 18.

Mr. Anzalone No. Because what you’re doing if you do that, you are going to eliminate the possibility of someone who is in a gerrymandered or reapportioned district to make his choice of which district he is going to have to live in prior to one year before qualification and there is no assurance of the fact that the Supreme Court or the legislature is going to finally decide on the reapportionment in excess of one year before qualification.

Mr. J. Jackson Isn’t it a fact Mr. Anzalone that the two prior proposals did indicate just deleting lines 11 through...

Mr. Anzalone I don’t remember.
Mr. J. Jackson. Yes. Mr. Drew's and Dr. Abraham's. This provided that you must have two years state requirement, one year residency in a legislative district.

Mr. An zale. Right.

Mr. J. Jackson. And, in fact, this convention defeated both those propositions on the basis that, for the case you just mentioned, you could disenfranchise somebody and that two, there is a possibility someone would not meet the residency requirement in the new district.

Mr. An zale. Mr. Jackson you bring up a very good point. Let me answer you this way. If you're going to force somebody to live in a representative district one year before they qualify, do you have any assurance that after the census is taken in 1980 that the reapportionment is going to be final more than one year before the date of qualification. What you're forcing somebody to do is second guess the final judgment of the Supreme Court.

Mr. J. Jackson. Do you also firmly believe that if someone is going to represent a certain district that the least requirement should be that the person lives there at least one year for that particular district. That's the least requirement.

Mr. An zale. Of course you know I've got an amendment and I say this: If you're elected for a term of four years to represent the people of the seventeenth ward of Orleans parish that you should live there for four years. Now if in the ensuing four years you're going to represent the people of half of the seventeenth ward and part of the eighteenth ward, then I think most certainly you should live there. But I don't see what is the reason behind abandoning those people that you now represent for the sake of saying we're going to live with the people we may represent in the future.

Mr. J. Jackson. Would you also be in favor of an amendment to allow voters to register in any district wherever their representative is, some voters who may live in whole or part of some old district to register in the new legislative district if they have not been gerrymandered out.

Mr. An zale. If they live there that's fine.

Mr. J. Jackson. They don't live there at present but they could vote there with the possibility of moving there before the next general election.

Mr. An zale. The only way we in the country would agree to something like that is if you let us vote in two places.

Mr. J. Jackson. Yes, but do you know that is the provision of the committees' proposal right now.

Mr. Tapper. Mr. Chairman and members of the convention, I'll be very brief. I have to oppose Mr. Jackson's amendment. I think I know what he is trying to do and I am not against what he is trying to do, but I don't think he is doing what he wants to do here. I believe this amendment will do basically what the Abraham amendment would have done and that would be to allow anyone to move into any district right before qualification, register, qualify to run, and run. I don't think this is what we want to do and I don't think it is what the people in the state want to do. I believe that anyone who wants to run for office from a district should be living in that district for a particular time. Here the committee has come up with a proposal that one year is that time and as far as domicile, we are just playing with something here that is very abstract because the Supreme Court has already ruled that you can establish domicile in thirty days. Yet our state courts have been battling with it for years and years and years as to what the interpretation of domicile is. I don't think Mr. Jackson is doing what he would like to do. I believe this amendment would do would allow me to move right before qualification time, to move to Baton Rouge if I wish, and run here for the legislature. Now, I don't think that this is the way it should be done. I urge the defeat of the amendment.

Further Discussion

Mrs. Warren. Mr. Chairman and fellow delegates, each morning when we come in to assemble, after we say the prayer, we have under the flag of the United States of America and for the Republic for which it stands, one nation under God, indivisible with justice and liberty and for all. I am going to oppose Mr. Jackson's amendment for the same reason I opposed the others. When you begin to make exceptions, you are going to have to make exceptions all the way down the line. I don't feel that a person should be able to go in the legislature to represent someone when he or she does not live there. If he can represent you for four years and he can't run any more, then there is no accountability there. I can't oppose you because you're not going to be able to run. I am just going to have to take whatever you dish out. I've heard some of the legislators say "Put trust in the legislators." Then, today, I hear some of those same legislators come up and tell the trust the legislators because they might gerrymander me out of my district. What are we going to do? Are we going to gerrymander our constitution to provide for special persons to have the privilege of running for office? We are going to have a constitution for the people and by the people. If we, let us give everybody the same opportunity. If an incumbent can run in a district and he doesn't live in it, then give the other person the same opportunity to run from a district. But I do believe that everybody can and should represent the district from which he comes from. In the first place, if he wants to do good and this is his idea, if he is in my district and he is going to represent me, and I am sorry to be personal about it, then he is going to do what is good for me and him. But, if he lives in another district, he is going to be divided between two opinions whether I should represent the district which I am living in, or shall I represent the district that I just moved out of? For that reason, I am going to vote to deal with a conciliating and defeat this amendment and let's make it all for the people and by the people. Thank you.

Mr. Henry. The gentleman I believe wants to withdraw the amendments at this time, Mr. Tapper, so will that... Are you going to withdraw them now?

Mr. J. Jackson. Mr. Chairman and members of the convention, the motive for withdrawing it is because it is a technical amendment, not as a matter of fact that I want to favor some incumbents. I just want to make this point perfectly clear, that we voted on two occasions to what Mrs. Warren and some members feel particularly, I feel that they ought to be in the district and they ought to have domicile in the district from which they are going to represent, but we have defeated that and unless we can come up with something that will secure domicile and at the same time, assuring that no one is disenfranchised whether he be incumbent or candidate, then I think we are going to be in a box. I am withdrawing my amendment to maybe more properly word it and will submit it at a later time.

[Amendment withdrawn.]

Point of Information

Mr. Fulco. Mr. Chairman, as a point of information, is there some way that we can organize or get a committee who can check these amendments out and discover whether they are logical or whether there may be any other needed corrections.
so we can save some time. We have lost over an hour and a half or two hours today. Is there some way we can't have all these delegations appear in reference to any amendment that we plan to introduce?

Mr. Henry

Mr. Mr. Fulco, there is no provision for such a committee at this time and I would imagine that the delegates to this convention would feel that this is a severely hampered and I would agree with them, if there was any move which would attempt to prevent any member at any time from introducing an amendment which he felt was germane and appropriate and I think we would be less time doing less talking and more reading on these amendments then we could speed up the process, Sir.

Mr. Fulco

Mr. Chairman, I don't want to see them deprived of introducing amendments, certainly not.

Mr. Henry

I know of no way we could accomplish that. You have been in the legislature, Mr. Fulco, a lot longer than I have. We have the same problem there. It is a part of the problem insofar as a legislative process is concerned and we just are going to have to live with it. That is why we are going to have to work long and hard and talk as little as possible.

Mr. Fulco

That is why I just thought maybe it might not be a bad idea, just to help all of us delegates.

Mr. Henry

Mr. Fulco, I will be happy to appoint you as a committee of one, and I am not being facetious. If you can come up with a rational idea that the delegates will accept, I will be in favor of it. But I have given it some thought and the clerk has, but don't have any process right now. I will be glad to give it some thought, Mr. Fulco.

Mr. Fulco

I will appreciate it if you will. I think the TI will save the convention a lot of lost important time.

Mr. Henry

I think your point is well taken, Sir.

Amendments

Mr. Paynter

Amendment No. 1 [by Mr. Lennox], on page 3, line 8, at the end of the line after the word “and” delete the word “actually.” Amendment No. 2, page 3, line 9, at the beginning of the line add the words “the legislature,” delete the words “domiciled within.” Amendment No. 3, page 3, line 16, immediately after the word “person” and before the comma, delete the word “domiciled” and insert the word “resided.” Amendment No. 4, page 3, line 16, delete the words “was domiciled” and insert in lieu thereof “had resided.” Amendment No. 5, page 3, line 18, end of the line, delete the word “domicile” and insert in lieu thereof the word “residence.” Amendment No. 6, page 3, line 20, at the end of the line, after the words “retention of” delete “domicile” and insert in lieu thereof “residence.”

Explanation

Mr. Lennox

Mr. Chairman, fellow delegates, when this matter was brought to my attention first, it appeared to me that these amendments were technical in nature, but in all candor must say that I understand the words domicile and/or resided was apparently debated at some length with the committee. In any event, I bring this to your attention. It is my understanding, and incidentally the entire subject matter of amendments one through six have the end result of replacing the word “domicile” with the words “residence” or “resided.” The present law requires that a candidate be a citizen of Louisiana for five years and an actual resident of his district for two years immediately preceding his election. The proposal of the committee would require that he be a resident of the state for two years and be “actually domiciled” within his legislative district for one year immediately preceding his election. The present law has been interpreted by Louisiana courts to require that a candidate have a bona fide residence in the district he represents, but to allow him other residences outside his district as well. The present law makes a precise definition to the term “actual residence” as related to legislators’ qualifications but have indicated that it is primarily a matter of intention in decided usually by the Courts and the circumstances of his life. The courts have declared that he must spend more than one or two nights a week in a district to qualify as a candidate from that district. The actual effect of the altered wording in the proposed article cannot be determined without judicial interpretation. Some indication of possible effects can be obtained from previous judicial interpretations of the term “domicile.” It is more of a legal term than residence. A person can have several residences but he can claim only one of them as domicile. The civil code defines domicile as a place one has “as his principal domestic establishment,” in which he makes his habitual residence. The act further provides, that jurisprudence seems to support, that if a person resides about equally in several places, he may declare his intention to have one of them as his legal domicile. However unless he resides at each equally, his domicile is necessarily where he spends the most time. Again, courts have never established a precise formula for making this distinction but have rules that where a person spends two-thirds of his time at one residence and one-third at another, his domicile is legally the former. The probable effect of this word change is that a candidate with multiple residences would be required to spend at least one-half of his time at the residence within his district as well as to declare it to be his legal domicile according to provisions in the Civil Code. I ask your adoption of the amendment.

Vice Chairman Miller in the Chair

Questions

Mr. Derbes

Mr. Lennox, I am impressed with the candor in which you explained your amendment. What you have done, in effect, and I would like to be specific on this, you have made the requirements for candidacy less restrictive than the committee proposal.

Mr. Lennox

I think that is correct as a matter of fact, Mr. Derbes.

Mr. Derbes

May I ask you sir, on a philosophical note, what intends the person who wishes to choose the district from which he runs? In other words, to give him multiple choices for any given election.

Mr. Lennox

I think the only interest to be served is to avoid future litigation involving candidates elected to office where someone contests the domicile in his district. Where he, in fact, has two or three or four residences.

Mr. Derbes

But isn't it a fact, Mr. Lennox, that also the requirement of residence could become a matter of litigation? That is, a person may have two suits in a closet in his office on Baronne and Grevier, and a couch on which he could spend the night, and he may have a home in another district.

Mr. Lennox

Mr. Derbes, it is my understanding and I don't know this first hand, that there has been some jurisprudence on that subject matter.

Mr. Derbes

But in any case the requirement of domicile as it relates throughout the Louisiana Civil Code, although it has been a matter for judicial interpretation, has always been resolved in one way or another by the courts. Isn't that a fact, also?
Mr. Lennox. I would assume that that's the case, yes, sir.

Mr. Derbes. So all that your amendment seeks to do, the principal purpose of your amendment is to avoid litigation, is that it?

Mr. Lennox. I think so, primarily.

Mr. LeBreton. Mr. Lennox, if I understood you correctly, and I was trying to listen, you said that it would be necessary for the candidate to live at his domicile at least fifty percent of the time. Is that correct? Did I hear you, sir?

Mr. Lennox. This is the consensus of attorneys who are members of the legislature, that then this matter is litigated that the courts would say that if you had two or three residences that you could only declare your domicile as being the one at which you spent half your time or more.

Mr. LeBreton. The reason I ask that question, the thought occurs to me, in view of other problems we've had along these lines in previous years, how do you tell, or who says what is fifty percent of the time? Do you take twenty-four hours a day, twelve hours a day, do you take seven days a week, and twenty-one days a month, and fifteen days? I think this is a rather ambiguous deal that would just bring us back into court. This is my question. How do you decide what fifty percent of the time is?

Mr. Lennox. I would assume that that would be done by affidavit of the candidate, but I am at a loss to give you an intelligent answer to your question.

Mr. LeBreton. Thank you.

Mr. Juneau. Mr. Lennox, you did say that if we would adopt the concept of going from domicile to residency, you admit that that is a much more liberal or broader base that it gives somebody to run from.

Mr. Lennox. Please don't use the word liberal, but I think it is broader, yes.

Mr. Juneau. Well, it is liberal in this sense. Second question, if we had an individual who spent fifty percent of his time on one street in one district and spent fifty percent of his time in another district, you mean to tell me we haven't created more litigation than by saying we have a domicile?

Mr. Lennox. Again, I don't feel that I am competent to answer that but I would like to answer by stating to you that if there was a legislator who maintained a residence in a district but also had a summer home at Grand Isle, for example, where he moved his family for the spring and summer months, that there could be some litigation as to whether or not his primary residence was in fact his domicile, and I think there is some concern on the part of incumbent legislators that this might be the case.

Mr. Juneau. Let me ask you this question. As I understand your remarks, you admit that there can be but one domicile, is that correct?

Mr. Lennox. Correct.

Mr. Juneau. ...but there can be more than one residence.

Mr. Lennox. There can and is in fact, in many cases, more than one residence.

Mr. Juneau. Then wouldn't it logically follow that the most likely litigation would occur over whether there is a residence or domicile if legally you can only have one domicile?

Mr. Lennox. Again, I don't feel competent to give you an intelligent answer.

Mr. Anzalone. Mr. Lennox, do I understand your proposal to mean that if I have three houses in three parishes across the state of Louisiana that I could qualify as a representative in either one of those three places?

Mr. Lennox. No, I think that you could qualify in the one where you maintain your residence.

Mr. Anzalone. I've got three of them.

Mr. Lennox. You've got to declare which one of them it is.

Mr. Anzalone. Well, we've gone back to domicile then.

Mr. Lennox. Well, to some extent you are.

Mrs. Warren. Mr. Lennox, do you mean to say to this delegation that if a person is able to afford three residences in three different parishes, he will have a multiple choice, and if he is poor enough not to be able to afford but one, he can't have but one choice?

Mr. Lennox. That is a three part question. Let me answer in three parts. First, I own only one residence and that's my domicile. Secondly, I am a candidate only for early retirement and nothing else, so this does not affect me in any way. What I am saying to you that if there is a situation where a legislator has more than one residence, that this would avoid litigation resulting from persons who would claim that the domicile other than the one selected was in fact his domicile.

Mrs. Warren. Well, it still would disenfranchise a poor person that wasn't able to afford three domiciles, or residences.

Mr. Lennox. I really don't believe that to be the case, but certainly you are entitled to your opinion.

Mrs. Warren. I am not trying to get your opinion. I am trying to get your opinion since you brought it. Now, my opinion, if you want my opinion, if I'm too poor to afford three, then I am going to have to have a choice of one, and if you are able to afford three, I'm not saying that you are going to run because you said you wasn't but if you can afford three then you can have a choice of three.

Mr. Lennox. And I can only afford one as well.

Mrs. Warren. I didn't say that. I am just using an example because you did it. If you can afford three, you have a choice of running from three, either three that you want to. But if I can't afford but one, I can only run from one.

Mr. Lennox. I think that is a logical conclusion. I ask your adoption of the amendment.

Mr. LeBreton. Mr. Lennox, is there any way that you can see any parallel between where a man votes and his domicile or are you that acquainted with the law. I just wonder if that might be some way to determine his domicile.

Mr. Lennox. I don't think there is any question but what the place at which an individual votes is in fact his legal domicile. There is no question there. There are some for early retirement who fear that there is going to be litigation resulting from this new proposed language which comes as a result of their ownership and use of facilities for a residence other than their domicile at which they are registered to vote.

[Quorum Call: 92 delegates present and a quorum.] Further Discussion

Mr. Casey. Madam Chairman and delegates, as a mem-

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I think it is incumbent on me to at least explain the action of the committee and the reason why the word domicile was adopted in preference to the word residence. The committee was divided, and I believe was adopted with only one dissenting vote, with the thought in mind that we would hope to avoid abuses by candidates for the legislature who attempt, or who actually reside in or have their domicile in one area of a district or city or state or what have you, and through other means establish a residence in another legislative district. For instance, a person may have his home, have a homestead exemption, rear his children, and actually live in a home in one area of a city or a parish, and then have a business, lease or own a barrack, in another area, a different legislative district, and have a cot on the second floor and he might sleep on that cot once a week or twice a week, register to vote in that area where he has his business, and then run for election in that area, in an area where in fact he does not actually live with his family and is not actually domiciled when he attempted to prevent just that thing. A person who lives with his family in one area could theoretically have many, many residences, five or six, and therefore have the option, through these means and I feel they could be devised, means, to establish other residences merely for the purpose of running in a certain legislative district. That was the whole thinking behind this. I must grant that Mr. Lennox has made some good points, that possibly we may have litigation over the interpretation of the word domicile, but the truth is that we definitely have had and may in the future have additional litigation over the word residence. The entire subject matter and the entire document that we adopt will instigate litigation. I think we must face that fact of life. I do feel, and I speak only for myself, that there was concern, I know advanced by Mr. Lennox, that the court may go to the determination of how and you are going to spend in any particular area. Are you going to live fifty percent of the time here and twenty-five percent of the time in another place, and twenty-five percent of the time in another place, and submit to you that if a person is going to run for public office and represent a certain area of the state and be familiar with the thinking of the people and their problems, that they should have an excess of fifty percent of their time in a certain area. And, I would hope that that area would be their domicile. I think it is a mistake that the word domicile has been greatly, and on many occasions interpreted, particularly in the area of divorce, that they have talked about the subject matter of domicile for the purpose of bringing suit for divorce and separation, and the courts have expounded on this greatly. The word domicile is really where he or she intends to have his or her main home, rear his children, to register to vote, where he goes to church, where he associates with many of his friends and neighbors and things of that type, where his children may go to school. Various criteria such as that are things that the court looks at and not just how much time you might happen to spend in a particular residence, if you have more than one residence. So there could be many criteria for the interpretation of the word domicile. I submit to you gentlemen and ladies that this is more restrictive, it ties down the qualification somewhat more than it is under existing law. Domicile is more demanding. You must make that determination yourself, to determine where you are going to make your principal home, raise your children, have your bank account, send your children to school and go to church. Rather than give an individual the option to have more than one qualifications and run possibly from many districts. I would urge rejection of the amendment.

Further Discussion

Mr. Derbes. Ladies and gentlemen, I merely want to occupy the floor. Casey's sentiments and add to you that on the first hand I believe that Mr. Lennox goes with regard to the fostering of litigation is not well founded. The courts have repeatedly, in my opinion, interpreted the qualification or the requirement of domicile. It is not a burdensome, difficult, impossible word domicile. Philosophically, I think it is consonant with the position that this convention has taken on other issues. It requires that a person have his principal domestic establishment and intend to permanently reside in the area that he seeks to represent. That to me is clearly preferable, the difficulties in ameliorating the other domicile I believe, are not overwhelming, in fact are quite simple. It is merely a fact question. So, I concur in Mr. Casey's remarks and I urge you to defeat the Lennox amendment. Thank you.

[Previous Question ordered.]

Mr. Lennox. Madam Chairman, fellow delegates, submit to you that there are many elected public officials in the state of Louisiana, other than legislators, who must face this problem in the courts if this proposal is adopted in its present form. I ask your adoption of the amendments.

Amendments

Mr. Poyster. Mr. Denney sends up amendments at this time. Amendment No. 1, page 3, line 7, after the words "the time of" and before the words "he shall", delete the words "the general election" and insert in lieu thereof the words "qualification for the office." Amendment No. 2, on page 3, at the end of line 10, after the words "preceding his" delete the word "election" and insert in lieu thereof the words "qualification for office.'

Explanation

Mr. Denney. The purpose of these amendments is merely to conform with the language which we previously adopted when we changed from election to qualification for the office. I suppose you would call it a technical change although it does make a material difference in the time. I think it is much more accurate and much more clear at state qualification for the office. Senator Blair authorizes me to say that his committee has no objection to this.

Mr. Poyster. Madam Chairman, we have discovered a slight error that affects Mr. Denney's amendment. We discovered it with respect to that particular line in the second amendment, is in error in the reprinted bill. It reads "for one year immediately preceding his election." That language was contained in the bill as originally introduced but was amended in committee in conformity with where it appears in line 7 to read "for one year immediately preceding the general election" in the actual reengrossed bill. The printed bill is in error so if it is acceptable to Mr. Denney and the convention, I would suggest that a way out of the impasse to accomplish his purpose is to vote first on Amendment No. 1 by itself where you will reflect your intent. If you pass that one, we will come back with the second amendment which will go not to the reprinted as engrossed, but the actual reengrossed bill to make the same change in the same appropriate language as was proposed in the bill as originally introduced. All right with you, Mr. Denney? Actually, the question before you is just the Amendment No. 1, realizing that if you adopt it you will have a second amendment drawn to the reengrossed bill.

Questions

Mr. Schmitt. Does this mean that in a situation where you have qualification for the office six
months in advance of the time of the general election, that the person would have to be domiciled there for eighteen months prior to that time in order for him, in other words eighteen months prior to the time of the general election in order for him to run?

Mr. Dennery: It could have that effect.

Further Discussion

Mr. Conroy: It seems to me that the wording of the proposal as it presently exists is good enough. It requires a year's domicile. This effectively increases the period that a person must be domiciled within the district prior to the time of the election. It deals with a one year period and a two year period for qualification and simply backs up the time from the general election to the date the person qualifies for office. It does not say he must merely be an elector at that time, it says he must be an elector for at least a year prior to the time he qualifies to run, so all it effectively does is increase the period of time a person must be domiciled in the district and in the state and 1 think the year and two year requirements are long enough.

[Previous Question ordered. Amendment No. 1 adopted: 66-26. Motion to reconsider tabled.]

Amendment

Mr. Poynter: This now becomes a technical matter. Amendment No. 1, by Mr. Dennery, on page 1, line 11, this goes to the actual reengrossed bill, not to the reprinted as reengrossed on page 1, line 11, immediately after the word "preceding" strike out "the general election" and insert in lieu thereof "qualification for office." Now your copy has not the "general election" but "the election" which the committee has changed. This will be a technical amendment just to complete what Mr. Dennery had begun with the first amendment.

[Amendment adopted without objection.]

Amendment

Mr. Poynter: The next set of amendments is offered by Delegate Warren.

Amendment No. 1, on page 3, delete lines 11 through 17 both inclusive in their entirety, and at the beginning of line 18 delete the word "tion".

Explanation

Mr. Warren: Madam Chairman and fellow delegates, it is very easy for me to explain this amendment. It only does one thing, it says that you must live in a district in order to represent it. Mr. Lennox just got through saying that a person...or he said in essence that a person that was able to have three residences would have a multiple choice if you don't have the money to afford but one, you have one choice. Are we going to give legislators the opportunity of having a choice and give non-legislators a different choice?

I have no objection to legislators, I think they are good. I don't say that all the legislature is bad. I don't say the legislature is all good. I'll compare it kind of like this, you can have a barrel of apples and you can have two or three rotten apples in there or one rotten apple and it is going to out smell all the rest of those apples. At this time I think that we should give liberty and justice for all and not make our flag that we get up and pledge allegiance to our force. Let's give everybody the same opportunity and let's not make exceptions. Because when you start making exceptions somebody is going to be left out and I wish to also say this, be mindful how we think of vested interest because sometime our vested interest might turn on us. So let's be fair and let's give everybody a fair chance. Evidently, when you see some thing like this come up and people are looking to have a chance to do as they please, there has got to be a dead cat on the line somewhere.

Questions

Mr. LeBley: Will you point out the language that says a legislator can run in three districts if he wants to and no one else can? Will you point that out, please?

Mrs. Warren: I think if you will follow me back and if I am not wrong I'll have the Clerk to read it back to you. I said that Mr. Lennox in his address to this convention said, if you have three residents or you are domiciled in three residents you have a choice to run from either. When I got up this morning and I spoke, I said that this seem to be gerrymander and this was not my words but it is in effect the same thing, gerrymander in this convention to suit special people which were incumbent legislators.

Point of Information

Mr. Leigh: I would like to ask, does Mrs. Warren's amendment include, and perhaps you should be directed to Mr. Poynter, Does this include the delet- tion of the so-called Casey Amendment also?

Mr. Poynter: The effect inevitably would have to be or it would leave that portion dangling. I would recommend, Mrs. Warren, if convention has no objection that it would be preferable to add to the amendment an Amendment No. 2 which strike out but that amendment proposed by Mr. Casey and adopted.

Mrs. Warren: I was going to say that before I left this microphone and I thank Mr. David Poynter for saying it for me.

Questions

Mr. Weiss: Do you realize that the amendment you proposed is identical to the one which was rejected eighty-one odd times by some-odd of Mr. Abram's Amendments 2 and 3 of his. It is identical. Your amendment is identical to his.

Mrs. Warren: I am not really concerned about what was rejected since I have been in this convention I have seen so much turn over till I thought I would just put my own up here and say what I should be saying. So, and I want to say this, if you don't like it, you have the right to vote against it. But I am asking you in fairness to all people that you would support it.

Any other questions? Thank you.

Further Discussion

Mr. De Blieux: Madam Chairman, and ladies and gentlemen of the convention, this provision was inserted by the committee in my opinion to prevent the gerrymandering and the favoring of incumbent legislators. It is my opinion that if you take this provision out of this particular section when reapporti- tionment time comes around and the legislature gets ready to reapportion its districts you can bet your bottom dollar that it will be revised for incumbent legislators if you leave this in the act...in the constitution, you will cut out the chance of a legislator fixing himself up to where he excludes his chief opponents. It is just as simple and plain as that. Now if you want to per- mit gerrymandering, adopt Mrs. Warren's Amendment. If you want to make it fair and square to everybody where everybody was had an equal chance, I ask you to reject her amendment.

Questions

Mr. Blair: Senator DeBlieux just suppose a case that we change this particular district you add a thousand more voters. Now who are we giving the advantage by keeping it like we are? We're giving a thousand more people an advantage to run than one incumbent, are we not?
Mr. De Blieux That is correct. You are absolutely correct.

Senator De Blieux, you keep referring to incumbent legislators being affected by this provision but is it not true that it also affects a citizen as well?

Mr. De Blieux That is true, I agree with you. But I say if you take it out you are favoring incumbent legislators.

Mr. Anzalone If you take out lines 11 through 17?

Mr. De Blieux You are favoring incumbent legislators. If you leave it in you are protecting the citizens so that they can have whoever they want to represent and won’t be forced to take somebody they might not want.

Further Discussion

Mr. Juneau Madam Chairman, and fellow delegates, I think we got off on the wrong foot somehow on this particular provision. It developed, at least remarks have been made that this is a legislator proposal. That is quite to the contrary. I think if someone believes that they have misunderstood what we have done in the committee. We specifically discussed this particular aspect of what projection. What you would be doing if you delete this language, you are encouraging gerrymandering. Let me give you an example. If a member of the legislature, the governor of this state has a particular interest in seeing that he knows of someone in an area who is going to run, and he wants to knock him out of the race, the easy way to do it is get him by deleting this language. If you have this language in, you have in essence passed an anti-gerrymandering bill or at least made that possible. I would like to also close by telling you this. That the whole context of this article was to give people within a scale the ability to choose their own local representative. This clause is activated only and only when you come into a reapportionment situation. That is the only time it arises. And if you don’t pass such a provision, you are going to be asking for trouble as you well know in reapportionment gerrymandering is a topic of conversation. And if you don’t pass this proposal you are going to be activating that kind of problem. That’s all.

Questions

Mrs. Zervigon Mr. Juneau, if I had planned to run for the legislature and my base of support was in a particularly active P.T.A. and the line was drawn in such a way that it would separate me from that P.T.A. under the provision of the committee wouldn’t I have the right to move across the street so that I could stay with my main base of support whether or not there was an incumbent legislator in that district?

Mr. Juneau That is absolutely correct.

Mrs. Zervigon So that it would give the citizens the right to stay with any support that they had developed in order to run against an incumbent or for the legislature in the same way that it would legislators, is that correct?

Mr. Juneau I might answer the question this way, Mrs. Zervigon. I view this as an anti-incumbent type of provision.

Mrs. Zervigon Thank you.

Mr. Kelly Mr. Juneau, would not the proposal of the committee in fact allow a little more? As we commonly refer to it as forum shopping than would Mrs. Warren’s proposal?

In other words, as I understand the committee’s proposal, any person who has lived in any portion of a district in a state that portion of a district is divided into say three different districts, could run in either of those three districts, is that correct, under the committee proposal?

Mr. Juneau That is right, Mr. Kelly, as long as the district he runs in was a portion of the district in which he formerly lived. That is absolutely correct.

Mr. Kelly And I do understand this to mean the language in the committee proposal. It does say person, it doesn’t include.

Mr. Juneau It is meant to be person exactly what it says. That’s right.

Further Discussion

Mr. Drew Madam Chairman, and members of the convention, I rise in support of Mrs. Warren’s Amendment. The amendment that I offered earlier today which was defeated was an attempt to compromise because I heard so much discussion about gerrymandering out and gerrymandering in. And as I told you from this podium it was not well drawn, it was not a finished product. I think this, I think that if the present proposal stands and you permit anyone and I like to stress that there is a great deal of misunderstanding that this was limited to incumbents. It is anyone to choose anywhere from two to three or possibly four districts in which they could run to be very totally unrepresentative legislature. I think that this amendment puts our elections on an equal basis year by year and out and I see no reason for making any exceptions because of reapportionment which will only occur every ten or eleven years. And I urge your support of Mrs. Warren’s Amendment. I think it is good, I think it would resolve this question with all that we need in the constitution. Now the question has been raised that if we delete these, then the legislature could provide as they saw fit. The legislature could provide for that which is already provided for in the constitution. And the initial part of this section is very specific in determining and sets forth the qualifications in the way of running for the House and the Senate. I don’t that think the legislature could make any changes whatsoever in a constitution al provision. I think this puts all elections on the same basis. It’s good and I urge your support.

[Previous Question ordered.]

Closing

Mrs. Warren Madam Chairman, and fellow delegates, I am not going to labor the time I am going to tell you something, a personal experience that I had once. Six years ago, I took out an insurance policy. The policy sounded real good after the agency talked about it and I glanced over it and read the fine print. But the thing that I didn’t read was the small print. I can be thankful to Almighty God that my health has been pretty good and I am not one that rides on insurance. After I had been in this insurance for about fifteen years, I got a letter saying my policy was cancelled. I went back, I got the policy and I read it and I started reading all the fine print. In this policy I found that this insurance company had the right to cancel this policy whenever they got ready. The thing that I am trying to do is close up the loopholes so it won’t be any way out that the people will not be fairly represented and that incumbents will have the same opportunity as anybody else.

I did not intend to open a keg of worms when I mentioned incumbents but it is hard for me to write a speech. I have tried it and when I do it I find myself getting away from it because I usually speak as the spirit dictates. So for that reason I am not always saying things that are helpful. I might get me a vote, but I am going to ask you in all fairness to everybody, to show to all the people of the state of Louisiana that you care and vote and give them that fair representation.

Thank you very much.
Mr. Pynter  Mr. Anzalone sends up the following amendments. Amendment No. 1. On page 3, line 18, immediately after the word "reapportionment" and this reads a little technical correction after the language... added by Mr. Casey's amendment. Delete the remainder of the line and delete lines 19, 20, and 21 in their entirety and insert there the following: the seat of any member who changes his domicile from the legislative district he represents or any other representation reappo...sents whose domicile is not within the district he represents at the time he is sworn into office shall be vacated there by any declaration of a retention of domicile to the contrary notwithstanding." Explanation Mr. Anzalone  Ladies and gentlemen of the convention, the original proposal by the Legislative Committee has left approximately a three year hiatus where a legislature is in existence between districts must move into that district. On the other end you have had proposals by Mr. Drew, by Mr. Jackson that require a person who is seeking office with a further amendment, Dennis who is to be in the area which he is to represent at least one year prior to the date of qualifications. With the infinitesimal amount...I should say the great amount of trouble that we have had with reapportionment in the past it doesn't seem likely that the legislature or the courts or the United States Supreme Court is going to get the job of reapportionment done in record time. This is going to put you in a position such as this. If you are now in a representative district which is going to be cut into three pieces and if you make the district more difficult or incumbent or citizen to choose the area from which you would like to run, you must make this choice within one year prior to qualification. The problem with this is...is that you are not going to be sure as to when reapportionment is going to be final. You are placing yourself in a position of making a judgment when you actually don't have any idea where the district lines are going to be drawn. What my amendment does, simply is this, it gives you the opportunity if the year has passed to run for seek reelection to any district with which you were previously elected. This keeps you in the district that you were before. You are representing those people and living with them. It puts you in the new district at the time that you are sworn in office to represent the people that you are now going to represent and live with, and it removes the hiatus of three years and it doesn't get you caught in the log jam of reapportionment. I ask for your favorable vote Questions Mr. A. Jackson  Well, would you admit that besides winning an election the basic premise we have been arguing about is the fact of qualifying for election as it relates to domicile? So in effect that he can still do what the committee is doing in terms of playing Tarzan and having his choice of qualifying from two to four district le...say, he still has the right to qualify without meeting any kind of domicile requirement. Mr. Anzalone  He has the right to qualify in any district encompassing the district in which he resided in before. It doesn't allow him as your provision did to say for instance live in a district in the north end of Tangipahoa Parish and move all the way over to Lake Charles and run. We are localizing it within the particular district and it only pertains to reapportionment
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I shouldn't have to go live in A under some type of gun to my head that by the time I am sworn in some three months from the date that I am elected I should have disposed of my entire property in district B. Now that is the danger here. It serves no use purpose. It only puts a great burden on a person who has been elected by the people of A because he is one of them to dispose of his entire live property acquisition in B it maybe a great loss. How it affects his representing A I do not know. It has nothing to do with it, but if you pass this amendment that is what you do. You strangle a guy who has been elected by the people who believe in him and you force him at the risk of some pecuniary loss to get rid of his holdings in B before he can serve. And you do one other thing, because if he can't serve you see...if he can't sell that and be out of that area and have acquired a new place in district A, you nullify the people's choice in district A. You are saying, that notwithstanding you cajun people in district A wanted elect to serve you, you have nullified that by some process that does not address itself to whether I will effectively serve them or not. For those reasons, I am against it.

Questions

Mr. Conroy Mr. Roy, isn't the whole question here a matter of timing?

Mr. Roy No, it is not?

It is a matter of whether people in district A and the democratic process have a right to elect me and whether you are going to force me to dispose of my property holdings in B before I am sworn in. It is not a matter of time.

Mr. Conroy You do have to make the move before you run again, right?

Mr. Roy Correct.

Mr. Conroy And nothing in this says you have to dispose of anything, does it?

Mr. Roy It says that I have got to move there.

Mr. Conroy Got to have a domicile in the place where you are going to serve, where you are going to serve those people, you have to domiciled.

Mr. Roy That is right. But that also means that I have to be rich enough, Mr. Conroy, which I may not be, to be able to acquire another home...another place in a district A to live and I may have to move my children out of B and go to district A and start having them educated there before I even start serving.

Mr. Abraham Chris, I fail to understand and you might explain to me the difference between denying the people their choice of a person to represent them under the provision here whereas they do not have the opportunity to decide who they want to vote for. And the position that we took on line 10 in which we said that this person must live in a district before people can vote for them. Aren't we denying the people of their choice there by requiring a new man who moves into a district. The people may want him but we are saying that he is going to have to live there one year before he can be elected. Even though all of the people in that district may want him.

Mr. Roy No, you are not because you see what we are talking about here is reapportionment or after reapportionment and that is where this thing addresses itself and the fact of the matter is that the person who has been reapportioned out of an area should not be discriminated against in running in the area he previously lived in.

Mr. Abraham Yes but we weren't talking about the reapportionment or the person who is running. We are talking about denial of the people's right to vote for whom they wanted. In one instance we are denying them the right to vote for a man who moves in an area because he has not lived there for one year. On the other hand, now you are saying we are denying them the right to vote for this man who happened to live in an area and who not resides out of the area due to reapportionment. Regardless of what the reason may be as to why he is not in the area, we are still denying the people the right to vote in either case.

Mr. Roy Yes, that is one thing. But let me answer your further. The very reason or causing the fact that it is there, for a person living there, is that theoretically he knows the area and that is why you wouldn't want a stranger moving into an area and we haven't provided for that. Although I wouldn't be opposed to it. But the issues that in the instant case after reapportionment you are taking a person who lived and served in an area maybe twenty-five years and he is denied the chance of really running and being elected by that area unless he chooses to sell his holdings before the time that he is sworn in. There is a great difference in the two.

Chairman Henry in the Chair

Mr. Velazquez Mr. Roy, I don't see anywhere here where it requires you to sell your property. It just requires you to change your domicile. I mean I would think you would just go to the property and collect your depreciation. Make it both ways then.

Mr. Roy Well, I am assuming that most people maybe living in an area like a hypothet I gave might have owned a home and that is their domicile. Now he has got to change his domicile which means he will have to arrange to go and move elsewhere and rent a home or arrange to sell it. And I just don't believe you should impose that condition on him cause my idea is, as a Jacksonian Democrat if the people in A choose to elect that person it is their choice and not ours to put incumencies on him to where he may not choose to run at all.

Mr. Velazquez Are you telling me that you believe that you can be good enough to represent the people but too good to live next door to them?

Mr. Roy No, not at all. I say that you do have to move there ultimately but you should not be forced to move at an arbitrary date, i.e., before you are sworn in. It has nothing to do with living them and representing them properly.

Mr. Velazquez Well isn't any time that you have to move and you are going to eventually have to move...isn't any time that is picked arbitrary?

Mr. Roy It is to some extent. And if I had my choice, I may not choose that but at least there is some reasonable basis for letting it be at a later date. But Mr. Anzalone's amendment makes it so that he must move before he is even sworn in or otherwise you nullify what the people of that district have chosen. And I am against that.

Mr. Velazquez Don't you think that Mr. Anzalone is very reasonable in this thing and that he could have set the time even earlier and gotten support, but instead he is willing to give you a couple of months to get your affairs in order. He is just asking you to move your main place of residence...your domicile he is not telling you to sell your property or divorce your wife or shoot your kids. He is just telling you to change your domicile to represent the people who have elected you.

Mr. Roy Not only do I think he is not reasonable, I don't think if he were reasonable it has any basis for the position. The reason for making it so that you have to sell out or move within a two months period
Mr. Bergeron  Mr. Roy, doesn't Mr. Anzalone's amendment in fact stop a legislator from being gerrymandered or reapportioned out of his district? It gives him the opportunity...

Mr. Roy  No, you mean an incumbent representative from being reapportioned out of his district.

Mr. Bergeron  An incumbent representative or anyone who seeks office.

Mr. Roy  No, it doesn't stop that from occurring.

Mr. Bergeron  It gives that gentleman the opportunity to stay in the particular district from which he has been in for many years.

Mr. Roy  Provided that that district is not changed. But if that district is changed he has then got to change into that district and if he doesn't then he can't stay there. If he is reelected to that district then within a year of the time that he seeks reelection after reapportionment he must move there.

Mr. Bergeron  This three month period allows the gentleman the opportunity I feel to run in a particular district where he has lived. I would just like to express my opinion on it.

Mr. Roy  Well, look, I don't differ. Let me say this, I want to make my point clear. If you choose in your wisdom to do it like Mr. Anzalone wants that is this convention's business. All I am saying is that I am opposed to it because I think it is an arbitrary cutoff date for forcing a person who has been elected by people of a certain district to move there and it just...there is no need for it in my opinion. But I just wanted to make the problem clear and that is why I am against it.

Mrs. Warren  Mr. Roy, do you believe the concept or the intent of reapportionment is good?

Mr. Roy  Do I believe in what...reapportionment.

Mrs. Warren  Do you think it is good?

Mr. Roy  Yes.

Mrs. Warren  Do you believe any solution that we could come up with would be perfect?

Mr. Roy  No.

Mrs. Warren  Thank you.

Further Discussion

Mr. J. Jackson  Mr. Chairman, delegates of the convention, although I recognize that Mr. Anzalone's amendment is not perfect, it is far better than the amendment that is being proposed by the committee. It does not totally meet my objections, but I'm very fearful that if this amendment is killed, then we're...as I understand it...we'll probably have to vote upon the committee's amendment and ultimately what happens is that, as I understand it from the Clerk, there are no amendments coming after. For those reasons, I would ask that you adopt Mr. Anzalone's amendments, that if we need to, at a further time, provide for some minute technical changes then we can do it. I would like to suggest that it is much better in my estimation than the committee proposal.

Further Discussion

Mr. Fontenot  Mr. Chairman, I think I sit the furthest away from this stand, up here. It takes me about four and a half minutes to get up here, so all I have time left to do is move the previous question.

Mr. Poynter  The next set of amendments that I have goes to "C".

[Previous Question ordered. Amendment adopted: 76-28. Motion to reconsider tabled.]

Mr. J. Juneau  Mr. Chairman, we've come to paragraph "C" which is the next non-controversial subject, and that provision provides that the members of the legislature shall be elected for terms of four years. I move for favorable adoption.

Amendment

Mr. Poynter  Delegate Abraham has an amendment being distributed. Amendment No. 1, on page 3, line 23, after the period add the following: "the term of office of each legislator shall begin at 10 A.M. on the second Monday in March next following the election."

[Explanation]

Mr. Abraham  The only purpose of this amendment is to fix the time of taking of office. In the executive branch article we have fixed the time for the governor to take office at 12 noon on the second Monday in March, and this simply parallels that you will take office at 10 A.M. on the second Monday in March. That's all it does.

Questions

Mr. O'Neill  Mr. Abraham, is this amendment really necessary insofar as the legislators shall convene at 12 P.M. on, whenever we have it. It seems kind of superfluous.

Mr. Abraham  Well, I think it's good to have it, because this allows them actually to take office before the legislature convenes. Under the rules where it is a continuous body, if they wanted them to come down and meet as a committee of the whole or however they wanted to do it in order to effect their organization once every four years, this allows them to do so. It means they're officially in office and then they can draft bills or do whatever they want to do in preparation for the legislative session.

Mr. O'Neill  Thank you.

Mr. Guarisco  Mr. Abraham, are you familiar with the rule that you serve until your successor is elected and qualified.

Mr. Abraham  Yes.

Mr. Guarisco  Why do you need what you have there?

Mr. Abraham  Do what now?

Mr. Guarisco  Why do you put what you have there?

Mr. Abraham  Because this fixes the time that the person actually takes office, and your successor takes office on this particular day. Otherwise, there is nothing in the constitution that says when the person takes office.

Mr. Dennergy  Mr. Abraham, under your amendment, this will permit the new legislators to prefile bills, is that correct?

Mr. Abraham  That's correct.

Mr. Dennergy  It will permit in the event the governor should call a special session to have the newly elected legislators called into special session, is that correct?

Mr. Abraham  That's correct.

Mr. Dennergy  Thank you.

[Previous Question ordered. Amendment rejected: 37-63. Motion to reconsider tabled.]
Mr. Juneau, Mr. Chairman, now that the train is rolling, we move to Section D, which provides that if a vacancy occurs in either house of the legislature, the remainder of the term shall be filled by election as provided by law. In essence what we've done... Mr. Chairman and fellow delegates, what we have done is inserted into the constitution on this particular provision the word "only" which makes it absolutely clear that the vacancy, in the event there is a vacancy, can be filled only by election, and that the mechanics of said election can be provided for by statute which, of course, would eliminate the necessity for a detailed election provision in the provision. We move for its favorable adoption.

Mr. Henry Are there any amendments on this [sub-] section, Mr. Clerk?

Is there any further discussion on [sub-] Section D? Proceed to [sub-] Section E, Mr. Juneau.

Mr. Juneau I'm afraid the train is going to stop, Mr. Chairman.

Mr. Henry Please quit calling it a train.

Explanation

Mr. Juneau Fellow delegates, Section E, of course, is a substantial change. It provides in essence that the members of the legislature shall be compensated by an annual salary, which of course, will be fixed by a majority of the elected members of both houses. It can be changed but only by a two-thirds vote of the elected members of each house, which is, of course, more than just a simply majority. But, to be effective it's a term other than the presently existing one, which, of course, was brought to the committee with this regard was, of course, the controversy involved whether or not you wanted the concept of an annual salary or a continuation of the program which we now have with regard to per diem. It was the thought of the committee that a more independent legislature in the effort to hasten the deliberations of a legislative body. That it would be more consistent with an annual salary. We think it's consistent with the more modern state legislatures which have enacted such provision, and for that reason the annual salary was asserted therein. I move for its adoption, Mr. Chairman.

Questions

Mr. Burns Why the difference in the voting of the fixing of a salary requires only a majority vote but the change a salary requires by two-thirds? Why not have two-thirds to fix the salary?

Mr. Juneau Well, the initial thought was this, Mr. Burns. I personally adhere to the concept of a majority vote, generally speaking. We thought that that would be a physical manner which would be appropriate to be susceptible to a majority vote by the same token. It would preclude after it was initially established the cutting off the possibility of a particular group of legislators or particular body increasing their own salary. Merely a matter of concept.

Mr. Toony Pat, at what time do you... would this provide for the annual salary to be implemented? Would you provide for that in the schedule or something.

Mr. Juneau We plan to put that in the schedule, yes sir. The thought would be the legislature which would come in after the institution of this particular constitution.

Mr. Toony Is that what's recommended by the committee to be put in the schedule?

Mr. Juneau Yes, sir, that's correct.

Mr. Avant: Mr. Juneau, would you just explain why, if the legislature cannot raise its own salary under this provision during its term, for which they are elected, it would take two-thirds to raise it at some future time?

Mr. Juneau Well,....

Mr. Avant Rather than a simple majority.

Mr. Juneau The thought was, Mr. Avant, that we didn't think that it would be appropriate...our consensus was that the public would feel that the legislators, number one, first of all, should not be in a position to raise their own salary, that speaks for itself. Again, I submit that the difference between two-thirds to raise as to raising their own salary is purely a matter of concept. I personally and I think that the committee as a whole felt that if it was of that magnitude to raise the salary, which would be something the people would be very interested in, it would mandate more than just a simple majority. That much of a consensus to pass it. It's purely a matter of concept. It's a very difficult matter to say that if you've done it by a majority why not do it by a majority subsequently. I just think that the whole concept of the constitution is the people would more or less demand a two-thirds vote in that regard. That's the best answer that I can give you in that connection.

Mr. Bollinger Delegate Juneau, do you think it necessary that the fixing of the salary of the legislature should be provided for in the constitution? Mr. Juneau It is decided to mean that it must be done in the schedule that the legislature would fix their salary and the constitution provide for the changing of that salary?

Mr. Juneau We debated that issue at length, Mr. Bollinger. It was the thought of the committee, and I concur 100% that unless you mandate to the legislature that they shall fix an annual salary, I would say that the chances are 80 to 20 against them coming up and fixing an annual salary.

Mr. Bollinger Wouldn't the terminology, "the members of the legislature shall be compensated by an annual salary" mandate them to fix an annual salary for themselves?

Mr. Juneau Well, of course, that's how I read the provision, Mr. Bollinger. The legislature shall be compensated by an annual salary.

Mr. Bollinger I'm just talking about deleting the words "shall be fixed by majority vote". Couldn't the schedule say that the legislature shall fix a salary and the constitution only provide for the changing of that salary? This is only a one time provision in the constitution and will never be needed again once the salary is fixed. It's just adding terminology which is not necessary.

Mr. Juneau My answer to that is, I think it's mandatory, if I understand your question correctly, that we've got to put in the language "annual salary" or it won't be done.

Amendment

Mr. Paynter Amendment No. 1 [by Mr. Paynter]: On page 3 delete lines 27 through 32 both inclusive in their entirety and on page 4 delete line 1 in its entirety and insert in lieu thereof the following: "E Each member of the legislature shall be paid an annual salary which shall be fixed...now your copy has got the word initially, but Mr. Fayard has been that amendment, the committee for which later it out, which shall be fixed by a favorable vote of a majority of the members elected to each house. Thereafter, the salary may be changed by a favorable vote of two-thirds of the members elected to each house, the change to be effective only at the beginning of the next succeeding term for which members of the legislature are elected."
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Explanations

Mr. Fayard Mr. Chairman, I appreciate your pronunciation of my name. I think that I will at least acquire temporary residence in the City of Annapolis or Independence after watching Mr. Anzalone perform earlier. I hope that I meet with the same success. This amendment makes no substantial change in the committee proposal. It was brought to my attention by several members of the committee and also by several delegates that the wording of subsection E as proposed by the committee is somewhat awkward. I am in hopes that this amendment will clear up several areas which may have led to objections if not cleared up. Number one, this amendment conforms in the tier system with the one that we have later in our proposal with regard to Section 7, Salaries to public officers and change. I think that the terminology is better. This amendment further makes it clear that the legislature will be able to fix the annual salary and thereafter only change it by a vote of two-thirds of the members elected to each house. It was brought to my attention that under the wording of the committee proposal in subsection E that an interpretation would have been possible to the effect that the legislature at each term could have changed or fixed its salary. In other words, this four years fix it and then a new legislature in the next four years come back and fix it. This would be a majority vote. I would be happy to answer any questions regarding my amendment. Actually, it's the same substantial proposition that is originally submitted by the committee. I personally favor this. I think there is no reason for camouflaging a salary paid legislators in terms other than a salary. I personally feel that members of the legislature work very hard. I think that they should be paid an annual salary comparable to the work that they put forth.

And I further feel that this concept of being paid an annual salary is supported by most students of government and I'm not only saying that this is a good government move, I'm saying that it lends support to the legislature. It encourages them and mandates them to fix their salary which I think that they deserve. It further establishes a precedent to the public to know before running for an office as to how much he's going to get paid for seeking that office. I can anticipate some arguments and some questions about the fact well, does this cut out the expense allowances. No, this does not. I would submit to you that this provision allows any reasonable expenses to be paid; mileage, for hotels, for meals, or whatever the legislature in its wisdom desires. But it does require the members to be paid on an annual salary which shall be fixed. I will yield to a question now.

Questions

Mr. Leigh Mr. Fayard, does your amendment contemplate that the Senate can fix the salary for its members different from what the House fixes for its members.

Mr. Fayard No sir. My amendment contemplates...

Mr. Leigh Isn't it subject to that interpretation where you say it's fixed by each house, or the members of each body.

Mr. Fayard No sir, I don't think so. I think that it's...it says that each member of the legislature shall be paid an annual salary which shall be fixed by a favorable vote of a majority of the members elected to each house. This is a language which we have used throughout our proposal and it's merely used to conform with other provisions of the proposal.

Mr. Riecke Mr. Fayard, I'm certainly in favor of this legislature. Legislators getting increased when the time is right and getting everything that they should have, but I'm just wondering...don't you think that if they're taken off of a per diem and put an annual salary, won't that encourage them to absences from the legislature? The legislator knows that if he's going to get an annual salary, he doesn't have to show up at all.

Mr. Fayard No sir, Mr. Riecke because the legislature at this time gets a certain amount of money whether he shows up or not. I think that this would encourage more responsible, at least more responsible action in the legislature. It would further encourage more people to participate in the seeking of office to the legislature.

Further Discussion

Mr. Bollinger I have no major objections to the gift of Mr. Fayard's amendment. However, I still feel that there is dead language in here which is not necessary to the constitution. We could provide simply in the schedule that the legislature shall fix the salary and the constitution could provide that the legislature shall be paid an annual salary which may be changed only by a two-thirds vote and then concur with the rest of his language. I just feel that this is adding language that will never again be used, once the legislature sets the first salary which will come hopefully after the adoption of this constitution. So, I think this should be cleaned up considerably for the constitution and I would like to see Mr. Fayard possibly reduct it to the legislature.

Questions

Mr. Velazquez Mr. Bollinger, wouldn't it be a lot easier if the convention itself just went ahead and fixed an initial salary and give the legislature the authority to expand it from then on by a two-thirds vote?

Mr. Bollinger I didn't understand your question. Could you repeat it?

Mr. Velazquez Wouldn't it be easier, since a lot of your problem seems to be in the fixed salary portion of this thing for the convention itself to merely go ahead and set up initial fixed salaries and give the legislature the authority to expand that by a two-thirds vote which would not be for them but for the next succeeding legislature? And solve the problem that way.

Mr. Bollinger You would suggest this be in the constitution. Is that your question?

Mr. Velazquez It would seem to be a way to break through the problem.

Mr. Bollinger No, I don't. I think the language is really erroneous to the constitution. That's my objection. Not to further specify that we...the constitution will set the first salary. This is not at all my intention.

Mr. Velazquez Then what is your intention, to remove the thing completely?

Mr. Bollinger To remove the portion which is germane to the legislature fixing the first salary by a majority vote. The schedule could provide that the legislature shall fix the first salary, or the salary for the 1976 members and then the constitution shall provide that it will be an annual salary and how it will be changed. But once it's fixed, this portion of the constitution will never again be needed.

Mr. Velazquez The question is, are you really saying any words by making a difference from the thing that's presently on the floor?

Mr. Bollinger Yes, I think you've saving words.

Mr. Velazquez I don't think that you're saving more than one or two.

Mr. Roemer Why is it two-thirds vote in here?

Mr. Bollinger I'm not arguing that point. Buddy.
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at this time. I'm just talking about this particular provision in the amendment, about fixing the salary. As far as the two-thirds vote, I'm not arguing pro or con to that effect.

Mr. Roemer You don't have a position on it?

Mr. Bollinger Not at this time.

Mr. Roemer Your amendment doesn't deal with it, does it?

Mr. Bollinger It does not.

Further Discussion

Mr. Burson Ladies and gentlemen, I just want to point out to you that the Fayard amendment does more than just change the wording of this section. The way I read it, it changes the substance, because the section as drafted by the committee says "members of the legislature shall be compensated by an annual salary," the clear indication of those words being that the only compensation will be an annual salary whereas the Fayard amendment simply says "each member of the legislature shall be paid an annual salary."

I think you're talking about two different things. Whereas you want to vote on it as right with me, but I simply wanted to point that out.

Further Discussion

Mr. Roemer Fellow delegates, I tried to ask a question a while ago and it seemed to be to the wrong person. I didn't have time, unfortunately, under these new streamlined rules we have to ask the author of the amendment what the amendment means. And I refer specifically to the incumbent vote provision. Now, I would like to hear someone who either authored or is in sympathy with this amendment discuss the two-thirds rule. As it's written now, it takes a majority to set the initial salary and a two-thirds to raise or change it subsequent to that. Now, if it's a good idea to have two-thirds change it, isn't it a good idea to have the two-thirds set it initially? That's my point. We seem to be inconsistent on the point. It ought to be a majority both ways. If we trust them to set it initially, why can't we trust them to change it when the times dictate that it needs to be changed? If we can't trust them to change it over time, why should we trust them to set it initially? Now, I'm not hung up over the point, I just want to know the logic here. It escapes me.

Further Discussion

Mr. Stagg Mr. Chairman and fellow delegates, the proposal before the house is the payment of an annual salary to the legislature. I believe, is a good one, and I support it. The language proposed by Mr. Fayard, while it is productive of some questions in some minds, says that the legislature, each member, shall be paid an annual salary. In answer to Mr. Burson, I would say, that it would be equally equitable for the members of the legislature to be paid the salary as if those legislators who live in the area of Vivian in my parish would end up with the same take-home pay as the delegate who lives in East Baton Rouge Parish. It doesn't escape me that that disparity affects the delegates to this convention. To change the salary from that initially set, I believe ought to be done by two-thirds vote simply so that a majority of the legislature at any given time might not unreasonably raise their own salaries. It appears to me that as a Republican watcher of the legislature, I will be quite interested in the legislators who shirk their duty because they're not receiving a per diem to come to Baton Rouge for the legislative committee hearings. They are the prime targets for the opponents of an incumbent legislature who takes the salary and then does not perform. I'm not too worried about it. I think that we can nail those guys who take our money and don't produce results. The annual salary is a good thing. The Fayard amendment is a good amendment, and I do support it.

Questions

Mr. Roemer Delegate Stagg, as I understood your remarks, you pointed out that you did not want the legislature to, by a simple majority, put in an inappropriate sum for their annual salary at some future date. Is that correct?

Mr. Stagg Yes sir, that is correct.

Mr. Roemer Do you have that same concern on the initial setting of the salary itself?

Mr. Stagg No sir, I don't.

Mr. Roemer How do you differentiate the two?

Mr. Stagg I think when they start off on this move after this convention has finished its work and after the constitution has been adopted that legislature on the initial fixing of the salary will be doing so in the alarming broad light of everybody's interest in what they do, and they are not going to unseasonably mess up their legislative record in the first setting of the salary to turn the public against them permanently. You will remember that the Congress in the last few years was paid $33,000. Five or six or seven years ago they raised their salary to $42,500. I am still talking about it and are still concerned about and though the time has maybe now come for them to again consider to raise their pay they are afraid to do it because of the public reaction.

Mr. Roemer Well, Mr. Stagg, would you agree that the temptation of money is great anytime.

Mr. Stagg All the time.

Mr. Roemer Both initially and at some later date, I might add, in my opinion. Can't you see the danger in having a simple majority set an absurdly high level of salary initially and then have it frozen in because it took two-thirds to change it.

Mr. Stagg Mr. Roemer, our remedy is always at the ballot box. Those men who fix their salary uneconomically high will have a short session in the legislature, i.e., only four years.

Mr. Roemer Well, then, if we follow that logic to its natural conclusion, which we seem not to be doing, then we ought to let a majority do it all the time and vote them out of office every four years.

Mr. Burns Mr. Stagg, I'm asking this because I actually don't know. Under this proposed amendment fixing a salary for the legislature, does that take the place of the per diem or is this in addition to the present per diem of $50 a day and mileage.

Mr. Stagg The per diem would no longer be paid and the salary would be its replacement.

Mr. Burns Is that... do you think that that is spelled out with sufficient particularity in the present amendment. Nothing is said about it.

Mr. Stagg There are four amendments on the desk, Mr. Burns, and if you'll read them you'll find that two of them will make that clear.

Mr. Burns Yes, I saw one by Mr. Burson, but I'm talking about the present amendment... committee proposal.

Mr. Stagg Mr. Burns, I'm in favor of the concept of the salary, the Fayard vehicle to put it on the floor before us is a more perfect vehicle than that which we originally met.

Mr. Burns I'm in favor of the concept too, of the salary, but I just wanted to know if we're going to
Mr. Stagg: We'd better not.

Mr. Willis: Mr. Stagg, Mr. Fayard told us that this provision would not allow the payment of per diem but that would possibly allow the legislature to give itself an allowance for hotels and meals...and meals. Now, that's what the per diem is for isn't it?

Mr. Stagg: Yes, sir.

Mr. Willis: Now, a rose by any other name smells just as sweet. So, that whether you call it per diem or a subsistence and allowances they can still get the per diem by another name or catch word, isn't that correct?

Mr. Stagg: But, I think that the legislature ought to be paid a salary and to make...

Mr. Willis: That's not my question. My question is, isn't that correct?

Mr. Stagg: But can I not answer it in my own fashion?

Mr. Willis: Yes, you may, but as you and I, in our profession, you answer yes and no and then you can explain. Let your time go out.

Further Discussion

Mrs. Warren: Mr. Chairman, fellow delegates, since I was not able to ask my question at the mike some time ago, I'm taking this privilege. I don't see how I could vote intelligently on a matter I have not had the privilege of sitting in on a legislative committee. I don't know that it's all about. The other day one of the delegates said that the legislators get $500 a month; that doesn't sound right, but if they get $500 a month that's an annual salary, I don't care how you spell it. You might use a technical word and say well it's not in the constitution saying 'annual salary'. Then, he also mentioned the expense account, the travel expense and so forth and the per diem a day while they were meeting. I'm just wondering, I heard one person say that money was tempting, in some instances we can trust the legislator and some instances the legislature can trust themselves and some instances they can't. But when it comes to money, I imagine they can't trust each other all the time. Another thing that I was thinking about was that a yearly salary is good providing we can trust that the legislators will not do what I have in mind, and I'm going to tell you in a little story. I can remember, and this is true, it's a true story, a first cousin of mine which was similar like an aunt. She was working for a family. They put out the groceries to be cooked. The amount they put out was just enough to serve their families. For the first couple of days she went without eating. So, the next couple of days she got smart like Senator Rayburn. She decided she would cook, she would eat and then she would serve. Then whatever was left, they would eat it. So, I would like to know more about this before I could vote intelligently. So I don't have any way of asking any questions since we don't have that privilege any more. This matter might be settled before next week. So I really don't how to vote on it, so I'm going to oppose it.

Further Discussion

Mr. Jack: Mr. Chairman and delegates, I started to say I'm brief, you've got to now. Thank goodness. I really want to point out this, that this language states you'll fix the salary. There is nothing in there that provides that you no longer have a per diem. Per diem in 1940, was $200 expenses. Presently, $50 per diem expenses. The law provides the per diem is not subject to state income tax because it's expenses. Under this, you do what you want and you are, but I want to try to keep it because they're all inter-legislature, under this, can fix a salary, annual salary, and unless they repeal the per diem they would still be entitled to the per diem just the same as they would be if they $500 a month, expense money which is $6,000 a year. Per diem under our present 60 day session is $3,000. So you would have in a 60 day session the $500 a month totaling $6,000 plus $3,000 which is $9,000 a year. Then if you fix the annual salary at $1,000 a month which is $12,000, a legislator would earn $12,000 plus $9,000 which is $21,000 a year plus whatever the amount was for his secretary and for stationary or rent of office space. I call that to your attention because that's what you're going to end up in spite of what Mr. Stagg says. I served there 24 years beginning in 1940, ending just before the '64 session and always that per diem was listed, not his salary, but expense money. You can say, and you may be right, that if the legislature does and you pass this he fixes an annual salary, they will reap what the per diem. If you trust them to do it forget what I'm saying. If there is any doubt in your mind somebody better offer an amendment or if they don't, I'm going to vote against it. I don't think it's proper and I think a reasonable amount be $1,000 a year if you have a State Representative plus only mileage. I think they ought to get the mileage. I don't think if you set an annual salary they should net any $500 a month expense money and in session any $50 a day. Thank you.

Question

Mr. Willis: Mr. Jack, don't you think that the original proposal by the committee which in pertinent part reads "shall a per diem salary" when put [...] with "shall be paid an annual salary" under the Fayard amendment, that the committee proposal would prohibit the payment of per diem, how, travel and meals, office staff, office expenses and travel expenses.

Mr. Jack: I would not at all anymore than when I was given an allowance as a kid by my parents, if I could get something out of my Aunt Susie, I got that also. That's the answer.

Further Discussion

Mr. Weiss: Fellow delegates, as I appreciate the problem, we have the legislator and legislator should receive an annual salary or whether they go on the basis of what has happened in the past years of per diem and expense allowances. The Fayard amendment I must make a note of it, and I certainly think the committee members who have spent a lot of time considering this have the most desirable type of amendment. I have some questions, but I envision that these contingencies could be answered by our legislators here present. For example the compensated annual salary is a fixed amount. However that fixed amount may not necessarily be the same for each legislator. For example, those in different sections of the state may be compensated differently for the distance they may have to travel than those that are residing in Baton Rouge or nearby. Perhaps the legislature which has requested so much more power, will be able to resolve that within their own domain. I question the present legislators whether they would do that and I think they may. The second point is those who fail to attend sessions. I hope that they would penalize themselves for those that have a certain limit that they must attend before they are penalized in some way for their annual salary. Now this resolves itself to allowing the legislature make their decisions. I make the decisions of the committee under Section "E". I do believe that that may or may not occur. If the legislators feel otherwise I wish they would do it. I have certainly the proposals and amendments, floor amendments that are coming up will be an attempt to present this on a per diem basis such as the Fayard amendment and I think we should defeat all of these.
amendments and go with the committee's proposal. I hope that the legislature in its wisdom and through the men who serve us will see that they have a good attendance by penalizing those who do not attend and provide for the fellows who are out in certain areas and have to spend more money. That they too be allowed a larger annual salary.

Further Discussion

Mr. Champagne I too might have had this by questions but we didn't have enough time. I simply want to make the statement that the Fayard amendment positively does not take care of the fact of per diem in my estimation. It simply, and the first one is more complicated. As simple and without the amendments that are coming, I would have to vote against all of these. I want to leave one thought in your mind. Many years ago when we had a reconnaissance section there and there was one plane up observing and the other one flew wing man, the wing man's purpose was to take care of the boy up front. I heard the expression once by one of the pilots to his wing man. He said, "you Joe, I trust you with your life but with my girl friends and my bourbon I positively do not." There's a little similarity here with the legislature and some of our minds. I just want to put that thought to you. Thank you.

Further Discussion

Mr. Duval I thought at this time, fellow delegates, that I would like to if you haven't read the present constitutional provision where it provides: "The members of the legislature shall receive a compensation of $10 per day during their attendance on that body and 10 cents per mile going to and returning from the seat of government not to exceed three round trips." Now that's what's in the present constitution. Obviously it's been interpreted to me, not less than. In drafting this provision I would suggest that we let any small amounts and further, that if we want to fix an annual salary the way that the amendments now read there's nothing to prevent per diem or any other perquisite. It really destroys the whole effect of the article. I would ask you to vote against the amendment as it presently reads.

Further Discussion

Mr. Rayburn Mr. Chairman and fellow delegates, I just want to take a few moments to kind of enlighten some of you that might feel that the members of the legislature are making a tremendous amount of money. I think I'm one of the top paid members. My salary last year counting all was $15,000. There is one thing I'm going to ask you to think about when you're talking about per diem and expenses. I'm on the Bond and Building Commission and I'm Chairman of the Finance Committee. I'm on the Board of Liquidation because I'm Chairman of the Finance Committee. Likewise as the Chairman of the Appropriation Committee in the House I'm a member of the Budget Committee. I just want you to think of this. When you say an annual salary period, Mr. Champagne, you're saying to a man like me that I've got to come to Baton Rouge probably. I've got to come twice a month for the Bond and Building, we usually meet once or maybe twice a month for the Board of Liquidation, the Budget Committee meets twice a month. I've got to Batson Rouge if I'm going to be a good legislator and I've got to attend those meetings for the same salary that a man serving in a local legislative body will receive. I just wanted to bring that out.

Questions

Mr. Weiss Delegate Rayburn, my question as I mentioned before is do you think your fellow legislature would consider this and there be some work done in the legislature?

Mr. Rayburn Well Doctor, the way I see it, you're going to have to have some work done in the various committees that legislators have to serve on. I think if they've got added expenses, for instance I'll use my good friend Senator De Blieux, is it right for him to make the same salary that I make and I've got to come 105 miles to get here? I've got to stay in a hotel here and he stays at home?

Mr. Weiss Obviously not, but do you think it's up to the constitutional body here assembled to make that decision or should we leave it to the legislature?

Mr. Rayburn I think it should be left to the legislatuere to make that decision or should we leave it to the legislature?

Mr. Weiss Therefore the amendment by the committee is more desirable than...

Mr. Rayburn I also think this. I think this body should give some consideration, I'm sure you are going to pass the amendment where it says that we can't raise our salary, which is alright with me without a two-thirds vote. I think you should consider other elected officials too because they are elected officials just as I am.

Mr. Weiss That proposal is in the making.

Further Discussion

Mr. Burns Mr. Chairman and fellow delegates, let me make my position very clear on this amendment. I am certainly not against members of the legislature getting the proper compensation for their efforts. I know that their duties and obligations and what they are called on to do has increased tremendously over the years just like every other phase of business has. What I am concerned about under the present wording of this amendment is the constitutional body here assembled, is it leaves as far as the voting public is concerned. That's the point I'm trying to stress. We may understand the legislators and have complete trust and confidence in them. But I think the public when they go to vote on this constitution, are entitled to a little more definite information. Not just the amendment that the legislature can fix its own salary. I think they're entitled to know what else is included. Not any specific amounts, and I'm not talking against any other expenses that they will be subjected to in carrying out their duties. All I would like to urge that somebody come up with an amendment that we not be called on to vote on this amendment in its present form. We can do it in this convention, but I don't know how the public is going to look on it when they're called on to vote with no more definite than we have in this amendment.

[Previous Question ordered.]

Closing

Mr. Fayard Mr. Chairman and fellow delegates, let me make my position very clear on this amendment. I served on the Legislative Powers and Functions Committee. Sub-section "E" is my proposal. We discussed this throughout our meetings and it was brought to our attention that the salary for legislators did not belong in the constitution. I studied that over in my mind for many weeks and on the last day of our committee meeting, I drafted Sub-section "E". I didn't draft it in a conference room. I didn't draft it behind doors, I drafted while I was sitting there at the desk and I submitted it. I passed it 5 to 1. It was a good concept. The question now is what do you want to debate on Sub-section "E" as drafted or my amendment. I merely submit to you that my amendment is in better language and belief than the original, I have drafted Sub-section "E" on the final day of our committee session. We have had questions. Why the two-thirds vote? I submit to you that the two-thirds vote was to give the people the right to decide if we have two-thirds vote. You can eliminate the two-thirds provision about the change. That doesn't bother me. I'll make that decision up to you, but what I would like for you to do is to pass this amendment now, get the concept on the floor, and if
you want to further amend it to prohibit per diem, to prohibit gasoline expenses, to prohibit meal expenses that's fine. I do not favor that. I favor letting the legislature make up their own minds. My position is merely that a salary should be called a salary and gets $9,000 a year which he goes to a committee meeting or whether he goes to a session or not if he gets a leave of absence. I submit to you that everybody gets a leave of absence and gets $9,000 a year. It's called a per diem if you want to call it that. He still gets paid a salary. I see nothing wrong with it. As a matter of fact I think it should be a minimum of $12,000 a year. I had originally proposed that but figures do not belong in the constitution. I would further say that the legislature in its wisdom is not going to set a salary at $1,000 a month and then come back and tack on per diem. They may allot expenses or they may provide for a salary for a committee chairman or they may provide different measures for compensating members who attend committee meetings and have to come from Shreveport and New Orleans and Alexandria or what have you. The proposition before us is whether you would want to mandate the legislature to pay themselves an annual salary. We've heard arguments that it's not necessary, that there is no need to have a salary because they're already doing the same thing. They want to say that if the constitution mandates it, the legislature will definitely fix a salary which everyone who will know the exact amount that legislators are expected to receive and deserve to receive and make. I believe that when they run for election that this will not hamper the incumbents and that this will open other people who want to run for the office, give them at least the knowledge as to what they can expect to make. I would further submit that under sub-section "E" as the committee reported it out, it does not prevent per diem. It merely says the legislature shall be compensated by an annual salary. That is not a restriction. It can be interpreted back and forth. I would further say that it would be hard to restrict a meaning of that in the constitution unless you come back and specifically say that the salary shall be in lieu of all other compensation and payment. I am in favor of the idea and I know definitely what they're going to receive.

[Amendment rejected: 44-56. Motion to reconsider tabled.]

Recess

[Quorum Call: 82 delegates present and quorum.]

Personal Privilege

Mr. Haynes Mr. Chairman and fellow delegates, I rise to speak on personal privilege. As you observed in the news media of our capital city on Tuesday morning July 10, there was reporting of the senseless killing of one, Milton X. Scott, of our city. In view of the fact that this represents the disregard that we have for human lives and for the sanctity and safety of the family in our homes. I found in this delegation a segment that is concerned about this disregard. This behavior of our delegates feels that this is worse than any watergate that ensnared our nation today and that no longer can we tolerate in our capital city this disregard for the family and for the home. In view of this, Mr. Chairman, some of these delegates wish to form a committee and get leave from this constitutional convention and go down to the FBI and for this poor family here in Baton Rouge, seek some semblance of justice. See that our nation and our city would thoroughly investigate the circumstances surrounding this reckless disregard for human life, and that the perpetrators of this injustice would be brought to court and that this family would be provided a hearing. I have risen and ask your permission to address this delegation to us that those sympathetic delegates would be permitted to have leave to go down to the FBI office in the Post Office Building of our city to seek the investigation be made, that the perpetrators of this crime would be brought to justice. I think you would recognize that the more recent news media has revealed that the man who was looking after his two little children and his young wife was killed. That the man for whom they were seeking was in San Quentin. As you may or may not know, Mr. Chairman, I want to thank you very much for the opportunity.

Personal Privilege

Mr. DeBlieux Mr. Chairman and ladies and gentlemen of the convention, Mr. Wellborn Jack made a statement a few minutes ago in the argument of the Fayard amendment that the per diem that legislators receive is not income. I just want to make my record clear on this. It may not be income to some people, but I have placed it on my tax return and income and you can go and check my tax returns at the Clerk of Court's office here in East Baton Rouge Parish. I am not trying to get into a discussion to where I can be accused by the Federal government or Mr. Joe Traigle or anybody else for not reporting income that I have received. I think that that's something that I think it is important that we keep track of. I just want to make it perfectly clear if you want to take that risk, that's all right, but I'm not in that category.

Amendment

Mr. Poynter The next set of amendments is sent up by Mr. Asseff.

Amendment No. 1, on page 3 strike out lines 27 through 32 in their entirety and on page 4 strike out line 1 in its entirety.

Explanation

Mr. Asseff Mr. Chairman, delegates, it seems to me most unwise to set a special provision for the members of the legislature and to direct that they be paid a per diem. Salaries are provided for in Section 11 of the proposal on page 6. I think it will create nothing but trouble for this convention if we set the legislature aside for a salary whereas we provide otherwise for other public officials. If we delete the provision under the concept we will follow with respect to the constitution, the legislature will be free to set a salary or not as it thinks best. When we reach Section 11, I will offer an amendment at that time to be certain that the legislature may set a salary for all public officials, including members of the legislature. For the moment I am moving that the entire "E" be stricken.

Further Discussion

Mr. Jack Mr. Chairman, and members, I'm speaking in favor of this, Ms. DeBlieux, and Mr. Chairman, and I've talked with numerous people and they all agree, there's no necessity for the constitution to authorize the legislature to fix the salaries. They have that right. I think it is not right for this legislature in Louisiana never fixed the salary was because way back the amount of work didn't warrant
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it. So you had a per diem expense. I don't know what it was before 1940, somebody said it was $5, I don't know. But in 1940 when I went there it was $10 a day and you met 60 days every other year in the eleven years. Now that was for expenses. It was later raised to $25 per diem for expenses. Later to $50. Now after that we got $250. Now when I was talking a few minutes ago, I stated that it was not subject to state income tax because as I recall, a ruling of the tax collectors. Someone said I was in error. If I'm in error I stand corrected. It still has nothing to do with the fact we're talking about because that per diem that you get today of $50 is expense. It's not a salary. That $500 a month is not a Salary, it's not caused it. The whole thing here is that is a matter that concerns itself with the legislature. We don't have anything in the constitution that says what the salary of a judge or that they get a salary. The legislature's got a right to fix their own. If we're going to try to come up with a semblance of a constitution that eliminates things that are not necessary, here's quite a number of lines to take out. Just delete the whole section here then they can equitably fix a proper salary, and I think they ought to have one. I think the chairman ought to be paid more than the other people. I think a person serving on that Budget Committee for 30 days or whatever it is, he ought to get more than a man that doesn't. Take for instance salary alone shouldn't be proper. Some of you think under this bill it eliminates per diem, since it is some doubt on things. In justice to the hard workers in the legislature, if for no other reason, them work out the problem. Since they don't need authority from the constitution to do it, why in the world do we have this section in here? So I say this is a good amendment, eliminate the thing and let's get along with it.

[Quorum Call: 93 delegates present and a quorum.]

Further Discussion

Mr. Burns: Mr. Chairman and fellow delegates, I'm in favor of the Asseff amendment for this reason. In the first place I didn't even think this article should have been in the constitution but when I was up here before, I didn't want to go as far as to say that. By deleting it, I said I don't think it ever should have been in there, it's going to a large measure, in my opinion, take away the concern that I had with reference to presenting this to the voters in the form that it was. I think if under Section 11 of the Bill General Assembly has the right to fix its salary, that's up to them. Many speakers have said if they overdo it or take advantage of it why they and they alone are the one that's going to have to pay the price. So I urge the support of Dr. Asseff's amendment.

Further Discussion

Mr. Champagne: I simply want to say that I'm in favor of this motion. I want to put whatever iniquities or blame that might occur where they belong. To say in the constitution that we have something which appears that it's a check and it is no check, I simply want to leave the facts to the public. I want the public to know that the legislature alone decision this and if they decided wrong, then kick them out of office when they do. I'm in favor of this motion.

[Previous Question ordered.]

Closing

Mr. Asseff: Mr. Chairman, delegates, I wish to say only two things. First, the amendment meets with the approval of the chairman of the Committee on Legislative Powers and two, it will not prevent the legislature from setting a salary. Thank you.

[Amendment adopted; 82-16. Motion to reconsider tabled. Previous Question ordered on the Section: 72-22. Section passed: 98-2. Motion to reconsider tabled.]

Personal Privilege

Mr. Joneau: I'm getting a lesson today, gentlemen, in the legislative process. I guess we all are in some respects.

I want to clarify one thing because it is going to come up again. I don't know if you got the impression I did in the slight span of time of five or six seconds. I think Mr. Fayard would share my thoughts in this regard. That the Legislative Committee consensus seems to be that we favored the deletion of that line. I am not sure if you understand what is being said. I think I just want to clarify that. It is not correct.

Personal Privilege

Mr. Asseff: Well, I said I'm not sure if the implication...I just wanted to clarify that. It is not correct.

Personal Privilege

Mr. Blair: Mr. Chairman, ladies and gentlemen of the committee, I think I can explain that. I think I can clear it, and I think I can clear it from the beginning.

When we started the Legislative Power and Functions Committee, it was the general agreement that I got the...ah the agreement that I would only break ties or fill a quorum, and I thought we could act and carry on our work much better in that manner. On the day that we decided this particular issue, the vote was 5 to 4, five in favor and four against. If I had not kept my consistency at the time I could have killed it there. But I preferred to stay consistent and I did so. When Mr. Asseff, or Dr. Asseff, asked me how I felt, I said, "Personally, I did not quote for the whole committee. So I hope that clears it, Mr. Joneau.

Reading of the Section

Mr. Paynter: Section 5. Legislative apportionment, judicial review, apportionment by the Supreme Court. Section 5A. Not later than the end of the first year following the year in which the population of this state is reported to the President of the United States for each decennial federal census, the legislature shall apportion the representation in each House on the basis of the total state population shown by the census.

Within ten days after the legislature adopts an apportionment plan, the presiding officers of the two Houses shall submit the plan to the Supreme Court for review.

B. If the legislature fails to apportion itself, the Supreme Court, upon petition therefore by the attorney general within ten days after the close of the year above specified, shall apportion each House as provided in paragraph A of this Section.

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

Explanation

Mr. O'Neill: Ladies and gentlemen of the convention.

The article on reapportionment was perhaps the longest discussion that our committee held during our deliberations. We went from one extreme that the legislature shall apportion itself, period, to the extreme of adopting the language in the Florida Constitution which set out approximately three pages of material on apportionment and the methods.

We took the Florida plan, capitalized it down, and we came out with this. Now let me explain why we came out with this. I went through this myself first, and I think fairly said by other members of the committee, that we would like to keep apportionment out of the federal courts. Therefore, we have provided that it
Mr. O'Neill. Mr. Lanier, if I misrepresent the feelings of the committee, I hope the members will tell me, we planned this so that if in case it did not go to the Supreme Court, I'm sorry, the federal court would have taken this into consideration when passing upon it perhaps in a suit. The Supreme Court would have reviewed the plan and would have passed upon it and that it would have had some effect in some way when it got into federal court.

I think that's the intent of this section and that's why it was put in there.

Mr. Lanier. Mr. Chairman, I'd like to ask a point of order, I have submitted some amendments on this proposal. What point in time would those be considered?

Mr. O'Neill. When you quit asking questions.

Amendment

Mr. Poynter. The first set to be passed out right now is sent up by Delegate Denney.

Amendment No. 1 on page 4, line B, immediately after the word, quote, house, and before the word, quote, on, insert the words, quote as equally as practicable, end quote. Equally as practicable.

Explanations

Mr. Denney. The purpose of my amendment...the purpose of this amendment is to assure that the one man, one vote rule is followed. I am not so certain as Mr. O'Neill indicated that the single member district would require an equal apportionment. Apportionment as defined in the dictionary does not necessarily require equality. As a matter of fact, I think the last decision of the Supreme Court defining this word or discussing this word used the language just and equitable, but did not indicate as equally as practicable. And the purpose of my resolution is merely...of my amendment, rather, is merely to put into the constitution very clearly that any apportionment by the legislature shall divide the total number of citizens in the state by the total number of legislative districts in the House and in the Senate and come out as equally as practicable for each district in numbers of representatives.

Motion

Mr. Fontenot. Mr. Chairman, I just saw you yawning upstairs and I am in the same position physically and mentally. Therefore, I move we adjourn until 9:30 tomorrow morning.

Mr. Henry. Mr. Fontenot, for goodness sakes now. Someone jumped up and moved to adjourn yesterday afternoon, and we are fixing to round this thing out in a minute. But there are duties at the desk that we have to go through with, and all these just out of the blue adjournment motions cause all kinds of confusion.

Mr. Fontenot. Excuse me, Mr. Chairman. I move we revert to the regular order of business.

[Motion to revert to other orders rejected: 6-8.]

Further Discussion

Mr. Blair. I would at least like to see the amendment. I have not had the amendment given to me yet and I thought we were going to get these amendments down here first.

[Previous Question ordered. Amendment adopted: 83-10. Motion to reconsider]
Amendment

Mr. Poynter  Amendment No. 1 [by Mr. J. D.]  (by Mr. J. D.),
page 4, line 11.  After the words, quote, Plan to, the, delete the word, quote, Supreme, delete line 12 in its entirety and insert in lieu therefore the words, quote, Louisiana Supreme Court for review.

Explanation

Mr. LeBreton  Mr. Chairman and delegates, on the premise that Johnny won't have any objection to me handling his amendments, the only thing this does is add the word, Louisiana, in front of the Supreme Court. It now stands to Supreme Court for review. This would make it read Louisiana Supreme Court for review. I don't think that's very controversial and on that basis why I ask for a favorable report on this amendment.

Questions

Mr. Tate  Mr. LeBreton, I would assume that on the style and drafting, when we get to it, we will try to talk of the, say, the Supreme Court, in the same terms throughout. And for instance in the judiciary, we are just saying supreme court and saying Louisiana State Supreme Court. I would just think this is sort of a style and drafting amendment that really we might....it is not well considered.

Mr. LeBreton  Well, why don't you let it pass, Judge, and then just style it and dress it when you get it in committee.

Mr. Tate  Well, that's why I didn't want to be forced in the position later to look like we are taking out something that the delegates in their wisdom had thought was a good change.

Mr. LeBreton  On the other hand, if I don't pass this, Johnny may never speak to me again.

Mr. O'Neill  I think the Lord is telling us something.

Mr. LeBreton, let me ask you, and I know you are not a lawyer, but you are on our committee and I don't know if you were there to remember it. Do you think we could petition the United States Supreme Court to pass upon our apportionment plan?

Mr. LeBreton  We could ask them.

Questions

Mr. Newton  Mr. LeBreton, I have three separate amendments with the name J. Jackson at the top. Which one are we voting on, please?

Mr. LeBreton  The one that says, on page 4, line 11, after the word, quote, plan to the, quote delete the word supreme, and delete line 12 in its entirety and insert in lieu thereof, the words, quote, "Louisiana Supreme Court for review," unquote.

Mr. Newton  Thank you, sir.

Further Discussion

Mr. O'Neill  Mr. Chairman and members of the convention, we discussed this matter in the committee meeting and if Mr. LeBreton was not there, I apologize for that. Let me say that in speaking in the Louisiana Constitution, we cannot be speaking of any other supreme court besides the Louisiana Supreme Court and that this amendment seems to be superfluous.

[Previous Question ordered: Amendment rejected: 28-62. Motion to reconsider tabling. Motion to revert to Introduction of Resolutions.]
91 delegates present and a quorum.

PRAYER

Mr. A. Jackson Let us pray. Dear God, as we come to this place to make great decisions for Louisianians, we ask that You would invoke Your blessings upon this body in order that the decisions we make for generations yet unborn will be fair and just and will rebound to the benefit of all citizens of this great state. We ask that You give us the creative power not to be mindful of what the present mood is so much as we would project and realize that there are things yet to come that we must plan and consider as we write a set of laws for these people that are here and will come. These blessings we ask in Your name. Amen.

PLEDGE OF ALLEGIANCE

READING AND ADOPTION OF THE JOURNAL

PETITIONS, MEMORIALS, AND COMMUNICATIONS

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PROPOSALS ON SECOND READING AND REFERRAL

[Journal 188]

UNFINISHED BUSINESS

Mr. Paynter Committee Proposal No. 3 by Delegate Blair, chairman of the Committee on Legislative Powers and Functions.

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

The status at this time is that the convention has adopted to date the first four sections of the proposed article dealing with the legislative branch. It is presently considering Section 5 dealing with legislative apportionment, judicial review, apportionment by the Supreme Court. To date, on Friday, one amendment proposed by Mr. Demeny which will be noted in your Journal on the second to last page, I believe, was adopted, and one proposed by Mr. John Jackson was rejected on Friday. That is the status of Section 5 at this time.

Personal Privilege

Mr. Tate Sister and brother delegates, at this time, with regard to the section under discussion, one of the delegates yesterday asked me to check with the Chief Justice with regard to any views he might have on the function of the Supreme Court under the proposal to apportion the legislature upon petition of the attorney general, elector, or whoever, if the legislature fails to do so. I feel obliged to communicate to you the views he expressed because some of the delegates asked for the views of the Supreme Court. This does not necessarily represent the views of all of the Supreme Court. It just represents the views of the Chief Justice. Here is what he says. "Dear Judge Tate, I have been advised that the Constitutional Convention is considering a proposal whereby the legislature will reapportion itself periodically, but if it fails to do so that the State Supreme Court will have the duty to reapportion on the petition of the attorney general. I am opposed to such a provision for at least two reasons. One, it arises in spirit, the separation of powers between the legislative and judicial branches. Two, it places upon this court the administrative or political duty of reapportionment in a proceeding outside the form of a law suit between competing parties. I trust that you will give this matter earnest consideration and, if you think it desirable, acquaint the members of the convention with my views on the matter."

Mr. Speaker, I would like to do whatever I need to in order to file this with the records of the convention.

Mr. Henry I think that if you would present that with the clerk and then we will take it up... we just need to read it in Morning Hour No. 4 I believe. Petitions, Memorials and Communications, and we will file that appropriately.

Thank you Justice Tate.

Amendments

Mr. Paynter The next set of amendments was sent up by Delegate Lanier with many names on it, Kean, Duval, O'Gerolome, Landry, Silverbarg, et al. Amendment No. 1, on page 4, line 9, after the word and punctuation "census," delete the remainder of line 9 and delete lines 10 through 12, both inclusive in their entirety. Amendment No. 2, on page 4, line 18, after the words "procedure for" and before the word "petition" delete the words "reapportionment." Amendment No. 3, on page 4, at the end of line 13, delete the words "the superior" and at the beginning of line 14 delete "court," and insert in lieu thereof the following: "the Louisiana Supreme Court."

I see a few people still looking for this. This was offered up by Mr. Lanier. It has many other handwritten names on it. Kean, Duval, O'Gerolome, et al. Are there a good number of you who have misplaced the copy? I'll have a few more run and if you see the pages walking around, if you don't have a copy of it, then raise your hand.

Explanation

Mr. Duval Fellow delegates, the purpose of this amendment is basically to delete the provision that the Supreme Court of Louisiana automatically reviews the plan within ten days after its adoption. There are very many arguments against them automatically doing this because, one has been read to you in a letter, it certainly abrogates the separation of powers theory. If the Supreme Court, without any justiciable controversy, comes in and immediately reviews the plan, and the word review, in my mind, allows them to amend the plan and in any way change the plan, I think that actually you are going to have the Supreme Court reapportioning the legislature rather than the legislature itself under this provision. This is what this amendment attempts to do is to take out the automatic review of the Supreme Court. You would normally have a review by the courts in the event any citizen of Louisiana petitioned the courts to review the reapportionment plan. I don't think it is necessary to have an automatic review and therefore I urge the adoption of the amendment.

[Previous question ordered. Amendments adopted: 75-6. Motion to reconsider tabled.]

Amendment

Mr. Paynter Amendment No. 1 [by Mr. J. Jackson] on page 4, delete lines 13 and 14 in their entirety and insert in lieu thereof the following: "If the legislature fails to apportion itself, the Louisiana Supreme Court, upon petition therefor by the attorney general or a qualified elector within...".

Point of Information

Mr. J. Jackson Mr. Chairman, in light of the previous amendment that was just adopted I would assume that my amendment would possibly be out of order so I just wish to withdraw it at this time.
Mr. Henry Poynter, would it, in light of the 19th Amendment, be out of kilter there?

Mr. Poynter As I appreciate it, Mr. Chairman, it wouldn't be. Mr. Duval's amendment, straighten me out on all misapprehensions. In particular, this amendment did not affect that particular area so, as I understand it, it would certainly be in order.

Mr. J. Jackson Mr. Chairman, delegates of the committee on reapportionment, I move that the present action by the clerk, Mr. Poynter, what this amendment basically does is add the right of a qualified elector, it makes it very clear within the constitution that, if the legislature fails to apportion itself that not only does the attorney general have the right to file a petition but a qualified elector also. That is the basis and the thrust of this particular amendment.

Questions

Mr. Derbes Mr. Jackson, don't you find a little peculiar that the Committee on Legislative Powers and Functions say fit to set forth in their proposal a method for reapportioning and that provision for reapportioning has been completely gutted from that proposal without any discussion whatsoever.

Mr. J. Jackson That's an observation, Mr. Derbes, that some would share, I don't know how totally true, but the emphasis of my amendment basically is to provide another vehicle whereby any elector of the state of Louisiana could also file a petition. I wouldn't want it to be construed that it could only be... that a petition could only be filed by the attorney general. If there is no further question or discussion, Mr. Chairman, I move adoption.

Mr. Gravel Mr. Jackson, I appreciate the spirit, I think, and purpose of your amendment but aren't you afraid that by adopting your amendment that we would perhaps restrict those persons, or the class of persons who would be eligible to institute a reapportionment suit? If the constitution provides that only an elector or the attorney general can institute a petition for reapportionment that not preclude a citizen and taxpayer who presently has the right to petition for reapportionment from being able to do so?

Mr. J. Jackson Mr. Gravel, I have no problems if you want to further amend this to provide for a particular class, but as I read the amendment as proposed by the committee it only restricted itself, it only clarified and stated that the attorney general. I have attempted to go a step further by saying the qualified elector. If you have an amendment that you feel would be all inclusive that would not only include qualified electors but would possibly include persons who may not be qualified electors but may have a particular interest in filing suit, I would have no objection, but at present I am submitting this because I think that one of the basis for anyone filing a suit challenging the reapportionment of the representation, it would seem to be that one of the automatic criteria ought to be that he ought to be a qualified elector. A qualified elector, it would seem to me, could very well file that suit in the name of particular class of individual.

Mr. Gravel I do have an amendment. All I am saying is don't you feel that your proposed amendment will really restrict the right of a person who are not electors to institute a suit for reapportionment when they should have the right to do so? I am talking about citizens and taxpayers who are not electors. Every problem together or not you don't think that what you are trying to do is probably not being accomplished by your amendment. It is too restrictive, don't you agree?

Mr. J. Jackson It may be, Mr. Gravel, but most of the apportionment suits that I've been acquainted with have in all different parts of the country. In the particular geographical area who represented a certain class and particularly carried the criteria of being a qualified voter, but I have no major objections; I would ask the chairman if a similar provision could be an expansion of the present committee proposal and you could very well fellow later with an amendment that you may not be sure, if by opening the door, not wanting to be restrictive, I might just have such language in there that it would not accommodate even the class of persons that you are probably interested in.

Mr. Roy Mr. Jackson, I am a little worried about this entire section. The way I read it is that it mandates the Supreme Court to do something that it may not want to do. That is, even assuming that you would have a census taken and no reapportionment done by the legislature because the census would not have changed. Nevertheless the Supreme Court, on line 15 with the word "shall," would be mandated to do it and I am just wondering if it shouldn't be optional. That is, the Supreme Court may not be necessary, we ought to have the word "may," because we may be making them do something they have to do when there is no need to do it.

Mr. J. Jackson My only response to that, Mr. Roy, is that normally it has been a historical fact that the federal courts have had to decide what the reapportionment lines are going to look like. I believe if you provide the options, too many options involved in reapportionment, what you have is people just shifting the buck and nobody taking the responsibility of his rightful charged duty so that what I attempted to do is to say that if the legislature fails to fulfill its responsibility then the petition of the attorney general or a qualified elector, then the Supreme Court. If we make it optional I just wonder what if the Supreme Court decides not to become involved in the reapportionment, then what you have is what people are very much against, what you have is that...

In closing, just let me say that I offer this amendment as to one, to provide alternatives, not allowing only the attorney general but a qualified elector and, two, is to make sure that someone, and on the state level that we are attempting to take care of our business, that someone outside of the state taking care of our business. I would hope that members of this convention would adopt this proposal as written and if there were other amendments in what we could possibly do is amend them to meet with every other objection that some of the delegates have mentioned. I wanted to just use that, I think there is a responsibility of the legislature to reapportion itself and if it doesn't, I think that someone else on the state level must take that responsibility before we push it on to the federal government.

Further Discussion

Mr. Conroy I wish to speak in favor of Delegate Jackson's proposed amendment. It fills a hole that has to be filled in the proposal as it came from the committee. The committee proposal does not really make it anybody's obligation to seek reapportionment if the legislature fails to do so. Unfortunately in this state the legislature has had some difficulty in reapportioning itself and the result has been that the matter has been pushed into the federal court. This provision, with the insertion that Mr. Jackson suggests with any interested citizen being able to petition the higher courts, if the legislature fails to reapportion itself, perhaps we can keep the thing at least within Louisiana bodies' jurisdiction to determine what the makeup of the Louisiana legislature should be instead of pushing it into the federal court. I urge your support of
Motion of Information

Mr. Kean In light of the letter that has been read to us from the Chief Justice about his concern with this provision, I raise the question of whether or not we could defer action on this particular section to have some further committee or other consideration of it, in light of the Chief Justice’s comments, and then proceed with the other sections of the article.

Mr. Henry I think, Mr. Kean, if the convention delegates are of a mind to do so we could pass over this section pending the necessary information that the convention feels it should get, or the time it should spend on this section, but I suppose that action would have to be taken by the full convention, sir.

Motion

Mr. Kean If it is in order, Mr. Chairman, I move that we defer action and pass over this section for the time being in order to give us time to study and consider the comments of the Chief Justice with respect to it and that we proceed with the next section.

Mr. Henry Mr. Kean, just in my own mind, because I imagine there would be some questions asked, would you specify any period of time, or do you want to make that indefinite?

Mr. Kean I would say until this afternoon at least, Mr. Chairman.

Further Discussion

Mr. Gravel Mr. Chairman, ladies and gentlemen of the convention, the only reason why I am objecting to Mr. Kean’s suggestion or motion to defer is because I have pending, that I would like to submit to the convention for consideration, a further amendment which will delete Sections B and C for reasons which I believe are legally valid and I do think we should give consideration as to whether or not we want to totally and completely eliminate from the constitution the provisions in B and C and particularly have been just taken by the convention and the adoption of the Lanier amendment. I think it is important that we give consideration to that concept. That is the reason I oppose.

Questions

Mr. Avant Mr. Gravel, is it not a fact that prior to the entry of the federal courts into the reapportionment situation in the one man, one vote decision, the original decision, that a suit was brought in this state which went to the Louisiana Supreme Court under the Constitution of 1921, when the legislature had failed to reapportion itself and the Supreme Court refused to consider that suit, said it was a political question and they couldn’t get into that? Is that not a fact?

Mr. Gravel That was an early decision of the Louisiana Supreme Court and one which, I am sure any lawyer would agree, would not now be followed in view of the constitutional provisions that the courts have now got to the point of reapportionment. That is correct, there was an early case to that effect and I don’t think it will ever come about under any circumstances similarly.

Mr. Avant Is it not a fact that that was the primary reason behind the entry of the federal courts into the reapportionment situation at all? That it was not only in this state but in many other states the state Supreme Court had refused to implement their own constitutional provision calling for reapportionment of the legislature by itself?

Mr. Gravel I don’t know about any other state on that particular issue, Mr. Avant. I personally am confident that the Supreme Court of Louisiana as presently constituted would address itself to a valid reapportionment case if such a case came before that court.

Mr. Lanier Mr. Gravel, isn’t it true that under the present voting rights law that reapportionment plans must be submitted to the U.S. Attorney in Washington, unless the matter is in federal court?

Mr. Gravel That is the present law but I don’t believe that under the terms of the statute itself that that will be the law in 1980. I think the present voting rights act is due to expire unless it is extended, I believe in 1975, the federal voting rights act.

Mr. Lanier And, really since any citizen has the right to go to federal court to bring his grievance concerning reapportionment directly to the federal court, wouldn’t it be your opinion that these provisions that we are trying to put into our constitution to avoid federal court action are really whistling in the wind?

Mr. Gravel I don’t think that that result will come about. I think that with respect to the question of reapportionment that either the state or the federal court can and would exercise jurisdiction in a proper case.

Mr. Anzalone Mr. Gravel, did I understand you to say that the present 1964 Civil Rights Act is going to run out in 1975?

Mr. Gravel It is my understanding that it was extended at one time, I believe in 1971...Mr. Lanier corrects me. It is 1974. Unless it is reenacted again by the Congress it would not be in effect after 1974.

Mr. Anzalone Well now, if the state of Louisiana were to set up some type of a valid, court approved, or court originated, or giving the courts of this state some type of original jurisdiction in the reapportionment, don’t you think it would more likely that they would extend it rather than to extend it automatically?

Mr. Gravel I don’t think that would have any bearing at all on the question of reapportionment as such because I believe that reapportionments constitutes both a federal and a state equal protection question.

Mr. Anzalone I understand that. Now, Mr. Gravel, one more question. If we had in the state of Louisiana a definite procedure set up within the state courts for reapportionment, isn’t it a little bit more likely that the federal court system would stay out of it until at least the state’s court had a chance to review it?

Mr. Gravel I think the federal court would stay out of any reapportionment suit instituted in the state court under the doctrine of abstention whether there is anything in the constitution or not, I don’t think that has anything to do with it.

Further Discussion

Mr. LeBleu Mr. Chairman and fellow delegates, I just had a couple of remarks that I thought maybe you might be interested in and may help clarify some of this. I have been involved in the last three elections in three different representative districts. In each one, I was on the short end of the stick, but all the efforts that were made by the legislature the last time to reapportion itself, were restricted by the fact that the committee could
not recommend districts that crossed parish boardaries. In some instances, you had to have multiple member districts. After the court gave the case to the reapportionment master, he was allowed to do anything that he pleased as far as a single member district was concerned. I then cut across ward lines. In fact, in my district I have eight voting precincts in South Lake Charles which comprised 27.5 square miles. It is my right to do this. So I think this was the whole problem. If the next reapportionment, since we have single member districts, the legislature will be allowed to cut across ward lines, then the serious problem at all. I think the whole thing why the legislature could not come up with an acceptable reapportionment last time was the fact that they could not cut across parish lines because of our present constitution.

Further Discussion

Mr. Asseff Mr. Chairman, delegates, I have no objection to a delay suggested by Mr. Keen if all of the proposals made are read to this convention at this time. It is my opinion that in view of the fact that Justice Sanders does not want jurisdictional division of this document and I think it will do any good anyhow, for that reason I have proposed an alternative plan of a state legislative apportionment board which you may not wish. Now, if the court is willing to accept jurisdictional division, then I will withdraw my amendment, but I doubt seriously that it will. But, in view of that and the desire of some of the members to study Justice Sanders' letter and I would like to read it too, I would suggest that all of the amendments be read to the convention and then we delay action along with Mr. Keen's suggestion until this afternoon.

Mr. Keen Mr. Chairman, I understand that there are amendments which will take into consideration the amendments made by Justice Sanders, those that are ready to be offered, or have been offered, which I did not have at the time I made my motion. For that reason, I withdraw the motion.

[Motion to defer action withdrawn.]

Amendment

Mr. Poynor Amendment proposed by Delegate Avant, as follows, a single amendment. "Amend the following: delete lines 13 through 17 both inclusive in their entirety and insert in lieu thereof the following: "B. If the 11th day after the apportionment board required by paragraph A of this section, the Supreme Court, upon petition by any elector shall apportion each House as provided in paragraph A of this section.""

Explanation

Mr. Avant Mr. Chairman and fellow delegates, point number one. As I interpret the letter from Judge Sanders as read by Judge Tate, his objection is not to the provision that we have here where there is an actual controversy and an actual suit filed over a reapportionment plan. But his objection was to the preceding section which has been amended which would inject the Supreme Court into the review of a reapportionment plan in the absence of an actual case or controversy. Now that was my understanding of the objection. If I am wrong, I stand to be corrected.

Mr. Tate Mr. Avant, that was one of the objections. The other objection was, I don't know how I'm going to make this in the form of a question, but it was to the fact that the "B" provision required the Supreme Court itself to apportion itself to review someone else's apportionment plans.

Mr. Avant Now, getting to Mr. Gravel's remark as to a citizen as opposed to an elector, there is one, in my mind, valid reason why it should be limited to an elector and that is the simple fact that legal corporations, a corporation, a citizen, but a corporation cannot be an elector. Speaking my own personal views and maybe not the views of a majority of you gentlemen, I think in any case that the idea of a corporation which cannot vote being entitled to contest a reapportionment plan. The main difference between this amendment and Mr. Jackson's amendment, or as the case is the 10th amendment, that amends, was this removes the 10 day limitation that is contained in Section B, as drafted by the committee. The section says that within 10 days after the year above specified, Now as I read Section A, the legislature has until the 31st of December in the year following in which the census is reported to the President to adopt this plan. If they finally adopt a plan on the last day of that year then the elector would have only 10 days after the close of that year within which to file this petition. So the net effect of the amendment which I have prepared and which I offer is to permit any elector to contest a reapportionment plan adopted by the legislature to remove the time limitation within which he must do so. It leaves the review by the Supreme Court in the event there is an actual contest, an actual case or controversy, and I understand very seriously that there is no objection to this based upon Justice Tate's question, but that the legislature has not reapportioned itself in accordance with these provisions of Section A, not that they just make anything but if they haven't done it in accordance with the provisions of Section A which is, as I interpret that would be in accordance with popular vote in accordance with the one man one vote jurisprudence of the United States Supreme Court which I understand is incorporated in this. Then any elector at any time and within the 10 days period would have the right to go by petition to the Supreme Court to seek a review of that reapportionment plan and if the Supreme Court found that it was not in accordance with the plan, then the Supreme Court would render a judgment ordering the legislature to be reapportioned in accordance with this provision. Now that's the net effect of my amendment. I've stated the reasons why I drew it as I drew it.

Further Discussion

Mr. Casey Mr. Chairman and delegates to the convention, I would like to just advance one objection that is personal to me. I'm a member of the legislative committee, I'm speaking only for myself as an individual delegate. Personally, the very thing that made me文件 is the very thing that I think is the very thing I think should be done, you should consider as meritorious in the reapportionment plan. The fact that from January 1 to January 10 the responsibility is placed on one individual primarily the Attorney General, that there must be a petition filed with the Supreme Court to require reapportionment if the legislature does not itself reapportion itself. Under Mr. Avant's plan if an elector does not, on his own, take the prerogative to file the necessary proceeding theoretically, and of course it is only theoretical, it could go on for another two years before anyone would advance the thought that a petition should be filed with the Supreme Court and therefore delay reapportionment any longer. I don't think, personally, that I'm referring to Subparagraph II, prohibits the idea of an elector bringing a suit to reapportionment at any time if one that this is not the amendment that I call-I call it introduced during the adjournment period. All we're arguing here is a 10 day period where the Attorney General is required to bring this proceeding I personally think as an individual this removes an additional objection that any elector has to bring whatever proceedings are necessary either in state or in federal court. I would urge you to defeat the amendment and retain Paragraph B.

Mr. Conroy Mr. Casey, one thing that particularly worried me about the proposal from the Legislative

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Committee was whether or not it intended to make it mandatory for the Attorney General to file this petition. It does not so state. It simply says that the Supreme Court shall reappoint itself upon petition by the Attorney General, but it doesn't say that the Attorney General has that duty. Was it the intention of the Legislative Committee that the Attorney General must have the mandatory duty to file this petition within that time?

Mr. Casey My interpretation as one individual is that the Attorney General has no choice but to file this petition. I think that an elected would have some sort of remedy whether it be mandamus or a 10 day period, but I don't say a remedy on his own on the part of an individual elected, but I would think the remedy would be a mandamus proceeding to require the Attorney General to comply.

Mr. Conroy I would agree with you if it made it a mandatory duty of the Attorney General, but I don't find that language in it and it's for that reason that I have supported these various other proposals, to make sure there was a mandamus.

Mr. Flory Mr. Casey, as I read Subsection B the Attorney General is not mandated to petition the Supreme Court. I ask you the question this 10 day period, the Attorney General has not petitioned the Supreme Court and if you try to mandamus that time and the 10 days would have already been prescribed, then you're right back where you started with and no action has been taken. How do you account for that?

Mr. Casey I don't agree with you there, Mr. Flory. The 10 day period is merely a mechanical time limit that is established for whatever procedure is necessary for the Attorney General to take to institute the necessary proceedings. That's all. If this provision is not complied with under law, my humble opinion is that any elected or any citizen whether he be an elected or not could bring whatever legal proceedings are necessary to force the Attorney General and to force the Supreme Court of Louisiana to do its duty whatever its duty might be, that being petitioned for reapportionment and the final judgment of apportionment if its necessary.

Mr. Flory Mr. Casey, if you read carefully Subsection B, haven't you precluded a citizen from filing the petition by naming specifically only the Attorney General who is allowed to petition the Supreme Court?

The only thing that you have excluded is the thought that within this 10 day period, within this 10 day period the Attorney General is the proper person to institute the necessary proceedings in this 10 day period. If he does not within that 10 day period, then any citizen has the right, I would think, under law, to bring some sort of proceeding to either force the Supreme Court and force the Attorney General to do their duty.

Mr. Avant You say you so think but you agree that the Supreme Court may not so think. Is that correct, Mr. Casey?

Mr. Casey Well the Supreme Court and I have disagreed on other occasions, not face to face, but sometimes I certainly don't agree with their rulings. If we delete this provision we don't know, we're not sure what the Supreme Court is going to think.

[Quorum Call: 94 delegates present and a quorum.]

Further Discussion

Mr. Derbes Fellow delegates, I'd merely like to bring to your attention the fact that there is a floor amendment proposed by me which is behind the amendments currently under consideration, which will require automatic review by the Louisiana Supreme Court which will provide for the expression in that forum of adversary interests, the interests of any citizen and which will require the Supreme Court to render an opinion within a relatively brief period of time, 30 days. It's an automatic review provision. It does not require the filing of a petition. But it does not require the filing of a lawsuit. You know frequently when lawsuits are filed on reapportionment topics, the people are afraid of voting so and some are afraid to do it. Frequently, at least in my opinion, private citizens don't take the necessary initiative. So I think it would require an individual elector or an individual citizen to file a lawsuit in order to contest a reapportionment plan, is perhaps a little burdensome. If there is an automatic review provision where people don't have to become researchers, it seems to me that that's very effective and accomplishes our purpose. This amendment will be distributed to you shortly and therefore I urge you to reject the Avant amendment. Thank you.

Further Discussion

Mr. Triche Mr. Chairman and ladies and gentlemen of the convention, I think it's a historical fact and a fact of life and a reality that the legislature cannot reapportion itself. The legislature will not reapportion itself on the basis of population. Why? Because to reapportion itself on the basis of population, definition and the legislature does not, cannot, and will not make judicial decisions. That's the nature of the beast. The legislature is a political body and it makes political decisions. I think it should be faulted for doing that, and it should be required to do otherwise something that it just cannot and will not do. It simply can't be. The legislature be required to reapportion itself on the basis of population every 10 years is adequate and fine and ought to be done and it ought to be in the constitution. I find it quite disturbing that we can't make sure we should face the reality, however, and require some procedure for the courts to solve the problem that we know the legislature will not solve. I'd suggest to you that the proposal by Mr. Avant is adequate. It solves the problem. It provides that in the event the legislature fails to reapportion itself in accordance with the provisions of the constitution then the court shall do it. The opinion of the justice of the Supreme Court to the contrary, notwithstanding, we ought to do this and we ought to provide some procedure for review by the Supreme Court and we ought to require that they do it. To repeat, the simple historical fact is that the legislature is not going to do it. I find fault with the language of the proposal as originally written. There's some respectable division of opinion as to what that means. Competent lawyers as Mr. Casey and Mr. Avant differ and I think if we leave the language in the posture that it presently is written we may end up with some results that we do not intend, simply because the language is confusing. I don't think there's a thing confusing about Mr. Avant's language in his amendment. It provides that if the legislature fails to reapportion itself in accordance with the provisions of Section 1 requiring reapportionment on the basis of population, the Supreme Court on petition of any elector shall perform the task. It's short, it's simple, it's to the point and it will accomplish the purpose. Thank you.

[Previous Question ordered. Amendment adopted; 47-37. Motion to reconsider tabled.]

Amendment

Mr. Poynter Lengthy amendments. 1. On page 4, strike out lines 2 through 10 in their entirety, it would delete the entire section, and insert in lieu thereof the following: "Section 5. Legislative Apportionment Board. Section 5 of this Article shall come into force at the end of the first year following the year in which the population of this state is reported to the President of the United States for each decennial federal census,

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the legislature shall apportion the representation in each House on the basis of total state population as shown by the federal census. No special census of the state or any part thereof may be used. The legislature shall adopt a reapportionment plan adopted by it to the State Apportionment Board hereinafter created for review and approval.

The State Apportionment Board shall consist of 7 members to be appointed as follows: one member to be appointed by the Presidents of Tulane University of Louisiana and Loyola University of the South, and by the Presidents of Dillard University and Xavier University of Louisiana, acting jointly. One member shall be appointed by the President of Centenary College and Louisiana College, acting jointly. One member appointed by a majority of the selected members of the House of Representatives. One member appointed by a majority of the elected members of the Senate. One member appointed by the entire membership of the Louisiana Supreme Court and the Secretary of State, ex officio.

Explanations

Mr. Aseff. Mr. Chairman, the amendment does two things. One, it prohibits a special census of the state or any part thereof. As you well know, when the federal courts reapportioned using a special census of the state, the special master mapped certain areas of this state and not of other areas. In other words, he used the federal census at some times, and a special census at others. This precludes that. The second is the appointment of a special board to do the reapportionment. So far as I am concerned, we are trying to give jurisdiction to the Supreme Court of Louisiana in the hope that if we do it, the federal courts will accept it because the Supreme Court of Louisiana did it. The court will appoint a special master just as well as the federal courts. I doubt very seriously that the federal courts would accept any decision made by the state courts of Louisiana. It is my opinion that a special board is, of course, better and the federal courts, more likely to accept it. It is going to end up in the federal courts anyhow. I doubt that the legislature will do it in acceptably. It does not mean any criticism of any member of the legislature. I did watch under four governors and I drafted many proposals for them, and never once did they draft an acceptable proposal. Every time a member came to me to draft a reapportionment proposal he would say this: I want my district this way, then you go ahead and draft the rest. It is like the federal courts anyhow and I feel that if a special master is appointed by the federal courts, it would be more likely to accept the decision. I would prefer that the legislature do it because it is a political problem, I simply doubt that it will do it. And if the state court which does not apparently want jurisdiction considers it, I doubt very seriously that Judge West will accept it. I will yield to questions, Mr. Chairman.

[Previous Question ordered. Amendment rejected: 14–68. Motion to reconsider tabled.]

Amendments

Mr. Paynter. Amendment No. 1. On page 4, line 9 after the period delete the remainder of the line and delete lines 10 through 19 in their entirety. Mr. Gravel. As a matter of clarity, perhaps should delete the previous amendments which have been adopted with respect to lines 13 through 17 offered by Mr. Avant.

Explanations

Mr. Gravel. I think it might be appropriate also to... That's all right. I don't know whether that would have to be an amendment to take care of the Lanier amendment, although the purpose of my amendment is the same as Mr. Lanier's amendment. Any event, let me go ahead and state what I've proposed to do by this amendment.

We are here to consider, Mr. Chairman, ladies and gentlemen of the convention, is to delete from Section 5, all provisions that have to do with the review by the Supreme Court or any other action that might be taken in accordance with subparagraph 5A. A reason for that is because in my judgment we're putting something into the constitution that is not required that absolutely does nothing. There's absolutely no question but that the Supreme Court of Louisiana would have jurisdiction to consider any case that might come before it in the event that the reapportionment takes place. One member appointed by the legislature as set forth in Section 5A. The additional language in here, in my judgment, is surplusage, it's not needed. It's clutter insofar as the constitution is concerned and serves no useful purpose whatsoever. I submit to you that we ought to leave out from this particular provision of the constitution, any reference whatsoever which might have the result of limiting the expanded rights which presently exist.

As of right now, if the legislature does not respond to its equal protection obligation under this provision or under the provisions of the Constitution of the United States then the Supreme Court of Louisiana would have jurisdiction at the instance of any aggrieved taxpayer, any aggrieved citizen, any taxpayer, any elector or collector of local revenue. There is a possibility it was adversely affected as a consequence of malapportionment, and the court would have to take and would take jurisdiction as to such a case. We've got an entirely different situation now from the situation that existed prior to the last reapportionment decree of the federal court. This convention has sanctified into this constitution the single-member district concept. I have confidence in the fact that the legislature will respond to the obligation imposed upon it to reapportionment after the next federal census. We don't have the problems. I don't think at all, that we had in years gone by when we were talking about reapportionment and how it affected persons in the multi-member districts. I submit to you that the language is unnecessary. I move the adoption of the amendment and the deletion of the unnecessary language in Sections 5 and 6.

Questions

Mr. Duval. Mr. Gravel, it's obviously a concern of some of the delegates here that unless some state remedy is placed in the constitution, the federal courts may take control of the federal courts would be more likely to accept the decision. I would prefer that the legislature do it because it is a political problem, I simply doubt that it will do it. And if the state court which does not apparently want jurisdiction considers it, I doubt very seriously that Judge West will accept it. I will yield to questions, Mr. Chairman.

Mr. Gravel. Well I don't think there's any question, Mr. Duval, but if we're going to have an equal protection clause in the new constitution of Louisiana if we do, that's the basis for Louisiana courts to exercise jurisdiction and... why will they. If the state courts do not accept jurisdiction, which to me is unthinkable, then of course the remedy of aggrieved plaintiffs would be to go to the federal court and invoke the equal protection clause of the 14th Amendment.

Mr. Duval. In other words you're saying that it is a state remedy whether it's in the constitution or not. The courts will take jurisdiction, you think.

Mr. Gravel. Well there's no question in my mind but that this constitution is going to provide for equal protection of the citizens of Louisiana, and when it does, that is the basis of jurisdiction for the state courts to consider any case where the equal protection concept flows from the reapportionment. [362]
process.

Mr. Derbes Mr. Gravel, as I interpret your proposition, original jurisdiction for any reapportionment question would lie in the district court.

Mr. Gravel It would unless there is... and it should, in my judgment, in order to develop a record, without any guarantee. But unless there is some other provision in the judiciary article, I would certainly assume so, but I would certainly hope so because that's the only place you can develop the record.

Mr. Derbes So as you see it, I think we ought to get this out in the open and let the delegates decide on it.

Mr. Gravel I think that's a very good point because reapportionment...

Mr. Henry Well now gentlemen, you've exceeded your time now.

Mr. Gravel Well I'm trying to answer the question, Mr. Chairman.

Mr. Henry I understand, but we've got the 5 minute rule and we just exceeded it.

Further Discussion

Mr. Lanier Mr. Chairman, fellow delegates, I rise in support of Delegate Gravel's proposal and I completely agree with it. This proposal says in Paragraph B, will actually not accomplish very much. I concur in his view that under existing law, there is adequate remedy in the courts to redress this type of matter in our state courts. Under the present law, all reapportionment plans must be submitted to the Federal Attorney General. Now this law will be annulled if the court of appeals or the Louisiana Supreme Court will pass upon it. There is no guarantee that the Supreme Court will pass upon it under our existing law, as I understand it.

Mr. Derbes And you would be satisfied with either a district court or a court of appeals in the state.

Mr. Lanier Yes. And if a citizen was aggrieved by that, he could jump into federal court under his federal rights anyway.

Mr. Denney Thank you, sir.

Mr. Chatelain Mr. Lanier, I tend to agree with you. I think the Gravel amendment will take care of a lot of ills. But in your comments you said that under existing laws that we had adequate protection. How about the drafting of the new constitution? Will we still have that same protection?

Mr. Lanier I assume we will. I can't conceive of us not providing for this under equal protection.

Mr. Chatelain Well I join with you. I support this proposal.

Mr. Roy Mr. Lanier, doesn't Mr. Avant's amendment that we just passed mandate the Supreme Court as the court of original jurisdiction in these cases?

Mr. Lanier Yes.

Mr. Roy And that would eliminate the opportunity for a voter, any voter, under the Gravel amendment to go before a district court and put whatever evidence is necessary? Isn't that true?

Mr. Lanier I don't know that it eliminates it, but I think it creates a difficult problem because the Supreme Court is not geared to take evidence. It is an appellate, review court.

Mr. Roy That's right.

Mr. Lanier With this thing as it's presently drawn, you're creating a situation where, if evidence is needed, how would you go about presenting that evidence?

Mr. Roy One last question. Hasn't the U.S. Supreme Court recently ruled that there is a greater deviation allowed between single-member districts of the 1.6 or 2 percent that it had once bound us by and the present Supreme Court has not allowed as much deviation as about 15 percent?

Mr. Lanier It's my understanding of that opinion, and as I recall the deviation is higher than 15 percent, and they drew a distinction between the deviation allowed in federal congressional districts and the deviation allowed in state districts. This was the majority opinion.

Mr. Roy Wouldn't it be necessary in really getting an effective decision as to whether the legislature did what was right or not, that all of that evidence be presented to a court of original jurisdiction that has the wherewithal, the court reporters, the stenographers, the machinery to take in evidence from experts and all and make a record and review it rather than just have a Supreme Court try to guess at what should be done?

Mr. Lanier To me that's a much more orderly procedure for handling something as sensitive as this. Thank you, Mr. Chairman.

Further Discussion

Mr. Avant Mr. Chairman, and fellow delegates, if you adopt the Gravel amendment, you're doing exactly what was done in 1911 and I say this, that any lawyer who sat down in 1921 the day after that consti-
tution became effective and read it, could have made the same argument that Mr. Gravel makes. That we would have had a judicial decision and the Court would have straightened it out if the legislature didn't. But we all know that the courts did not straighten it out. They said it was a political issue. Now, if the Court can't be made able to take evidence, there's nothing to the argument. They take evidence all the time, they have original jurisdiction in disbarment proceedings which requires the taking of evidence and they have a procedure for taking evidence. Now, the issue is simply this. I, for one, believe that it's high time that persons who are responsible for the laws of Louisiana in accordance with law. I prefer that our legislature be one, reapportioned by legislators elected by the citizens of Louisiana. That is they do not do that, then it be reviewed by judges elected by the citizens of Louisiana, and that our legislature not be reapportioned by a single man elected by no one, through master who is not a lawyer or a judge elected or appointed, and then reviewed by a bunch of non-elected judges from states other than Louisiana. To me, that's the issue, and I say that if you vote for the Gravel amendment, you are again advocating to somebody else the single most important business of the state of Louisiana, and that is the manner in which the people of the state are to express themselves through their elected representatives. And that to me, ladies and gentlemen, is something that we say is not a state issue, that we should not advocate our responsibility and that we should provide a very definite and a very clear procedure whereby that delicate issue will be handled by Louisianians. That to me is the issue and I rise and I ask you to vote against Mr. Gravel's amendment because if you vote for it, we are exactly where we were in 1921. And I say this in all due respects to the present Supreme Court. But I don't know who is going to be on the Supreme Court in 1980 or 1990 of 2000, and you don't either. And you don't know whether or not they're going to follow the jurisprudence that was established under the 1921 constitution or not. So I say, and I urge you and implore you, spell it out. It's your responsibility. Discharge that responsibility. Say that to the court. In this constitution, make no loopholes for anyone to weasel out of their responsibility, and again the legislature of this state to be apportioned by a single man, not a lawyer to my knowledge, certainly not a judge elected or appointed by anyone.

Questions

Mr. Roy: I say I hate to keep getting up but I think it is important and we had a philosophical difference. Isn't it a fact that when the Supreme Court takes original jurisdiction in disbarment proceedings that the evidence is gathered by someone else other than the Supreme Court, by the judicial administrator or a committee appointed to gather it?

Mr. Avant: That is correct?

Mr. Roy: All right. Well then that is not the Supreme Court gathering the evidence isn't that true?

That is not the Supreme Court sitting as a district judge would who would have everybody before taking in what evidence is permissible or not, you are now allowing a non-judicial person, somebody appointed by the Louisiana Supreme Court to take the evidence and you just don't think it would be taken by a master, isn't that true?

Mr. Avant: That is right. But that is the Louisiana Supreme Court, every member of which has been elected by a segment of the citizens of this state.

Mr. Roy: So is a District Judge whose review would be... whose findings of fact would be reviewed by the Supreme Court of Louisiana.

Mr. Avant: Mr. Roy, I don't argue with you, if you want to put it in the district courts, that is all right. I wouldn't want to put it in more than one state at a time. I would want to put it in the state courts and go through the long procedures, my only objection to that would be that it is a matter that perhaps should be expedited. But it could be done. My point, my objection is I want the Louisiana Legislature to create a Louisiana Supreme Court to tend to the business of Louisiana and not somebody else.

Mr. Newton: Mr. Chairman, ladies and gentlemen of the convention, I rise in support of the Gravel amendment. First of all, I would point out that this is not 1921. Since 1921 the Supreme Court of the United States has acted and I believe that the Supreme Court of the State of Louisiana will act.

I would like to point out that the 1921 Constitution of the State of Louisiana does not contain an equal protection clause. And I believe that in itself, was a sufficient reason for the Louisiana Supreme Court to decline to take action with respect to legislative reapportionment. I believe that we are going to have an equal protection clause in this constitution, and I think that is going to be sufficient reason that the Supreme Court of the State of Louisiana and all of the courts of Louisiana would exercise their jurisdiction.

With all due respect to Mr. Avant, I would like to point out and I don't claim to be a great constitutional lawyer, but his amendment restricts the filing of a suit to an elector. And I think that in itself is an unconstitutional provision in that it violates the equal protection clause of the United States Constitution which says that no state shall deny the equal protection of the law to any person. And I understand Mr. Avant's problems with corporations but I do believe in this may be an unconstitutional provision and I certainly wouldn't want to come out of here with an unconstitutional constitution. There is one other point I would like to make, is that I would not want original jurisdiction for the simple reason that they are not set up to take evidence. If you allow the matter to go through the normal court proceeding where the case originates in the district court you are in an adversary proceedings where the contending sides can present their evidence that is most favorable to them and then the judge can make a decision on that evidence that he sits there and he hears.

I think in answer to Mr. Dennery's question, the question is whether or not the Supreme Court would review it? If the case went from the district court and the district court concluded that the legislative reapportionment plan was constitutional, and then the Court of Appeals decided that the legislative plan was constitutional and an application for writs was made to the Supreme Court. The Supreme Court would in effect review it, they might conclude that it was a constitutional plan and refuse writs, but in that sense it would be before the Supreme Court and they would be looking at it. And again, I would say this, this is 1973 and I urge your support of the Gravel amendment.

Questions

Mr. Dennery: Is it your understanding that all members of the Supreme Court would review this writ?
Mr. Newton. It is my understanding Mr. Dennery, that all members of the Supreme Court would not be required to look at it. I am not exactly sure what the percentages are, but I do believe that on questions as important as this, I believe they would look at it.

Mr. Dennery. Even in view of the letter we received from the Chief Justice?

Mr. Newton. I believe so.

Mr. Dennery. Thank you.

Mr. Planchard. Mr. Newton, is it your impression that if we pass the amendment by Mr. Gravel that the legislators would still have the authority and the right to pass or provide for any procedure for the review and the petition?

Mr. Newton. Yes, that would be my opinion.

Mr. Planchard. All right. Thank you.

Mr. Lanier. Isn’t it your understanding of the Louisiana Supreme Court rules and this is with reference to the questions asked by Mr. Dennery, that two judges here on the Court specifically review all applications for supervisory writs?

Mr. Newton. Walter, I really am not sure about that.

It is my feeling and just through the actions that I have observed of the Court over the years, that on questions of significant public importance as this would be, they would look at this question.

Mr. Lanier. And further after the two judges reviewed these writs in detail, do they not present their conclusions to the whole panel of the Court in conference before they make their determination as to what action to take on the writs?

Mr. Newton. I think that is the procedure, yes.

Further Discussion

Mr. Conroy. I oppose Mr. Gravel’s proposed amendment. This is a very difficult process, and I think that what we have to remember as we get to these various amendments is that we cannot compare the amendment with what we think is perfect. We can only compare these amendments with those that the section will read if the amendment is not adopted. Those are our choices right now. Our choice is a better of two choices not the best possible. There are still other amendments which I think some of which may do the job better. But I think out present choice, and my objective in this difficult area, is to try to insulate the problem of reapportionment if the legislature cannot cope with it, will be reviewed by a Louisiana entity or body rather than directly by the federal courts as has been done in the past. I am concerned about the Gravel amendment that it would throw us right back to where we were in 1970 when the federal courts did the job that the legislature did not do. There was not a Louisiana court proceeding, it went right into federal court. I think that is our decision, that is our choice as to which course better insulates the matter will be reviewed by a Louisiana entity before it is subject to federal court jurisdiction.

Further Discussion

Mr. Tate. Mr. Chairman, fellow delegates, I rise neither to oppose nor to support the Gravel amendment. I am here more or less to express the situation within relation to the letter I read this morning. Our court is divided and the views expressed by the Chief Justice of the letter did not necessarily represent my own.

I am here more or less to answer any technical questions that have arisen and to outline very briefly what the concerns are. Under the Gravel amendment, there will be no provision for judicial review except as provided by the legislature. In the very article that would mean, of course, a one judge district court could formulate a reapportionment plan which would be passed on by the Court of Appeal and then the Supreme Court would review it by writs. However, the legislature under almost any circumstance would have the leeway to provide for instance, that the version shall be in Baton Rouge and that the initial trial court shall be three judges and so on. So some of the considerations that we are talking about are technically troublesome but could be changed very easily by a legislative act. The Gravel amendment in other words would permit the district court to first receive the reapportionment suit or failure to reapportion suit and would provide unless we have something else in the constitution for the Court of Appeals to hear the full appeal on the facts and for the Supreme Court to pass on whether or not grant a writ or deny a writ based essentially upon whether there was an error of law. In the proposal before us would spell out in detail that the Attorney General or an elected official should bring a suit in the Supreme Court. Some of the technical problems I don’t think are insurmountable because C would provide the procedure and in that respect the legislature could provide for the fact findings as by three judge panel or whatever. In regard to the ultimate issue, if the policy issue members of my court are divided on whether we want to get into the thicket of politics, we’re not politicians, of course, gentlemen, ladies...thank you...but if the convention in its wisdom should place the responsibility I am sure no member of the court would shrink. Now, (question back there)

Questions

Mr. Dennery. Judge Tate, if the legislature failed to act, is it conceivable that a right of appeal would then lie to the Supreme Court from a district court ruling of other apportionment?

Mr. Tate. It is conceivable that if you have a provision here instead of the B...the legislature shall provide for the judicial review you could do so. Or you could in a judiciary article add a special exception if we keep the present scheme all civil cases with certain limited categories go directly to the Court of Appeals.

Mr. Dennery. Well, my question was, does the judiciary committee propose to make such an amendment which would give a right of appeal in all apportionment cases to the Supreme Court?

Mr. Tate. Mr. Dennery, I suppose it could. But the general approach has been the general rules and allows, for instance, civil service, public utility commissions and it would be reapportionment to fall under and accept as otherwise provided by this constitution. And just provide the general jurisdiction shall be in all civil cases, the Court of Appeals.

Mr. Dennery. Thank you.

Mr. Tate. Does that answer the question?

Mr. Dennery. It answers it, doesn’t necessarily satisfy me.

Mr. Tate. No.

Mr. Triche. Do you have a question?

Mr. Triche. Judge, do you know of any state decisions now which have addressed themselves to the problem of reapportionment?

Mr. Tate. For some reason they don’t come to the State Court

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Mr. Gravel: Justice Tate, is there a specific provision in the present Louisiana constitution that guarantees equal protection to all citizens of the state?

Mr. Tate: No, there is not, Mr. Gravel.

Mr. Gravel: Would you think that would be the reason?

Mr. Tate: I just don't know.

I suppose you can enforce a federal constitutional right in a state court, you can try it anyway.

Mr. Gravel: But you do agree that there is at the present no equal protection right in the Louisiana constitution.

Mr. Tate: And I would suppose Mr. Gravel, you are right.

That is why probably they start off in the federal courts.

Mr. Gravel: Are you familiar Justice Tate with the proposed provisions in the Bill of Rights section of the proposed new constitution that do guarantee equal protection to all citizens. And would you further agree that the concept of reapportionment is an equal protection...

Mr. Henry: Don't lead the witness, Mr. Gravel.

Mr. Gravel: I think the expert can take care of himself, Mr. Chairman. You can always lead an expert witness Mr. Chairman, in case you didn't know that.

Mr. Henry: You haven't qualified him yet.

Mr. Gravel: I think he has qualified himself, sir.

Mr. Tate: I am not an expert on reapportionment.

Mr. Weiss: Judge Tate, wouldn't you say that a politician is an elected official?

Mr. Tate: I have known a great many good politicians who aren't elected.

Mr. Weiss: My question really is, aren't you a politician then, you are an elected person?

Mr. Tate: A point of personal privilege. I think politician means a student of the art of government and I am proud to be a politician and I am a professional politician cause I am a living that way.

Further Discussion

Mr. Triche: Mr. Speaker and ladies and gentlemen of the convention, I hate to belabor to this point but I think it is of a great deal of importance and something that troubles my mind a bit.

Sometimes I think we listen but we just don't hear. The Associate Justice of the Supreme Court, Justice Tate, just read a letter to us from the Supreme Court. The letter didn't say that the Supreme Court is not going to handle any reapportionment matters no, it didn't say that. But it used such terms as "separation of powers." That means to me that the court doesn't want to get involved in legislative matters. It used such terms as "political questions" and that means to me that the court doesn't want to concern itself with the political problem of reapportionment. I think we listened, I wonder what we heard? What I heard was the same ring of the decisions of prior years that reapportionment is a political problem, it is not a judicial question. This court will not entertain the question, will not review the reapportionment because it is a political decision to be made by political parties, it is not a judicial problem, not a justiciable issue and that it violates the separation of powers for a court to instruct the legislature on what it should do. Now that is what I heard. What did you hear? What was the purpose of this letter(31,662),(961,995)
that the courts of Louisiana will not have the authority to review whatever action is taken by the legislature or if the legislature does not act, then it may take necessary steps to protect its interests. I would like to see a party who has a right to bring a suit.

All I am saying is this, is that we should leave out of the constitution any restricted provisions that will make it harder to put into effect that equal protection clause of the Louisiana constitution and to provide for a fair and just reapportionment of the legislature, something that you do less than that is going to redound to our disadvantage. We don't have the equal protection clause in the Louisiana constitution and that has been the source of a lot of trouble. We are going to have it in this new constitution or believe me, it will not pass the scrutiny that will attend the constitution by the people of the state of Louisiana. And I submit to you that the modern concept would be to require the legislature to reapportion itself and if the legislature doesn't do it, then under the inherent power of the state of Louisiana under the constitution, the courts of this state shall have a right to review that failure of the legislature and to make a determination based upon the equal protection concept. If we persist in putting into the constitution extraneous, irrelevant, vague, obscure and general materials such as this, we are going to handicap the duty that all of us at least say we espouse. And I submit to you ladies and gentlemen of the constitutional convention that it is important to leave, if we are going to do anything at all about the legislative jurisdiction, or the original jurisdiction of the authority of the court with respect to reapportionment that that be done in the judiciary article and not here. And I urge you to each and everyone of you to delete this language from the constitution... from the proposed constitution and adopt a meaningful provision that will not be restricted and delimited.

Questions

Mr. De Blieux: Mr. Gravel, if your amendment passes, it would have repealed the amendment we adopted by Mr. Avant. Is that correct?

Mr. Gravel: Yes.

Mr. De Blieux: Well now, how could Mr. Avant's amendment keep us from getting real reapportionment?

Mr. Gravel: Well, the Avant amendment only goes in part to the problem and as I understood this amendment it just gave the right of... additionally the right of an elector to institute a suit, don't think Mr. Avant's amendment is necessary. I think that any person who has been aggrieved whether he is an elector or not, any citizen, any taxpayer, any elector or anybody who has been aggrieved as a consequence of malapportionment should have the right to go to the court under the equal protection clause of the new Louisiana Constitution and get relief and I think he will be able to do so if you eliminate this language. Now if you don't and leave the Avant amendment and leave this language in there then the right of the people has been restricted and delimited.

Mr. De Blieux: Now the, any elector is any voter, why should anybody other than a person be entitled to this right?

Mr. Gravel: Any citizen and taxpayer whether he is a voter or not, might well be adversely affected by a malapportioned legislature. There are some places Senator De Blieux where people can't register to vote and many of those people are disadvantaged.

Mr. De Blieux: You know any place in the state of Louisiana where they want to register and they can't register?

Mr. Gravel: I know many places in the state of Louisiana where it is very, very difficult, if not impossible, for one of the black citizens of this state to register right now.

Mr. De Blieux: Do you know that a petition was presented to Judge Holcombe when he was judge asking for reapportionment and he wrote on the bottom of the petition... denied, ridiculous, without even allowing him to serve the papers.

Mr. Gravel: I didn't know but it is certainly unfortunate that a judge would put that at the bottom...

Mr. De Blieux: Now couldn't we find ourselves right back...

Mr. Henry: Senator De Blieux, the gentleman has exceeded his time. I am sorry.

[Record vote ordered. Amendments rejected: 41-57. Motion to reconsider tabled.]

Amendment

Mr. Paynter: Amendment proposed by Delegate Derbes, amendment is as follows: Amendment No. 1. On page 4 delete lines 13 through 17 both inclusive in their entirety and insert in lieu thereof the following:

'B: The Supreme Court shall review the reapportionment plan and in accordance with its rules shall permit adversary interests to present their views and within thirty days from the filing of the review shall enter its judgment. A judgment of the Supreme Court of the state determining the reapportionment to be valid shall be binding upon all the citizens of the state. Should the Supreme Court determine that the apportionment made by the legislature is invalid, the court shall not later than sixty days after receiving the plan file with the Secretary of State an order making such apportionment."

And Mr. Derbes would need an amendment to delete the Avant amendment to that paragraph B.

Motion

Mr. Derbes: Mr. Chairman, members of the convention, there is a substantial defect in this amendment. There is no provision requiring the Supreme Court to act in the absence of legislative action and therefore I will withdraw it and re draft it with leave of the chair.

[Notice to withdraw amendment adopted without objection.]

Amendments

Mr. Paynter: By Senator De Blieux, Amendment No. 1. On page 4 delete lines 18 and 19 in their entirety including Amendment No. 2 proposed by Delegate Landrieu and others and adopted by the convention on July 25, Amendment No. 2. Page 4, line 18 add the following: "C the procedure for review and petition shall be provided by law."

Explanation

Mr. De Blieux: Mr. Chairman, and ladies and gentlemen of the convention, when the Landrieu amendment was adopted it struck out the words on line 18 the words "for review." There has been some question and criticism about how we could get a petition to the Supreme Court, the procedure and so forth for that. I certainly think that the legislature ought to be in a position to provide this and to provide for an orderly and expeditious review of any reapportionment plan as passed by them. Or upon the failure of the legislature to reapportion itself.

And this is just merely a provision to allow the legislature to provide for the expeditious procedure for initiating a review or a petition for reapportionment and I ask for adoption of the amendment. In other words it leaves it as it came from committee.

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Mr. Poynter: Mr. De Blieux did you intend this would delete one amendment of Mr. Lanier's but did you intend to delete the other amendments and leave the language contained in lines 9 through 12?

You said that it was your intent to leave it as the committee had proposed it and your amendment would still have the effect of leaving in the Lanier amendment which struck the last sentence in Paragraph A which begins on line 9 and...

Mr. De Blieux: No...Mr. Chairman, this will not affect any of the Lanier amendment except that on line 18 where that out of line the words "for review" were put in and I certainly think that the legislature ought to provide for some orderly review of the proposals as submitted to it. And that is all this does. It just provides for the legislature setting up an orderly review. That is the only portion of this section that it affects.

[Amendments adopted: 51-24. Motion to reconsider tabled.]

Motion

Mr. Newton: I have talked to quite a few of the lawyers and most of them seem to agree that the Avant amendment proposes unconstitutional questions and I thought I would recommit it to the committee on the legislative for further study.

Mr. Henry: To recommit the entire...you can't recommit a section, the whole article would have to go.

You can move to recommit the entire proposal if you want to. You want to move to pass it over then rather than recommit it?

Mr. Newton: It seems as a matter of parliamentary procedure I should move to pass over the final consideration of this section. And I so move.

Mr. Henry: Gentleman has moved that we pass over final consideration of Section 5.

[Substitute Motion for Previous Question on the entire subject matter. Previous Question ordered on substitute Motion: 46-48.]

Closing

Mr. Newton: I hate to keep coming back up here on this but I am most concerned about the constitutionality of this article as it now stands and I would like to at least have the opinion of some research done by the staff. Am I correct in stating the staff considers it to be unconstitutional or the staff considers it to be then we can possibly make some amendments in it that would satisfy a majority of the members of this convention and I urge you to pass over final consideration of Section 5 now, let's get some research done on it by the staff and then come back to it.

Questions

Mr. Weiss: Delegate Newton, isn't it the purpose of Style and Drafting when they review this...to decide on such matters?

Mr. Newton: I don't believe so.

No, sir, I don't. If I did I would not make this motion.

Mr. Weiss: If it is unconstitutional they would certainly report it back to this body so we are left to small group or are we left to our researchers and Style and Drafting Committee?

Mr. Newton: I think they are two separate question and I don't think it is up to the committee on Style and Drafting to change the substance of these pro-

Point of Order

Mr. Avant: Would we not have the right since the staff were to tell us that one word in this section had to be changed to remove a possible constitutional question to wit the word, "elector" must be changed to "citizen" or "person." Can't we vote on this again without just [...] the whole subject matter at this time?

Mr. Henry: Well, it is my appreciation...I am sure it is going to be extremely interesting to see what happens when it does to see what happens.

Mr. Avant: But it is my appreciation that once we adopt this proposal it will go to Style and Drafting and then will be resubmitted to us from that committee to either accept or reject the proposals or the amendments that they would make to the proposal. Now I think I have answered your question, I may not have, but I think I have, have I not. Or do you know?

In other words, I think you are right.

Mr. Avant: You answered it.

Point of Information

Mr. Jack: What is the situation regarding say two months from now if we haven't finished the whole thing by then. Which I doubt we will. Could we resurrect something that we have already passed. Is there anyway for doing it? It would seem there would be some way if two-thirds or something.

Mr. Henry: Then we will adopt...we've adopted it section by section and you move to reconsider the vote and lay the motion on the table.

Then we get in to October and we find out that we've done something terribly wrong, we can come back with a two-thirds vote of this body and call from the table the motion to reconsider and go through the procedural mechanics of undoing what we have already done, yes, sir.

Mr. Jack: That's what I thought, and I wanted to be assured so everybody else will be reassured.

Motion

Mr. Poynter: "Section 6, Judging, Qualifications in Election, Procedural Duties of Senate." Section 6A. Each House shall be the judge of the qualifications and election of its own members, determine the rules of its procedure, and may punish its members for disorderly conduct or contempt and, with the concurrence of two-thirds of its elected members, may expel a member. Expiration shall create a vacancy in the office.

C. Each House shall choose its own officers, including a permanent, presiding officer selected from its membership. He shall be designated in the Senate as the President of the Senate, and in the House as the Speaker of the House of Representatives.

The clerical officers of the two Houses shall be the Clerk of the House of Representatives, and the Secretary of the Senate, each of whom shall have the power to administer oaths.

Explanations

Mr. Blair: Mr. Chairman, ladies and gentlemen.
this revises the present provisions providing for the House to judge qualifications, elections and returns of its own members by deleting the word "hurts". It allows the members to expel by stating that expulsion creates a vacancy. It retains provisions relating to compelling attendance and production of all types of papers and documents, and it authorizes the legislature to punish for contempt those who disobey its orders. It removes Lieutenant Governor as presiding officer of the Senate and adds that the House is to choose its officers from its members. Probably the biggest change, and this was a unanimous vote of the committee, probably the biggest change is the removing of the Lieutenant Governor as the presiding officer in the Senate. And the committee felt, and I believe the Executive Committee felt, that if we are going to strengthen the legislature, then we should let the Senate, as the House now is privileged to do, elect its own officers.

And Mr. Chairman, unless you have amendments, I move for adoption of this section.

Amendment

Mr. Poynter Amendment No. 1 [by Mr. Avant] on page 4, line 25, the same amendment, immediately after the word, "contempt," insert a period and delete the remainder of the line and delete "line 26 and 27 in its entirety.

Explanation

Mr. Guarisco The amendment is to delete, "with the concurrence of two-thirds of its elected members may expel any member of the legislature shall create a vacancy in the office," and I rise in support of the deletion of that section for the simple reason that I think that the people who elected a delegate a representative, or the House did not elect it may be, or the persons who shall expel him from office, either by the next election, or by a recall election or some other way, or the people, the legislature from which he serves with his peers.

If we allow this, I think that we are going to have a constitutional crisis and that the judiciary is going to be ruling on what the legislature may or may not do with its members. I think that you are responsible to the people who elected you and not to your co-legislators.

For that reason, I feel that we should delete that section.

Further Discussion

Mr. Casey Mr. Chairman and members of the convention, I rise to oppose the amendment advanced to delete that part of the paragraph which permits legislators in each House, whether it be the Senate or the House of Representatives, to expel their own members. I would like to point out to you that the language of Section 6, even after that language is deleted, will have language to this effect that each House shall be the judge of the qualification and election of its own members in addition to determining its rules of procedure. Unless you leave the language, in beginning on line 25, "with the concurrence of two-thirds of its elected members may expel any member of the legislature shall create a vacancy in the office," the first two lines, lines 22 and 23 have absolutely no meaning whatever.

Now you do have in a later section, also, a procedure established for impeachment of public officers or public officials which is analogous but somewhat different to the method by which members of each House can expel their own members if they determine that they have cause to expel them. All this does is give to the legislature, and this is a right, it is a right which now exists under the present constitution, that it may have no change whatsoever. It is a right, in addition to the procedure for impeachment, that permits a House, whether it be the House of Representatives or the Senate, may, by the reasons that it deems appropriate, to expel one of its own members...a person, for instance, who may not be for some reason deserving of a seat in either the House or of the Senate. He may be guilty of gross misconduct, may be not performing his functional property, may be disloyal to the state or constitution. You may have a member of the House or of the Senate which is elected but does not even attend the meetings of the legislature. In those types of situations, if a member of the House or of the Senate does not attend or carry out his duties or attend the meetings of the House of Representatives or the meetings of the Senate, that particular body may then expel that particular member.

Gentlemen, I urge you to retain this language, the proposal as we are submitting it to you presents no change in the present status or present constitution whatsoever, and I think gives to the legislature a right which it should rightfully have, and that of determining the qualification and election of its own members.

Questions

Mr. Avant Mr. Casey, over on page 11, Section 24, which says "All state and district officers whether elected or appointed shall be liable to impeachment for felonies, incompetency, corruption, extortion, oppression in office, gross misconduct or habitual drunkenness." Under that section, would not a legislator who was guilty of any of those particular charges be subject to removal by the impeachment process?

Mr. Casey Any member of the legislature would certainly be susceptible to removal under those provisions. But the question I submit to you, are there other violations which a legislator could commit, that he possibly should be expelled for by his own House, whether he be a member of the House or the Senate. And that's all we are doing. We are retaining that right.

Mr. Avant Now, under the section under discussion, if this amendment is adopted, you still remain a judge of the qualification and election of the members of each House even if the amendment is adopted that is before the convention at this time. Is that not correct?

Mr. Casey Well, I would submit to you that each House shall be the judge if you are indicating by your question that the House or the Senate could refuse to seat someone, I would say that this particular body may still have the right to refuse to seat. But when you determine, when you go into the qualification of its own members, there is no specification that the...judging the qualification of its own members is at the time of swearing in two years after election, three years after election.

And so I submit to you, that's surplus wording if you are going to leave that wording in and then delete...

[Previous question ordered.]

Closing

Mr. Guarisco The issue boils down to simply this. Suppose that two-thirds of this delegation decides that someone here is unpopular so we vote to send him home...simple as that. I don't think...I think the people sent him here. I think the people should take him back, or take him away, or recall him, but not his co-legislators.

[Amendment refused: Motion to reconsider tabled.]

Amendment

Mr. Poynter Amendment No. 1 [by Mr. Thompson] on page 4, line 24. After the comma, insert the following...exclude me...following the word "procedure," and before the word "and," insert the following...not inconsistent with the provisions of this constitution...page 4, line 24.

[Explanation]
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Mr. Casey Mr. Chairman and delegates, the request of the gentleman definitely indicate that in each House determining the rules of its procedure that those rules will not be inconsistent with the provisions of this constitution and that's all that this amendment does.

Questions

Mr. Burns Mr. Casey, I'll take advantage of asking you the question now that I wanted to ask you before when your time ran out. In expunction of a member of the legislature under the provisions of the section that we are now on, is it...do you contemplate any method of hearings, one that except one member arbitrarily without giving him a chance to defend himself?

Mr. Casey Well, first of all under the rules of procedure of both houses, it is required and possibly later on in...I'm not sure what section but under a section referring to passage...a final passage of bills, there's general requirement that any provision whether it be a resolution, joint resolution, concurrent resolution, bill of any kind must be referred to a committee and there would be a requirement that a hearing in public hearing, be offered...the opportunity be there on any matter that is submitted to the legislature.

Mr. Denery Do you believe that this...I notice you said that you were...apparently were requested to introduce this amendment. Is there a reason for it? If the rules of the House and Senate are inconsistent with the constitution, wouldn't either a member of the House and Senate or a citizen have the same right without this clause as he would with it?

Mr. Casey Mr. Denery, I can appreciate your question. However, I can appreciate the concern of those that felt maybe this should be cleared up because of the fact that under this particular paragraph or provision, the legislature is given the right to determine its own rules of procedure and it was feared that they would have some unlimited and unrestricted powers and rights which might be in conflict to other provisions of the constitution and in interpretation by a court at a later date, possibly may give the legislature more power than what we intend in the constitution. That's about as best an explanation I can give you. I don't have any strong feelings, very honestly, on this. Possibly there would be no problem whatsoever. The only intention here is just strictly clarification.

Mr. Denery Thank you, sir.

[Previous question ordered. Amendment adopted: "Nay. Motion to reconsider tabled."

Mr. Henry Read B, then, and let the gentleman explain B.

You've read it, let the...Senator, you going to handle it? I'll explain Section B, please. Hit it one more time, please, sir.

Mr. Blair Mr. Chairman, ladies and gentlemen of the convention, B, we retain provisions relating to the compelling attendance and procedure of all kinds of papers and documents...authorize the legislature to punish for contempt those who disobey the orders...its orders.

It's just about the same as we have at the present time.

Amendments

Mr. Poynter Amendments posed by Mr. Tobias: Amendment No. 1 on page 4, line 32, immediately after the words, "imprisonment," insert the word "for". Amendment No. 2, page 4, line 1 at the end of the line change the period to a comma and add the following: "but such imprisonment shall not exceed ten days for each offense."

Explanations

Mr. Tobias Mr. Chairman, this particular...these amendments are aimed at putting back into our constitution a provision which has been in every constitution since 1845. In 1845 it was Section 24 of that constitution. Primarily it is to protect the citizen who comes before a committee from being put into prison by the legislature for an indefinite period of time. Recently, the legislature has acted, for example, in the James Strain case which the Louisiana Supreme Court upheld the procedure finding him in contempt. Historically, the legislature...well, back in the '50's they threatened one member of the press although they did not actually put him in jail, they threatened him because he called the citizen...the legislature a bunch of trained seals. There has been in the history of the...in history back in...around 1860 at one time a person was put...found in contempt of Congress, put in jail for three months. Nothing that he could do...a very indefinite sentence.

In history, there has also been one time when a person was in jail for three years for contempt, and I think that this particular provision should be continued in our constitution from now on.

Further Discussion

Mr. Blair Mr. Chairman, ladies and gentlemen of the convention, I rise in opposition to the amendment. We took it out because the legislature does not have the authority to put anyone in jail. That's handled through the courts. We thought it was obsolete language so we removed it.

[Previous question ordered. Amendment rejected: 15-77. Motion to reconsider tabled. Previous question ordered on the sections 1-18. Motion to reconsider tabled.]

Reading of the Section

Mr. Poynter Section 7. Privileges and Immunities. In Section 7, the members of the legislature shall in all cases, except treason, 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.

Explanations

Mr. Casey Mr. Chairman and delegates, Section 7 is pretty much the same as the provision is as it exists today in the present constitution. The only change is that the word "treason" is used along with felony. That is deleted just surplus wording because treason would also be a felony. And also the words "breach of the peace" have been deleted from the present constitution and I urge final adoption of Section 7.

Questions

Mr. Stimson For what reason was breach of peace deleted?

Mr. Casey Mr. Stimson, the members of the committee apparently felt that in line with the thinking of a completely independent legislature, and to avoid the possibility that a strong governor who controls the police department, might be in a position to arrest certain members of the legislature going to and...might not the wording...going to and from sessions of the legislature and any committee, thereof.

Mr. Stimson In other words, it would be alright
for him to be drunk and you couldn’t arrest him for drunken driving and reckless driving and endangering the lives of the public just because he is going to end from the legislature? I ought to wait and get drunk when he gets there.

Mr. Casey Well what...I have to submit to you that you are correct if that is really the case, if it would really occur.

Mr. Stinson Isn’t drunken driving a breach of the peace? The only time it would be a felony would be if he were a third offender.

Mr. Casey DWI is breach of the peace.

Mr. Stinson And he couldn’t be arrested...a member of the legislature going to and from and while attending...

Mr. Casey Could not...right, going to and from a session of the legislature or any committee meeting...

Mr. Stinson Or in attendance. In other words, for sixty days, if he got drunk there in Baton Rouge, he couldn’t be arrested for drunken driving or disturbing the peace.

Mr. Casey I would submit to you, Mr. Stinson, that on a certain day, when the legislature adjourns, and you are not conducting your business of the legislature but you happen to be in the lounge of the Union House Inn and you drive out onto one of the streets here and you are absolutely, without a doubt, guilty of a DWI, I would submit to you that you are not in session, and you are not in a committee meeting and you are not going to a committee meeting and you are not coming from a committee meeting.

Mr. Stinson Well, in the past it’s been held, though, that during the entire sixty days that you were exempt except for felonies and breach of the peace, wasn’t it?

Mr. Casey Well, my understanding of the various interpretation by various courts, have indicated that breach of the peace apparently applied generally to any misdemeanor. Now I don’t know what period of time during the legislative session a person really might be exempt or might be susceptible to arrest.

But I would think, Mr. Stinson, that only if you are attending the official business of the state would you, in fact, be exempt from arrest. If you...

Mr. Stinson In other words, your committee unanimously felt it would be alright for a member of the legislature to be drunk and drive all the way from Shreveport to Baton Rouge and not be subject to arrest...

Mr. Casey Mr. Stinson, I notice you use the word unanimously. I was one of the members on the committee that opposed deletion of the words breach of peace.

Mr. Tobias Mr. Casey, could you tell me whether this, by omitting the provision breach of the peace, would this permit a person to go free if, for example he was arrested for driving while intoxicated under your provision since that is a misdemeanor?

Mr. Casey I would suggest to you that that would probably be correct, but only if he was in attendance...in attendance...in a legislative session or a committee hearing, or going to or from that session. And that is the wording of this particular section.

Mr. Tobias Do you agree with that?

Mr. Casey That’s what I said. I agree that he would be exempt if he was going to and from...exempt from arrest...

Mr. Tobias Do you think that is a correct result, is what I mean?

Mr. Casey Yes, I’m not saying it’s the correct result, I think that will be the result. Whether you agree with it or not is another matter. That’s up to the members of the convention to decide.

Mr. Stinson Mr. Casey, now that you have continuous sessions, members of the legislature are going to be exempt for four years then, aren’t they?...continuously.

Mr. Casey Ford, I think that is sort of a loaded question. Don’t you think so? I think...

Mr. Stinson I think the continuous session was a loaded passage, too.

Mr. Casey I disagree with your interpretation of the word continuous.

[Previous Question ordered. Section passed: 67-26. Motion to reconsider tabled.]

Reading of the Section

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

Explanation

Mr. Juneau Mr. Chairman, fellow delegates, this provision, the initial sentence, therein, is a new sentence in the constitution. It was an expression on the part of the committee that the legislative office is a position of public trust and it also...

...the second sentence is a mandate to the legislature that they will enact a code of ethics in statutory law prohibiting conflicts between public duty and private interest.

I would move for its adoption.

Questions

Mr. Denney Mr. Juneau, do you understand the second sentence in that section to mean that the only thing that can be contained in such a code of ethics is one which prohibits conflict between public duty and private interest?

Mr. Juneau No, I do not interpret it that way. It merely mandates that they will at a very minimum enact such a code of ethics.

Mr. Denney If the section on code of ethics which is included in the Executive Department report is adopted, would there be any necessity for this sentence?

Mr. Juneau Obviously the answer would be no, if the language would be the same. But it’s like getting the cart before the horse. We didn’t know what would occur at that time. It would be no necessity if that language would be encompassed in the Executive Department. The answer would be no.

Mr. Denney Would it then require, if we adopt this section as presently written and subsequently adopt another section which provides for such a code of ethics, to come back and get a two-thirds vote of this body in order to delete the sentence as being unnecessary?

Mr. Juneau I think that would be a matter which would address itself to Style and Drafting because we wouldn’t be talking about anything in substance. We would only be talking about a duplication of language in the constitution.
Mr. Burson Mr. Juneau, I noticed in the source material you list Sections 29 and 30 of Article III of the present constitution as the source from which you departed on this article. I would ask you with regard to Section 30, which provides that a member of the legislature shall forfeit the office which he holds if he is convicted of giving or of offering to give or receiving anything for his vote in the legislature, if you have made any recommendation with regard to that Section 30 that it be placed in the statutes or otherwise?

Mr. Juneau It was our intention, Mr. Burson, that that matter would properly, the mechanics of which and particulars of which, would address itself to statutory law. I might add in further explanation to your question there was or is in the present constitution a provision wherein the legislators disclose their personal interest in bills and refrain from voting thereon. It was the consensus of opinion of the delegates that that was language which was just not technically dealing with the code of ethics. For example, someone who is in the insurance business could not vote on an insurance bill. Someone who is a farmer, conceivably, would not vote on agriculture bills. We thought that by putting in the provision that a code of ethics per se could be enacted if that would take care of that particular problem.

Mr. Burson So, it would be your thinking then that rather than recommend that the specific matter dealt with under the present Section 30 be put in the statutes that you would simply believe and hope that it would be covered by a code of ethics adopted and put in the statutes.

Mr. Juneau Yes, that is why the mandate was on the legislature.

Mr. Anzalone Mr. Juneau, in your language you say that the legislature shall. What happens if they don't?

Mr. Juneau Of course, I guess that's a problem we would have in any section. The alternative to that, Mr. Anzalone, would be that we set forth a nescuous antithetically dealing with code of ethics. The same thing would apply in the executive branch. I would think that it would be subject to court litigation. Of course, you can't require. I don't have to answer that question. It's going to come up throughout this convention. It's just not susceptible to an answer.

Mr. Anzalone You would agree, however, that the words "the legislature shall" is not going to be subject to a mandamus?

Mr. Juneau Yes, I move for its adoption.

Reading of the Section

Mr. Pyntner section 9. Quorum. Compulsory attendance, Journal, Adjournment, Consent of other House. Section 9. Paragraph A. Not less than a majority of the elected members of each House shall form a quorum to transact business, but a smaller number may adjourn from day to day and shall have the power to compel the attendance of any member and to the proceedings of that House including all record votes. A record vote is a vote by yeas and nays with said yeas and nays being published in the journal.

C. Whenever the legislature is in session neither House shall adjourn for more than 3 days or to any other place than that in which it has been meeting without the consent of the other House.

[Previous question answered on page 324. Motion for reconsideration tabled.]

Explanations

Mr. Casey Mr. Chairman and delegates, Section 9 is substantial, the same as other Sections now existing in the constitution pertain to certain attendance and the keeping of journals and whatnot. Paragraph 9 merely establishes the requirement for a quorum. Paragraph 8 sets forth that each House shall have an official journal and establishes the type of record votes that exist and Section C is also presently in the constitution and is probably more necessary now, than ever, which indicates that neither House can adjourn for more than 3 days without the consent of the other House. I would urge adoption of Section 9.

Amendment

Mr. Poyntner Amendment No. 1 [by Mr. Poynter]. On page 2, delete lines 29 through 32 in their entirety and insert in lieu thereof the following. Also the second amendment strikes out line 1 on page 6. B. Each House shall keep a journal of its proceedings and cause the same to be published immediately after the close of each session. The journal shall accurately reflect the proceedings of that House, including all record votes. A record vote is a vote by yeas and nays with said yeas and nays being published in the journal.

Explanations

Mr. Blair Mr. Chairman, ladies and gentlemen of the convention, we had this right at the last session and we finished up and rather to reopen everything, we agreed we'd enter this as a technical amendment on the floor. So if you have, don't have any questions, objections, I ask for approval.

Questions

Mr. Derbes Senator Blair, this requires that the journal be published after the close of the session. Is that correct?

Mr. Blair No, after we have finished our proposal, what I was talking about. It was brought to our attention, I'll tell you who brought it, David Poynter brought it to our attention. That this is tied down a little better, the day to day proceedings.

Mr. Derbes No, I'm referring to your amendment which says each House shall keep a journal of its proceedings, and cause the same to be published immediately after the close of each session. Now what changes the requirement from day to day requirement to a requirement permitting the journal to be...to a requirement specifying that the journal be published at the close of the session.

Mr. Blair Well, we have day to day publications, but I understand the official journal, when it's official, is when it's printed and that's at the end of the session.

Mr. Derbes I see. But this takes no distinction and doesn't seem to provide any latitude. I mean I'm not against this, it's fine, but it seems to say that the journal shall be published immediately after the close of the session and doesn't give you any latitude to publish anything in the interim.

Mr. Blair We will have that latitude to do that, and this is making it official, as I understand it, at the end of the session, Mr. Derbes.

Mr. Derbes Okay, but there's not distinction made that way in your proposal, in your amendment.

Further Discussion

Mr. De Elies Mr. Chairman and ladies and gentlemen, I just want to make sure that this particular amendment does not do awry with the daily journal
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because I think that any member of the legislature and as you members of this constitutional convention can realize, that you daily journal is very much of an assistance to you ...  

Mr. Henry Senator, I think Mr. Casey has a question which might clear up your problem there. Would you yield to a question from him?

Mr. De Bileux I just want to be sure of that.

Mr. Henry Yes sir.

He yields.

Question

Mr. Casey Senator De Bileux, do you know that the purpose of this amendment, first of all, is to establish this particular paragraph exactly as it exists in the constitution of today and the problem that is attempting, we're attempting to cure is that first of all, errors do occur in the journal in the day to day publication. If the official journal were the day to day publication then we might be prohibited from correcting those day to day journals. The idea being that the only daily journal, and that's all we're establishing here is the official journal of the legislature, and that is what must be published after the close of the session. It has nothing to do with the day to day publication whatsoever. I can assure you that we will continue to do that in the future.

Mr. De Bileux Mr. Chairman, if that's correct, then I'll withdraw any objection. I just want to be sure we don't eliminate that daily journal.

[Amendment adopted without objection.]

Previous Question ordered in the section. Section passed 96-1. Notion to reconsider tabled.

Reading of the Section

Mr. Poynter Section 10. Legislative Auditor.

Section 10. There shall be a legislative auditor who shall be elected by the consent of a majority of the elected members of each House and may be removed by the consent of two-thirds of the elected members of each House. The legislative auditor shall be responsible solely to the legislature and shall serve at the pleasure of the legislature. He shall perform such duties and functions relating to the auditing of the fiscal records of state and local government as are provided by law.

Explanation

Mr. Blair Mr. Chairman, ladies and gentlemen, as you know, the legislative auditor belongs to the legislature at the present time. About the main change that we made here, we elect him by a majority vote and we dismissed him in the present constitution by a majority vote. When Mr. Burris appeared before our committee, he was not pushing for the two-thirds vote, but we thought it would give him a little more security by making it a two-thirds vote for his removal. We removed some of the jargon language in that and I think it made it more specific that he was, his duties were to be performed for the legislature. Now unless there are questions, I ask for the final approval on Section 10.

Questions

Mr. Munson Senator Blair, does the legislative auditor have the staff, or in a position to have the knowledge to be fiscal advisor to the legislature?

Mr. Blair Yes, we had that provision in here also, that he would be staffed to where he would handle, or be our advisor for the fiscal part.

Mr. Denney Senator Blair, what is the present provision, where is the present provision in the constitution?
Mr. Tapper. Mr. Casey, I'm a little concerned about the fact that there is no set time in this provision, for the legislative auditor. It would seem to me, or my interpretation of the text would be that once he is appointed by a majority of the legislature, then he is appointed for life unless two-thirds decide to replace him. I'm wondering why not specify a term say concurrent with the legislature that appoints him?

Mr. Casey. Well, Mr. Tapper, in line with the explanation I've already given that in order to make him as independent as possible, and not susceptible to political approaches, so to speak, that a term might just be that and that he serves at the pleasure of the legislature, regardless of whether it be 4 years or 6 years. Somebody had reminded us that it might be better to get rid of him and he's not that dedicated to a particular servant, all you have to do is cut out his salary...

Mr. Tapper. That's true, but don't you think it would be better for the protection of the public to give him a specific term and only allow the legislature...

Further Discussion

Mr. Jack. Mr. Chairman and members, I rise to speak against this amendment. When you have a legislative auditor, you're going to give him instructions like to check out sheriffs, clerks, assessors, numerous accounts and things and I can visualize in parishes where different office holders would be powerful and they would resent being checked out or what the legislative auditor found, and put that Representative, that Senator on the spot and ask him to get rid of him. This is an exception to the ordinary rule of a majority hires and a majority fires. I do not believe you would get a real good bull dog legislative auditor if you can fire him with a simple majority. I do not believe you could get a good one if you said he had a term for this number of years or for that number of rights of time where you have an exception. Ordinarily I'm for having terms of office, but I'm not in this case because this really is a qualification for your legislative auditor. It's not a term you're setting for a life thing. It's just the qualification. If you don't require two-thirds to get rid of him, you're lowering the qualifications of the man you're employing, you're tempting him to so easy so he can satisfy a majority. So I think this amendment is bad, and leave it requiring two-thirds. Thank you.

Questions

Mr. Deneny. Mr. Jack, under Rayburn's rules of order, I was unable to ask this question of Casey, so I therefore ask you. Do you see anything in this provision which provides for the appointment of a legislative auditor in the event the one who has previously been appointed dies between sessions or the legislature?

Mr. Jack. Well sir, I don't know what you're talking about Rayburn's rules of order...

Mr. Deneny. The 5 minute rule.

Mr. Jack. Oh, Senator Rayburn's rule. You get

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[Belote for the Previous Question rejected: 29-66.]

Further Discussion

Mr. Nunez  Mr. Chairman and gentlemen of the convention, I rise in support of the amendment. I think the simple majority to expel the auditor if the simple majority is needed to hire him, makes a lot more logic and is a lot more sensible than allowing, having two-thirds to get rid of him just in the simple event that he's not doing the job that he's hired to do. I think it's much more reasonable and much more logical to assume that if he isn't doing that job it would take only one-third of those members elected that could hold off getting rid of him. I think this is the danger that we are facing when we say it shall take two-thirds. We have a two-thirds provision to get rid of legislators and they're elected by the people. Now here we're putting the same provision to get rid of an individual who is hired by the legislature. I don't know if Mr. Burris is still in the chambers, he was here just recently, I don't think the legislature has been so bad that they would get rid of him for doing those things he thought was necessary, but if he is, I certainly mean must him and if he is here talking for the two-thirds I can understand that also. I think it's a bad provision to leave two-thirds in the constitution. That two-thirds of the legislature, it shall take two-thirds to get rid of an individual that they have working for them if he is not doing the job. Because the bad part of it takes one-third of them to keep him. I think this is where the danger lies and the inherent danger lies in the constitution.

Questions

Mr. Chatelain  Delegate Nunez, is it not true sir that what's left out of the constitution is the legislature to fire this man, the argument that the legislature, through the years and possibly in the future is not too popular at times, would it not be that the people would be left out of this deal if you had a two-thirds vote?

Mr. Nunez  Well, it's always been my opinion you're leaving out a certain portion of the electorate that sent the legislators here if you allow one-third of them to control the vote in the House or the Senate.

Mr. Chatelain  It seems to me that the people would be cheated in this deal because they may not want to get rid of this man.

Mr. Nunez  That's correct.

Mr. Womack  Mr. Nunez, in view of the fact that the attitude has been, or the general approach has been up here that the legislature might be bad and might have a problem with the man and give him a hard time if you didn't put the two-thirds. Isn't it a fact that the legislature has set up a legislative audit advisory committee to further support the hard-nose attack of a legislative auditor and that's in process at this time?

Mr. Nunez  And I think you might add, Mr. Womack, that I think they're doing an excellent job.

[Previous Question ordered.]

Further Discussion

Mr. Newton  It seems to me that the big problem here is that some people out there if he's making a good job, some people are going to want to get rid of him. I think it's a two edged sword. I think if he is not doing his job and someone feels like that, then you've got him locked in there and you can't get rid of him. I urge that you pass the amendment so that the legislature can function. Thank you.

[Amendment rejected: 10-0.]

Mr. Poyster  Amendment No. 1 [by Mr. Weiss], page 6, line 7, immediately after "Section 10" and before the words "there shall" add "a.

Amendment No. 2, page 6, between lines 15 and 16 add the following: "B. The legislative auditor shall conduct an audit annually of all compensation paid from state funds to all persons except in the classified service of the state."

Explanation

Mr. Weiss  Fellow delegates, this proposal is intended to account to the public for the expenditure of state funds. The civil service section of our state already has this, I understand, in their public accounting system and this would mandate the legislative auditor to conduct an annual audit, and therefore make it available for public use, on the amount of compensation paid to state officials other than the civil service. Basically, the intent is to provide the public with the knowledge of the income from public sources, that other members of the state receive other than civil service employees. With the computer system, and this is a futuristic amendment, there should be no problem whatsoever to put on computer the manner in which these funds are spent and to whom, if you want it, by simply programming a computer, there would be no problem in obtaining a list of the state employees other than civil service employees that receive state and how much they are receiving annually. That is the purpose and the intent of the amendment and I think in the future there would be no problem with computers to do this in a very simple fashion.
he audits the same dollar as many as three or four times, so that's a field of its own. Now notice in some of the words in this also not necessarily in this, but I will call your attention to it while I am here. It says there shall be an advisor, or shall serve as the Fiscal Auditor. This is the only one you are going to have you might not like anything he does. Right now the legislature has any number of advisors, namely, before you start preparing the budget, you call in about six or seven including the legislative auditor, the state treasurer, the department of economics of L.S.U., the same thing of Southern of New Orleans, L.S.U.N.O., and many may have that you call in, PAR for example, comes in and you counsel with them. Then you wind up between that and the Division of Administration taking the one that you feel best represents and if you come out to within two, three or four million dollars, you have been awfully lucky when you start your estimates, because any little change will change it. I am very reluctant...while I am here I am going to touch on that until I run out of time, in setting this up as a before the fact position. This is a big enough job to be an after the fact to check the legality that has been done. Checking into the advisability and the wisdom of how money is spent should be left to the executive branch, the legislative branch, and the local governments of the many departments, and if it is not left to the legislature then to appropriate and to see that the proper job is done as far as the wisdom is done, then one man as a before the fact auditor, you are putting him in a very powerful position to say whether you wisely spent your money or not. In short, I think this is a bad amendment and I think it should be defeated.

Further Discussion

Mr. Casey Mr. Chairman and delegates to the convention, I also rise to urge defeat of this amendment. My honest opinion is that this is the type of thing that really does make the constitution start with; that the legislature in developing its statutes to set forth what the functions of the legislative auditor shall be. This is the type of thing that would ordinarily appear in the statutes and I think I would hesitate to approve an amendment because I think it would be a trend toward developing a think a trend in this convention, that it would not be appropriate. That is merely containing in our document too much detail. This can be accomplished without being in the constitution. It can be accomplished through the legislature.

[Previous Question ordered.]

CLOSING

Mr. Weiss Fellow delegates, in this convention we will be frequently faced with the concept of whether to include, and we have already discussed many times whether this is statutory or constitutional. I think that those who feel that it doesn't belong in the constitution really don't want the measure and say it is statutory. Certainly this amendment, to be without merit and furthermore, this certainly does not require anything more than futuristic thinking. There is no problem at the present time with the computers now available to the civil service people to put this information on those who are not members of the civil service and by simply pressing a button after proper programming, the outcome is very simple. I think that this is a case of poetic justice because we owe it to the people of some people in the group and that we must look to the future and that this is an example of looking to the future without obtaining the legislation that the people of the state deserve. We have given blank checks many times and I think the time has come where we should at least put a maximum or a limit. If we are spending million dollars on indulgence, I think the people of the state are entitled to know how these funds are spent and the legislative auditor would have no problem because he himself would not be involved so much directly as, at present, the civil service people who are keeping the computer for this purpose. So, it is simply a matter of programming into these computers the facts, then obtaining then and reporting then to the public. I think this is a good amendment or I would not have proposed it as a constitutional amendment. I think that we owe it to the people of the state to make an accounting to them. True that this, as Delegate Monack pointed out, is only an early beginning and certainly we should be done, but at least this is a beginning of what should be done and I hope you will vote favorably and include this for the people of the state to know how their funds are being spent. After they are spent then it is up to them to decide whether they think, by election or other alterations in the process through their representatives, that these funds are being properly allocated. It is simply a matter of accounting to the people of the state and I urge you to vote in favor of this amendment.

[Amendment rejected: 27-79. Motion to reconsider tab. ed.]

Amendments

Mr. Poynter Amendment No. 1, sent up by Messrs. Alfaro and Monack, I move immediately after the word "and" delete the word "shall" and insert in lieu thereof the word "may".

Amendment No. 2, on page 6, at the beginning of line 12, between the words "as" and the word "fiscal" insert the word "and".

Explanation

Mr. Alario Mr. Chairman and members of the convention, all this simply does now on page 6, starting on line 10, the legislative auditor shall be responsible solely to the legislature and may serve as a fiscal advisor to the legislature. Now the reason for this is that presently when we receive along in the estimated revenues from various agencies, we get it now from the Conservation Department, we get it from the Revenue Department, we get it from the state treasurer, we get it from various agencies who are involved on a day to day basis with the fiscal affairs, with the anticipated revenues, and with the actual revenues that are being collected. I feel that Mr. Musson feels, that the present language as written in by the committee would mean that we would restrict solely to the legislative and that restrict the fiscal advisor to the legislature. During this past session of the legislature, since I have been here, there has been much talk of us having a fiscal officer who is responsible to the state legislature and who would give us the advice we need in preparing our budgets. We don't feel that the legislative auditor is presently staffed, or has the capacity at this time to do this type of thing because he is not involved in it on a day to day basis. We are in favor of strengthening the legislative auditor in the auditing process, not in the means of giving us the sole revenues and possibly being involved in the legislative end of it. That is why we are offering these amendments at this time.

Questions

Mr. Derbes Mr. Alario, since we really are not setting forth the responsibilities of the legislative auditor, doesn't this give further discretion to the legislature in determining the scope of its responsibilities...your amendment?

Mr. Alario My amendment would. That is correct.

Mr. Derbes Do you see any danger there, in having the responsibilities of the legislative auditor quitted through the operation of your amendment?

Mr. Alario Mr. Derbes, I think possibly at any...the way the proposal is written now, the legislative auditor...I read it would have the sole responsibility of doing this fiscal advisor. We don't
feel that the legislative auditor should be the only one responsible for that particular action. We are all for him being strong in the auditing process but not in that section of it.

Mr. Derbes That is not exactly the point. If you had put in your "a" on line 12 that would have the effect of making the legislative auditor being one or two among several fiscal auditors, but because you have changed "shall" to "may" you have made it discretionary within the purview of the legislative act as to whether or not indeed the legislative auditor shall be a fiscal advisor, isn't that correct?

Mr. Alario That's true, and of course we are looking here, I think it is a decision the legislature should meet. If they want to seek advice from other agencies then they can do just that.

Mr. Derbes Then I ask you finally, Mr. Alario, why not just delete all of Section 10?

Mr. Alario Section 10, then you would be eliminating the legislative auditor's office if you deleted the whole section.

Mr. Derbes But, if the legislature can prescribe fully the functions of the legislative auditor, and since those functions are not set forth in the constitution, the entire scope of his responsibilities may be defined by the legislature.

Mr. Alario Of course, Mr. Derbes, if he is an employee of the legislature, I think the legislature should dictate to him what his responsibilities and duties might be.

Mr. Arnette Mr. Alario, it seems that you have two different questions. First, your amendment one says that the legislative auditor won't have to be an advisor, and your amendment two says that he may serve as an advisor. He doesn't have to be the only advisor. I would particularly be in favor of amendment two but not of amendment one. Do you see the difference in the two amendments that you are proposing, sir?

Mr. Alario The only thing, in the package it gives the legislature the right to decide if that is where they want to place the responsibility. That is the only thing I do by both of them. Now, if you are in favor of one and not two then you may vote for division of the question. I would think you could do that.

Mr. Arnette Well, I shall move for that.

Mr. Roemer John, does your amendment deal with the auditing of the legislature itself and its funds.

Mr. Alario I don't think it does, but...

Mr. Roemer O.K., you didn't mean...that wasn't an oversight? You didn't mean to address that at all?

Mr. Alario No.

Mr. Roemer As I understand it now, even as you would have amended this proposal, there is no clause in here or provision in this article as amended, assuming yours passes, that would have some other firm or person than the legislative auditor audit the legislature. Is that right?

Mr. Alario No, I don't say that.

Further Discussion

Mr. Newton I want to rise in support of the amendment primarily because it allows the legislature a little more flexibility than what this present article provides. I personally am against having Section 10 as it is in the committee. I would rather leave the matter up to the legislature. This amendment does allow the legislature some flexibility and I think particularly in view of having kept the requirement for two-thirds to remove the legislative auditor because of his functions in auditing local, parochial, etc. affairs, I think that if he were doing that job well, he would not be doing poorly, as the fiscal advisor for the legislature it might be wise to get someone else and I urge the passage of the amendment.

Further Discussion

Mr. Arnette There are actually two basic proposals here. I don't know if Mr. Alario pointed this out fully and I don't know if my question brought it out fully. First of all, the first amendment, if you put "may" instead of "shall" you are allowing the legislative auditor to refuse to advise the legislature as a fiscal advisor and you are also preventing the legislature of compelling him to advise as a fiscal advisor. I would definitely be against the first amendment. However, the second amendment I think is good because it allows the legislative auditor to merely be one of the fiscal advisors and I think this is a good idea. I think we ought to vote against the first amendment and for the second amendment and I therefore move for division of the question.
Questions

Mr. Dennery  Mr. Casey, why is there in one part of this public officials and in another part public officers? Is there any distinction between the two?

Mr. Casey  No, I don't think there was intended to be any distinction at all.

Mr. Dennery  Under the law, is it possible for a classified employee to be a public official or officer?

Mr. Casey  I don't know the answer to that. You might know better than I since you are very well connected with...

Mr. Dennery  Shall I ask the question this way, is it not true that certain classified employees could well be officials or officers?

Mr. Casey  I would assume that you know that the answer is yes, so I would say probably yes.

Mr. Dennery  Well, under those circumstances, wouldn't this conflict with the provisions that will presumably be found in the civil service section which provide for uniform pay plans, income tax, salary and so forth, which would not require a two-thirds vote of the legislature.

Mr. Casey  I would assume it would be in conflict. However, I would assume that those civil service employees, provisions pertaining to their salaries would be interpreted under the civil service law.

Mr. Dennery  Thank you.

Mr. Perez  Mr. Casey, is it possible that this provision could be construed to mean that the legislature would establish the salary of the Mayor of New Orleans?

Mr. Casey  I don't think that is intended at all. I think this provision is pretty much as it is worded today and apparently it was decided that which ever salaries the legislature today has the right to change and under the constitution and laws of the state in the future would have the right to change, that those are the only salaries that we are talking about, not the mayor of New Orleans, or the president of any police jury, or any form of local government that we do not now set the salaries for.

Mr. Perez  Do you have a definition of public official, then, so that we will know what it means?

Mr. Casey  I don't have one readily available, but I would ask the research staff if they have one available.

Mr. Duval  Mr. Casey, also you use the word salaries. In the event a public official is not on a salary, such as presently a legislator, would this apply to legislators?

Mr. Casey  I would assume it would apply to any public official or officer whose salary or income or compensation is set by the legislature.

Mr. Duval  So you don't feel the word salary restricts it to only public officials who are actually salaried?

Mr. Casey  I would assume it refers to whatever forms of compensation they receive.

Vice Chairman Miller in the Chair

Mr. Derbes  Mr. Casey, to elaborate just for a moment on Mr. Duval's question which was essentially my question, why did your committee use the word salary rather than compensation? If indeed you mean salary then to me salary means something that is paid on a regular basis and not on a per diem basis and it does not include compensation for expenses.

Could you elaborate on the committee's thinking in that regard?

Mr. Casey  I could not honestly tell you that they had any particular formal thinking on the use of the word salary as opposed to compensation. However, it is apparent that they intended to use the word salary as those forms of compensation that are paid monthly or annually, but usually monthly, to a particular public official whether he be a state elected official, a legislator or what have you. And I don't think really the problem was necessarily those forms of expenses that a public official should be reimbursed for.

Mr. Derbes  In other words, compensation for mileage, would be increased subject to the provisions of this section by a simple majority vote but compensation for salary would require a super majority vote.

Mr. Casey  I would say that possibly your interpretation could be correct. However, unless the Supreme Court has already interpreted the word salary to include travel and lodging and food and things of that type, I would say that maybe it could be increased by a simple majority.

[Motion to pass over Section 11. Motion withdrawn.]

Amendment

Mr. Poynter  The first set of amendments is sent up by Delegates De Bieux and Weiss, amending the reprinted measure. Amendment No. 1, on page 6, line 18, immediately after the portion of the word "tion," delete the remainder of the line. In the line immediately after, and at the beginning of line 20, delete the words "the legislature," and insert the following: "during the regular session of the legislature immediately preceding the election for the next governor, the legislature shall fix the salaries of all elected officials whose salaries are fixed by law which shall be the salaries of those officials until changed by the next regular session immediately preceding the next election for governor:"

Explanation

Mr. De Bieux  Madame Vice-President, ladies and gentlemen of the convention, I have noticed ever since I have been a member of the legislature that it seems that immediately following the election we always have a lot of bills in the legislature increasing elected officials' salaries. I feel like this is absolutely the wrong approach and I don't know of a single elected official who has ever run for office with a provision in his platform that as soon as he got elected he was going to try to get an increase in salary. I did know of one person who ran for office who was going to abolish the job if he got elected, he was going to try to do that, but that is the nearest I've ever seen anybody come to a plunk of what I am speaking of. I believe that this particular amendment would meet Mr. Champagne's position with reference to elected officials. Now, my particular amendment would apply only to those elected officials whose salaries are set by the legislature. It will not prevent the legislature from fixing any appointed official's salary. Furthermore, since it is going to be done during the session of the legislature immediately preceding the election for governor, it will not require the two-thirds rule, because the legislature will not be setting their own salaries during their term of office and they will not be setting the salary of any elected official during his term of office for a period of four years except possibly that with reference to the judiciary because as a general rule judiciary members are elected for six year terms or longer under our present provisions and therefore they would be subject to the same rules as other elected officials with reference to having their salaries checked and seeing whether or not they are
adequate and setting them at that particular time. I feel that the setting of elected officials salaries once every four years would be sufficient. I can't help but feel that it is a person or himself as an elected official is telling the public that he is willing to serve for the salary which that office pays at that particular time, and as a result of his coming in and immediately after getting elected asking for an increase in salary, I cannot help but feel that he is somewhat breaking his contract with the public and asking the legislature to aid and assist him in that violation of his contract with the public. Somehow or other it seems that if some of these officials when they are elected they have a little bit more political flapp and therefore they can get the legislature to go along with them at that particular time, I feel that this is a good amendment and therefore I ask that you adopt it.

Questions

Mr. Duval Delegate De Blieux, you use in here all elected officials whose salaries are fixed by law. Now, would law only refer to statute law and would it not include also the elected officials whose salaries are fixed by local government charter or ordinance?

Mr. De Blieux If they are fixed by the local governing ordinances, this will not touch them when I speak about law, I mean by the legislature.

Mr. Duval By law, you mean statute law. Is that correct?

Mr. De Blieux That is right.

Mr. Munson Senator De Blieux, are you in favor of any elected officials ever getting an increase in salary?

Mr. De Blieux Any elected official? Yes, I'm in favor of it if he runs on that platform that he is going to get it increased or if he gets a salary increase for the next term of office. I don't want to see him come in and get an increase in salary immediately after he is elected.

Mr. Munson Well, if your amendment is adopted and the legislature has to vote on increases of elected officials salaries six months before the next election. What do you think his chances are of getting that increase?

Mr. De Blieux I think it is all right because they won't be elected immediately, it will be for the next term of office. I think he public will approve of that. I have talked to enough people in my district to think that if they had no willingness to pay compensation, don't think that an elected official should have his salary increased during his term of office.

Mr. Munson I have no objection to that philosophy. The point I am making is that it is very difficult, or would be very unusual if the legislature is going to vote increases in salaries for anybody six months before they run for reelection.

Mr. De Blieux Mr. Munson, if a legislator hasn't got the courage to do what he knows is right he shouldn't be serving in the legislature.

Further Discussion

Mr. Womack Madame Chairman, fellow delegates. I wholeheartedly agree with the intent of the question that Mr. Munson was trying to get out. The fact that he was trying to get out by asking his question. Shortly before an election this says the legislature shall fix salaries of all of these officials whether there is any need for adjustment or not. The thing that scares me is that we are fast getting to the point where only the rich and the special interest can afford to serve and if you think otherwise or whoever understands why Senator De Blieux wouldn't be to much in sympathy for compensation for legislators.
Mr. Alario Mr. Casey, under the De Bileux amendment, maybe you could tell me just how this might work. The legislature would have to pass a bill to raise the salaries, is that right? That would be the instrument in order to do this six months before the election. Is that right?

Mr. Casey The way I read this is that first of all under our new constitution you will have a regular session every year so whatever is the last session of that administration, this constitutional provision would require that you establish whatever salaries are going to be paid to these particular elected officials and why it has to be done at that time on a regular basis every four years I'll never understand.

Mr. Alario Mr. Casey, if the legislature then had to follow the instruction of Mr. De Bileux has here, pass a bill to raise the salary of, say the sheriff's, and then the governor wouldn't sign that bill then where would that sheriff be for a salary for the four year term.

Mr. Casey I would assume Mr. Alario, that he would receive the salary as the law prescribes at that time that the governor vetoes that particular bill. You are correct that if...

Mr. Alario But if the legislature says it shall set it every four years and if they set it and the governor doesn't sign it then there is no salary. Am I correct?

Mr. Casey Well, what you are pointing out is a hiatus in this particular provision that maybe or that certain elected officials might not be receiving a salary so that's certainly possible under your interpretation.

Closing Mr. De Bileux Madame Chairman and ladies and gentlemen of the convention, I think that the arguments used by Mr. Womack have no bearing upon this particular amendment as to what the expenses are for a legislator as compared to, you might say myself being here in Baton Rouge or his being in north Louisiana. That's not the issue. Not the issue at all. The issue is whether or not you want to take a reasonable view point with reference to setting the salaries of elected officials. Whether or not you want to be interested in the welfare of the elected officials rather than the public or interested in the public rather than the elected officials. That's what it amounts to and that's what is involved in this amendment. Certainly elected officials want you to raise their salary immediately after they are elected rather than the year before the election because they are hoping that during that three year period of time that the public will have time to forget. I think this, that the best time to raise the salary of elected officials is before the election so that all candidates and all candidates will know what the office pays for during that period of time. I think this is one time you can determine whether or not you are going to be with the people or you're going to be with the elected officials. That's what it amounts to because you will be able to tell the elected officials exactly what the office is going to pay before they run for office and certainly if they are not interested in the job at that salary, they don't have to be a candidate. I certainly feel like its absolutely wrong to the public to raise the salaries during the first year and not raise the salaries during the last year of the office and that's what it amounts to and I ask you to vote for the amendment and Madame Chairman I ask for a record vote.

Amendments

Mr. Poynter Next set of amendments is sent up b; ... Mr. Asseff sends up the following amendments Amendment No. 1, on page 6, line 10, immediately after the words "may be" and before the word "changed" insert the following: "set by a majority of the elected members of each house of the legislature but may be" Amendment No. 2, page 6, line 21, immediately after the words "not be" and before the word "during" delete the word "reduced" and insert in lieu there of the following: "increased or diminished". Amendment No. 3, on page 6, line 22, place a period immediately after the word "elected" and strike out the balance of the sentence.

Explanation

Mr. Asseff Madame Chairman, delegates, the purpose of the amendment is to clarify Section 11. There is nothing said that an amendment as to what the expenses are for a legislator as compared to, you might say myself being here in Baton Rouge or his being in north Louisiana. That's not the issue. Not the issue at all. The issue is whether or not you want to take a reasonable view point with reference to setting the salaries of elected officials. Whether or not you want to be interested in the welfare of the elected officials rather than the public or interested in the public rather than the elected officials. That's what it amounts to and that's what is involved in this amendment. Certainly elected officials want you to raise their salary immediately after they are elected rather than the year before the election because they are hoping that during that three year period of time that the public will have time to forget. I think this, that the best time to raise the salary of elected officials is before the election so that all candidates and all candidates will know what the office pays for during that period of time. I think this is one time you can determine whether or not you are going to be with the people or you're going to be with the elected officials. That's what it amounts to because you will be able to tell the elected officials exactly what the office is going to pay before they run for office and certainly if they are not interested in the job at that salary, they don't have to be a candidate. I certainly feel like its absolutely wrong to the public to raise the salaries during the first year and not raise the salaries during the last year of the office and that's what it amounts to and I ask you to vote for the amendment and Madame Chairman I ask for a record vote.

Mr. Asseff It means, that is correct, that a salary official not appointed may be either increased or diminished during the term for which he is elected. He may at any time during the session, the first regular session make it effective with the next legislature or with the next elected official wherever he may be.

Mr. Tapper Well, let me ask you a [...hypothet... then, Dr. In connection with your amendment, assuming that you could not get two-thirds of the legislature at a majority vote to increase the salaries of an elected or an appointed official and let's say it went on for about twenty years that way. Do you think that would be proper?

Mr. Asseff Mr. Tapper, that is the recommendation of the committee and I did not change it. Frankly, I would prefer by majority vote and as I indicated to you, if this amendment is rejected then I shall submit an amendment to strike the entire thing and leave it to the legislature which will mean that it may be done by majority vote.

Mr. Tapper But isn't it a fact that the proposal
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of the committee now provides that there can be an increase during the time of the official.

Mr. Asseff Because it may be changed, it may not be reduced. I have offered that.

Mr. Tapper But it may be increased, according to your proposal submitted. So you in effect are changing that to prohibit the increasing during the time.

Mr. Asseff That is in keeping with Section 3E that we struck that the salaries may not be increased nor the next and I felt that was proper if we are going to adopt it at all.

Mr. Tapper But if two previous legislatures refused to increase and there was a dire need to increase during a particular time that salary of that official could not be increased during his term.

Mr. Asseff That's correct. May not be increased. I am frank in saying, though, I do not trust the legislature, I feel the people elected them and they are accountable to the people, not to me. They can account for their actions to the people not to me and with rare exception I will favor a majority vote so if this amendment is rejected, as I said, I will offer an amendment to strike the entire thing. Yes Mr. Munson.

Mrs. Miller Would you yield to a question to Mr. Triche?

Mr. Asseff I yield to anybody. As long as he asks a question and doesn't make a speech.

Mrs. Miller You yield solely for the purpose of a question.

Mr. Asseff I yield automatically.

Mr. Triche Well now Madame Chairman, I'm going to reserve the right to withdraw my own remarks. Seriously Doctor, under the present constitution and some of the laws it states, salaries of some public officials are set by the governor. For example, any number of appointed officials, in agencies created by the legislature, the law provides to serve at a salary fixed by the governor. Under your amendment I that would no longer be possible, the salary would have to be set by the legislature.

Mr. Asseff Correct Sir.

Mr. Triche Also, let me ask you another question Mr. Under the proposal as advanced by the committee and also under your amendment, those officials whose salaries are now set by the governor would no longer be able to be changed by the governor, they would have to be changed also by the legislature?

Mr. Asseff No sir. The appointed officials, Mr. Triche, are left out. Therefore, it was whatever is done will be within the discretion of the legislature. My amendment is restricted to elected officials only.

Mr. Triche But isn't there some provision in this article which provides that change of salary shall only be by two thirds of the legislature?

Mr. Asseff That was the committee's recommendation and I did not change it. That is correct.

Mr. Triche Let me ask you a question about that. Wouldn't that also prohibit the change of salaries of those officials whose salaries are fixed by the governor?

Mr. Asseff No sir. I have restricted it to elected officials. I struck the word appointed. That is the way it will now read. For which they are elected so that anybody that is appointed will be determined by the legislature.
Mr. DeBlioux. Madame Chairman and ladies and gentlemen of the convention, I just want to clarify something since Senator Rayburn referred to my amendment and this amendment as being the same. I want to say there is a lot of difference in this amendment and my amendment. My amendment would allow the checking of the salaries at least once every four years. It didn't necessarily mean that they had to be the same for each year or the latter but at least during the four year period you would know. We have district attorneys, judges elected for six years, we have judges elected for twelve years, we have judges elected for fourteen years. If this particular amendment is adopted it means that those particular individuals could not have their salaries changed during that period. My amendment did not do that. It had a whole lot more latitude in there. I thought my amendment is a good one and I think this is a bad one.

Mr. Blair. Madame Chairman, ladies and gentlemen, I believe that we've made up our mind more or less on this and unless Mr. Arnette would insist, personally for time service, I believe it would be good if we vote on the whole thing rather than divide it.

[Previous Question ordered. Division of the Question ordered.]

Closing

Mr. Asseff. I chose to disagree but I am raising no objections and we may vote on them by division. Now I want to make this clear. I agree with you that Section 11 is not clear. I did not draft it. In the event you fail to adopt this, the clerk has another amendment that will repeal it all and leave it to the legislature. However, I would like to answer Senator Rayburn's question. First, the Senator knows, I have known him for more than twenty years and I would much rather have him on my side against me. However, this provision does not do what the Senator said. It simply means that this legislature could not increase or diminish its salary, but it could make it effective for the next term of office. Second, Mr. Duval stated that he was concerned about local officials. The first part of Section 11 says, except as otherwise provided in this constitution, which means that if we adopt home rule charters, which I assume we will, others are basing it on the future, then of course to the municipalities, the parishes would be excluded from the provisions of Section 11 and would, since I have made clear my position and will be glad to yield for any questions.

[Amendment No. not read and a voice: 19-71. Motion to reconsider taken. Motion to reconsider withdrawn. Amendment No. 6 withdrawn.]

Debate will in the Chair

Mr. Poynter. Amendment No. 1 [by Mr. Drew up]

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a mayor, a city councilman? When does one become a public official? What is the salary? Some of the legislators, are we going to deal with what salaries are, emolument, compensation or what. I think the proposal is a front, with non [...secutive...] and are ill defined and I think we will have to delete this entire provision or else someone's got to come up with an amendment that makes sense because "public official" can apply to anybody in a local government. You mean to say that a local government now cannot fix the salary of its mayor, or school board, etc. and the legislature has no to do it. I think it's adding increased burden to the legislature and I seriously urge that you defeat this proposal and all other proposals until these problems are cleared up or else delete the entire provision.

Further Discussion

Mr. DeBlioux. Madame Chairman and ladies and gentlemen of the convention, I just want to clarify something since Senator Rayburn referred to my amendment and this amendment as being the same. I want to say there is a lot of difference in this amendment and my amendment. My amendment would allow the checking of the salaries at least once every four years. It didn't necessarily mean that they had to be the same for each year or the latter but at least during the four year period you would know. We have district attorneys, judges elected for six years, we have judges elected for twelve years, we have judges elected for fourteen years. If this particular amendment is adopted it means that those particular individuals could not have their salaries changed during that period. My amendment did not do that. It had a whole lot more latitude in there. I thought my amendment is a good one and I think this is a bad one.

Mr. Blair. Madame Chairman, ladies and gentlemen, I believe that we've made up our mind more or less on this and unless Mr. Arnette would insist, personally for time service, I believe it would be good if we vote on the whole thing rather than divide it.

[Previous Question ordered. Division of the Question ordered.]

Closing

Mr. Asseff. I chose to disagree but I am raising no objections and we may vote on them by division. Now I want to make this clear. I agree with you that Section 11 is not clear. I did not draft it. In the event you fail to adopt this, the clerk has another amendment that will repeal it all and leave it to the legislature. However, I would like to answer Senator Rayburn's question. First, the Senator knows, I have known him for more than twenty years and I would much rather have him on my side against me. However, this provision does not do what the Senator said. It simply means that this legislature could not increase or diminish its salary, but it could make it effective for the next term of office. Second, Mr. Duval stated that he was concerned about local officials. The first part of Section 11 says, except as otherwise provided in this constitution, which means that if we adopt home rule charters, which I assume we will, others are basing it on the future, then of course to the municipalities, the parishes would be excluded from the provisions of Section 11 and would, since I have made clear my position and will be glad to yield for any questions.

[Amendment No. not read and a voice: 19-71. Motion to reconsider taken. Motion to reconsider withdrawn. Amendment No. 6 withdrawn.]

Debate will in the Chair

Mr. Poynter. Amendment No. 1 [by Mr. Drew up]

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Mr. Gravel: My problem, too. Thank you very much.

Mr. Drew: I don't know. I had inquired, in answer to your question, from Judge Tate, if possibly a separate section was needed to provide the definitions. We've run across this on several occasions, once it could be included in Schedule A, or what would be the proper way of handling it.

But I think that the intent, and I think that will be important, the intent of this is to clarify what it already says. The last sentence says, "whether elected or appointed." So this is to clarify that we are speaking of elected or appointed.

Mr. Gravel: And until there is some other provision in the constitution to modify that, would apply to every elected or appointed public official.

Mr. Drew: If there is no provision for local officials, it would apply.

If there is a provision, it absolutely would not apply.

Mr. Gravel: Well, the provision with respect to local government would not apply to appointed state officials, would it?

Mr. Drew: No, sir, of course.

If there are no other questions, Mr. Chairman, I move for adoption of the amendments.

Mr. Flory: Mr. Drew, is it your intention by the amendment in adding the word appointed in the upper part of the sub-section to include among the people that the legislature shall set their salary? Those eleven thousand employees in this state are non-classified, many of whom are common laborers.

Mr. Drew: Absolutely not, Mr. Flory, and I do not think under any interpretation they would be included as public officials.

If there are no other questions I move for adoption of the amendment, Mr. Chairman.

Further Discussion

Mr. Alario: Mr. Chairman, members of the convention, I stand to support the Drew and Lambert amendment as it is drawn. I think he has a very good amendment here to serve, to take care of abuses that we have seen even as recently as two weeks ago.

During the last year, we saw a raise given to the college presidents of this state that amounted to some eight thousand dollars a piece. We saw recently a four thousand dollar increase granted to the Director of Corrections and we saw just recently a ninety-seven hundred dollar raise, ninety-seven hundred dollar raise granted to the director of the health agency.

Question

Mr. Drew: Is that per year or per month, Mr. Alario?

Mr. Alario: These various boards and agencies have been granting these increases without worrying once where these funds are coming from. They come before the Budget Committee, before the Appropriations and Senate Finance Committees and tell us that their budgets are tight, they need additional funds to run their agencies. Just as soon as their budgets are approved, the first thing we see come out and, particularly in these three instances I am talking about, they find in there all of a sudden in the 101 category we call it in the budget, the salaries category, that they do have a little slack now to provide an increase for the top echelon employees.

Eight thousand dollars for college presidents, ninety-seven hundred dollars for the directors of the other agencies. I wonder, I wonder what the employee and the common laborer working for this state who makes three hundred and fifty dollars to four hundred dollars a month must think when we tell him we can't give him an increase. But all of a sudden these boards and commissions find enough to give the top man an increase.
Mr. Juneau: That’s not the same thing and you know that. What I am saying is this, as a matter of fact isn’t it true that under what you propose, that no matter what he does, a legislator is going to be compensated just as every other legislator and that one legislator can be working every day in the service of the state, another legislator might not do anything in the service of the state and they are both going to be paid the same amount of money?

Mr. Juneau: I would answer the question by saying this. A legislator, for one reason or the other who may not be favored with a committee appointment who may be doing work at home, in my opinion is equally entitled to compensation as someone who is attending a committee hearing here in Baton Rouge.

Mr. Planchard: My question is this. As presently this section stands, it is my understanding that the legislature presently can do the very things that you are saying for them to do here. In addition, they can pay themselves on a per diem basis. Is that correct?

Mr. Juneau: That’s right, sir, and I submit to you the chances of someone occasioning a thousand to one if we don’t put it in this constitution.

Mr. Planchard: My next question is, in your amendment, is there any provision for these other public officials who have staggered terms to be taken care of?

Mr. Juneau: I am not sure I understand the question, Mr. Planchard...

Mr. Planchard: To be able to increase or decrease the salary.

Mr. Juneau: This would apply equally to both. The provision is that it now addresses itself to an annual salary. It does not change that.

Further Discussion

Mr. Roy: Mr. Acting Chairman, ladies and gentlemen of the convention, looks like once again we are back to that every-go-round about not trusting the legislature and what have you. I understand what Mr. Juneau and them are trying to do and I am against it. I do not believe...let me say this. If you are going to allow the legislature to fix an annual salary and freeze it into the constitution, then you are going to accomplish exactly what I think pointing out. Those guys who are going to work hard and have to be down here or anybody who looks to the future and has to be away from his business and be down here a lot on committee assignments, are going to have to vote for an extremely high salary just to take care of the fact that they may be losing on a per diem basis a lot of money that they actually need. Now, it’s no comparison to say that we can compare to the United States Congress because those fellows make forty-two thousand dollars a year. So there is no problem with them.

Mr. Poynter: And they get another quarter of a million for expenses, Mr. Roy.

Mr. Roy: I didn’t know that, and plus they get all other kinds of fringe benefits. This amendment, in my opinion, if we pass it, is going to allow mediocrity, just as the legislators, if there are any, to make just as much as the person who sacrifices and comes down here because the person who comes down here will have to do it out of his own pocket. He makes the same amount every month as the guy who is sitting home. However, he does not get anything other than an expense allowance which may be his mileage down here. But if he’s down here ten days a month out of each month of the year...
Mr. Tapper: Mr. Roy, question number 1, I think you infer that they would be putting this in the constitution... the salary in the constitution. Now that isn't what you meant to imply, was it?

Mr. Roy: No, I'm opposed to saying that we have to put this into the constitution. I'm opposed to making it a constitutional thing that they are paying themselves a salary. I think we have along said that we want an independent legislature. We trust and let them handle things the way they want to, and I don't think a salary is a constitutional thing that should be fixed on the legislature.

Mr. Tapper: But you didn't mean to imply... you did not mean to imply that the salary would be in the constitution, only the requirement that there be a salary in the constitution.

Mr. Roy: Yes, yes, they can do what they choose, Mr. Tapper.

Mr. Tapper: The second question is... You said something about mediocre legislators. Now, you know, who is to determine whether a legislator is mediocre or not? Is not those people who elect him whom he represents?

And the reason I ask that question is that I am... did you know that I am for a set salary and not for all of the per diem and not for the so-called clubs, or what have, which I don't think they have those. But I don't understand who could determine whether a legislator is mediocre or not. I think it would have to be his people. Don't you think we should have them as equal?

Mr. Roy: I didn't mean to imply that as poor usage. But what I meant to imply was that the fellow who works a lot harder and because of his committee appointment, he is going to be ten days a month more than somebody else makes no more money. In other words, he's got to... he got to... unless the salary is fixed high enough, he is going to be reluctant to devote the time that maybe he should do. That's all I meant.

Mr. Tapper: But did you not know...? Mr. Roy: Mr. Roy, how do you answer the charge, I'll choose my words carefully, how do you answer the charge that under this provision, and I think it has a considerable amount of merit, under this provision the committee work of the legislature will tend to be allocated among those who were perhaps not as... among whom the work would be allocated under the present system?

Do you understand what I mean? Which is to say... I'm trying to re...

Mr. Roy: I don't understand what you mean, I'll tell you that...

Mr. Derbes: Well, what I'm saying is I would think that those who are more experienced and more successful in private life would tend to be less attracted to committee work under the amendment than they would be under the present system.

Mr. Roy: Well what was that?... well, so what? It means to me that you would maybe have a bunch of less experienced and intelligent people down here when you should have someone more intelligent doing it. That's what it means to me.

Mr. Derbes: No, no... Did I make my question clear, Mr. Roy? That, which is to say, it seems to me that under the amendment, those people who will be attracted to committee work will tend to be those who are not as... I should say... not as well compensated from their private life activities as those who might be otherwise.

And in this basic economy, those who tend to be more competent are those who tend to be more successful.
Mr. Warren: How are they appointed? According to their qualifications or something set up or some political appointment?

Mr. Wall: Mrs. Warren, I am not the presiding officer and I cannot answer for this gentleman and I rule that question out of order. But I would, if I could...

Mrs. Warren: Mr. Chair, I'm a little naive, but I don't accept that. Now I asked you a question. If you couldn't answer it, then you should refer me to the staff or either to the chairman. Thank you very much.

Mr. Wall: You are welcome, Mrs. Warren, and I am sure everyone else is glad that you have finished.

Mr. Elario: Mr. Chair, members of the committee, I stand to oppose this amendment and ask that you reject it. That is what the intention here and what they are trying to do is say that the legislature would set a salary and set it high enough to take care of committee meetings.

I submit to you that when the legislature is going to be faced with that problem, that it is not going to be politically feasible for us to raise our salaries any higher than what they are now. All we are going to do is to eliminate the per diem.

Now I wonder if it is fair and would it prevent anyone who is paid by the hour or the job, and the only time he gets paid is when he works for being a member of a committee or even being a member of the legislature if you tell him he's got to serve on a committee and you'll call me of... and it says with expense allowances, I take that to mean that you would take care of his hotel bill and maybe an allowance for meals and possibly, travel allowance, I would take it.

But I wonder if you have taken care of the expense that he loses in income to his family in trying to meet their needs by saying that you shall come down to a meeting now and then you will get no pay on your job at home, and you will come down to Baton Rouge and receive no pay to compensate you for that.

I think that would be grossly unfair, and I think we would be allowing and opening the door for only the wealthy and the rich to serve in the legislature.

I think that all people in this state ought to have an opportunity to serve and it ought not to be limited to only those who have financial means to do so.

Mr. Wall: The gentleman has an argument in some other section...

Mr. Elario: The argument there, too, was that when you made split sessions a person could go home and take his constituents and then they could inform him, as he home, how he stands, now they feel on particular bills and the intent there was partially that a person would be more at home with his constituents. If I submit to you that that particular legislator may find himself in such a financial bind that he will not be able to contribute to this legislature to serve on a committee to take care of the business, not necessarily the business of his district, but at the same time he would probably be more at home with his people and trying with them.

I think that argument if he doesn't come to Baton Rouge he is going to have a committee, then his problem would be the same way that a very wealthy person.

Mr. Wall: The gentleman has an argument there, too, was that when you made split sessions a person could go home and take his constituents and then they could inform him, how he stands, now they feel on particular bills and the intent there was partially that a person would be more at home with his constituents. If I submit to you that that particular legislator may find himself in such a financial bind that he will not be able to contribute to this legislature to serve on a committee to take care of the business, not necessarily the business of his district, but at the same time he would probably be more at home with his people and trying with them.

I think that argument if he doesn't come to Baton Rouge he is going to have a committee, then his problem would be the same way that a very wealthy person.

Mr. Tapper: In your speeches the floor is given to Mrs. Taylor for personal privilege. Mr. Tapper, not at all.

Mr. Tapper: Mrs. Taylor.

Mr. Wall: Mrs. Tapper, in my speech the floor is given to Mrs. Taylor for personal privilege.

Mr. Tapper: Not at all.

Mr. Tapper: Ladies and gentlemen, I rise in support of this amendment, and I will give you several reasons. I do not believe the only person who is qualified to speak about this is the only best qualified and only those who know more about government and those who can do best about government are necessarily the ones that serve on committees and those that are appointed on committees.

As a result, I believe that those that are on the committees and those who serve on more than one committee are any less qualified than those that are not on the committees. Therefore, I feel that it is time for a better legislation, that all of your legislators were paid an equal salary and if all were required to perform equal duties and responsibilities, this can be done. Of course, someone can miss a meeting or two or three or even on his duty. But if he has enough question to run and gets elected by the people of this district, he should be able to receive the same compensation as anyone from any other district. Now if he does not do the job, here we are looking at this from a different approach in the House. We are looking at it, some of us are looking at it, I think, from the wrong position. This is a position not of the state as a whole but of that particular district from which this particular legislator runs and represents. If he does not do the job, if he does not earn his money, then those people are the ones that get rid of him. I think we will have to drop the idea of what Mr. Alario said, you know, about staying home; some of them staying home and not coming to Baton Rouge to sit on these committees. Well a lot of them come to Baton Rouge and sit on the committees and accomplish exactly nothing. The report is made and the report may not have anything good in it or if it has something good in it, it may not be adopted by the legislature. But the man who stays at home also works. You not only have to work in Baton Rouge, I know more of y problems are solved and handled and brought up to me at home than, let's say, here in the state capital. And it isn't only here.

Ninety percent of the work of a legislator, I believe, is with his people, finding out what they need and attempting to see if he can try to do the best that he can. He does not have to be in Baton Rouge to do that. He may have to come every now and then to do that, but you tell me how much work he does on all these committees. But we should have, and I think we're going to have, according to the proposals, we will have a set-up of committees and everybody will have that opportunity to have equal equal privileges. I hope that's the way it will be, because I don't think that any legislator is here, and if there is one, I don't believe that any one of us is qualified by say who is and who is not
Mr. Abraham: I urge your adoption of this amendment.

Questions

Mr. Tupper: What do you say in view of the fact that the legislature is reimbursing members for actual expenses for committee meetings?

Mr. Abraham: Right. Now, don't you think that an annual salary would assure, or would not necessarily assure, but would tend to promote all of the members serving equitably on committees?

Mr. Tupper: I think that would be so because then there wouldn't be any one member who would want to serve on more committees than another member because he won't be wanting to do more work than the other fellow.

Mr. Abraham: Right. Now one other question. Don't you think that by being paid an annual salary that this would be equal to people who go to work to earn money, and to the legislature rather than people who have, who are well off being in the legislature? Knowing they will be able to get an annual salary and can be reimbursed...

Mr. Tupper: There's no question about that. Right now a person who is working from day to day, week to week on an hourly wage, unless he's working for a company that will allow him to come up here and continue to pay him, he can't afford to do it.

Mr. Drew: Mr. Tupper, as I recall, under Section 6, that we adopted, can't the legislature go to an annual salary if they see fit, under that provision?

Mr. Tupper: I don't have that provision before me. Mr. Drew. If you say that's what it says, I'll have to agree with you. I don't know that to be a fact, but I don't see where that would be in conflict with this provision either, Mr. Drew.

Mr. Drew: Well do you not believe then, Mr. Tupper, that by putting this amendment into the constitution to lock in an annual salary when we find out that it might not work, would be bad?

Mr. Tupper: Mr. Drew, we're going to find out that we're lacking in a lot of things in this constitution which necessarily in some, in the opinion of the majority of this convention that are necessary to be in there. If those other things turn out to be bad, we'll have to deal with that too. Yes, if it's bad, we'll have a problem with it.

Mr. Drew: One more question, Mr. Tupper. If we can do this under 6, would you still support the amendment you are now supporting?

Mr. Tupper: Yes, because I don't see any conflict in it. I don't know that 4 will do it, Mr. Drew, and that's the reason for this amendment. I think that 4 does not spell it out specifically whereas this particular amendment does.

Further Discussion

Mr. Favard: Thank you Mr. Chairman and fellow delegates. The reason for this amendment is the fact that 6 was eliminated from our proposal earlier. I think in favor of this amendment and co-authors it because I believe that it is one of the best things that this convention could do for the legislature today. I do not distrust the legislature. I had the privilege of serving on the Legislative Powers and Functions Committee with 4 legislators and the terminology that was used here today by some of the legislators had to do with those who work here and get the work done such as "part-time legislator," such as "medio-

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the legislature to meet for 60 days during an 85-day period so that the contending philosophies for split sessions and for straight sessions could operate within the political arena. I think that this amendment should be defeated for the same reason. It still allows the ideas to compete and it does not foreclose anybody from urging before the legislature who after all, are responsible to the people, his particular philosophy. I urge defeat of the amendment.

Further Discussion

Mr. Rayburn  Mr. Acting Chairman and fellow delegates, I too kind of had the same thoughts Mr. Burns had, but since I couldn’t ask a question, I’m going to stand as a witness. I wonder if I want you to think of this, how many members we would have had since our committees have been meeting under the rules of this constitution, how many members would we have had present if they had only got their gasoline and maybe their meals for being here? I had a pretty hard time getting a quorum with them getting $50 a day, and I’m afraid that if all they got, if they were working people and had to leave their jobs or leave their businesses with just their gasoline down here and one meal, I think we might not have had enough in attendance to hold our committee meetings that we’ve having.

Vice Chairman Miller in the Chair

Question

Mr. Weiss  Senator Rayburn, many years ago I’m sure you remember one of our governors said that Louisiana has the finest legislature money can buy. Do you think that if this were to pass that we’d now have the most expensive legislature money can buy?

Mr. Rayburn  Well, Doctor, I’ve probably heard more than that said about them since I’ve been over here, and probably going to hear worse things than what’s been said. But that’s just something that happens that you have no control over.

Further Discussion

Mr. Jack  Madame Chairman and members, I’ve already expressed myself earlier on this in an earlier section. This doesn’t belong in the constitution. The legislature has the right to set a salary, they have the right to set a per diem, they have the right to set an expense account, to hire secretaries, whatever they want. Now, I don’t know the motive back of this, but it looks like it’s an attempt to get a mandate from this group that they must set a salary. That’s their business about setting it. I don’t see why we should say in this new constitution, they shall, meaning must set a salary when they already have that right. And they are the ones, if they want a salary, and as I said before, they probably should have one. But they’re in a better position to know than a lot of us. I know one thing, this amendment is not going to be fair, in my opinion, to people that do a lot of extra work. It’s not going to be fair to people that have to come from the far ends of this state. It would be maybe fine for the people right here. Now those are things that the legislature can work out for themselves. I think a member of the House and Senate should be paid and be paid pretty good because it certainly does interfere with any type of business, and the state business is the biggest business. But I don’t see the logic in this applying it all to them. And I talked before when this very question came up earlier. And we killed it. Then here it comes cropping up again in the section that doesn’t even concern it but concerns salaries in general. So I say in closing, we should defeat the amendment just like we said earlier in the same thing. Earlier in the same material, I forgot the number of the section. Then the legislature can take it up. In conclusion, they can fix the salary. They can fix their expense fund. They can fix the inequalities that would exist under this amendment against people say from north Louisiana. So I say, let them tend to their own business on it. Thank you.

[Final Question recessed]

Closing

Mr. Juneau  Madame Chairman, I’ll make my remarks very brief. The issue has been adequately discussed. The whole intent of this thing is to make the legislature independent. As I indicated, the sole intent of this thing is to make a more independent legislature and make it where equality can be achieved. Secondly, a good argument in support of this amendment that a salary provision was brought up as recently as the last regular session of the legislature and it was rejected. That’s what would occur if you don’t adopt this amendment in the future. For that reason, I would move its favorable adoption. Thank you.

[Division of the Question ordered. Record vote ordered on both amendments. Amendment No. 1 reread and rejected. Amendment No. 2 reread and rejected. Motion to reconsider tabled. Motion to reconsider tabled. Motion to reconsider tabled. Motion to reconsider tabled.]

INTRODUCTION OF RESOLUTIONS

Announcements

[Journal 1973]

[Amendment to item 10—4th p., Thursday, 4th 36th.]

[388]
Thursday, July 26, 1973

ROLL CALL

[Delegate's present and absent.]

PRAYER

Mr. Casey Our Father who art in heaven, hallowed be thy name. Thy kingdom come, thy will be done on earth as it is in heaven. Our gracious heavenly Father, please give all of the delegates to our convention the wisdom, the intelligence, the understanding and the compassion to do a thorough and exhaustive job on our constitution to do what is in the best interest of the people of the state of Louisiana. Amen.

PLEDGE OF ALLEGIANCE

READING AND ADOPTION OF THE JOURNAL

INTRODUCTION OF RESOLUTIONS

REPORTS OF COMMITTEES

[Journal 292-293]

RESOLUTIONS ON SECOND READING AND REFERRAL

PROPOSALS ON SECOND READING AND REFERRAL

[Journal 295]

Mr. Poynter Delegate Proposal No. 17, introduced by Delegate Planard.

A proposal making provisions for prohibiting lotteries.

Mr. Henry Should be referred to Committee on revenue and taxation.

Under the rules.

Point of Information

Mr. Casey Point of information, Mr. Chairman.

Was there not a resolution referred to the Legislative Committee last week on lotteries?

Mr. Henry I believe that you are correct, Mr. Casey, but we make the determinations based on what the rules provide and under the rules I think it should be referred to the Committee on Revenue and Taxation and then of course, if you object, you can make a motion to the contrary.

Mr. Casey Well is the resolution the same as the one that was referred to the Legislative Committee last week?

Mr. Henry It is probably basically the same. It is not the identical same resolution to my knowledge.

Mr. Casey Well, is it more of a revenue matter this week than it was last week?

Mr. Henry Well, last week it was a totally and completely revenue matter insofar as I interpret the rules. Mr. Casey, and that is why the chair rules that it should be under the rules referred to Revenue and Taxation. But this body in its wisdom determined otherwise that should be referred to the Committee on the Legislative Powers and Duties. Now if the delegate are of the same matter today then you might make such a motion. But under the rules I am required to refer it to the Legislative Committee.

Mr. Casey And the author the same on this resolution.

Mr. Henry No, sir. It is a different author.

A different author and a different resolution.

Mr. Casey.

[Motion to refer to the Legislative Committee.]

Further Discussion

Mr. Smith Mr. Chairman, gentlemen of the convention, this came up in our committee sometime ago and I think it was killed about twelve to three. I don't see any reason to send it back there again so I think it ought to go into another committee. Cause we know what is going to happen to it in Revenue and Finance and Taxation to which I am on. So I am objecting for it to go back into the same committee and get killed. I don't know what the contents of the amendment is but I feel like it ought to have a chance somewhere else.

Further Discussion

Mr. Burns Mr. Chairman, and fellow delegates, I was the author of the other proposal that was referred to the Legislative Committee. I understand that Mr. Planard is author of this proposal. And I want to say at this time that by making in introducing this resolution or this proposal was not based on any moral question not from the standpoint of a reformer, but I just took the position and I still have to take the position if this convention doesn't retain the lottery article in it we just as well pack up and go home.

Further Discussion

Mr. Casey Mr. Chairman, and delegates, the only comment I have in connection with the committee referral of this matter is that I feel at this time this convention should be consistent and that is the only point I am making at this time. A proposal was introduced last week this week and referred to the Legislative Committee. This subject matter was assigned to the Legislative Committee by the Coordinating Committee. Now if there has never been any hearing or the proposal introduced last week and I would submit to you that if the author of last week's proposal or this week's proposal feels unhappy about the results of a hearing that he or she might receive in the Legislative Committee. Then at that time I think it might be appropriate for him or her to introduce a new proposal and hope to get another committee assignment. But the way we are going to permit this new proposals, new resolutions, every week to be introduced and hope to refer them to different committees in the hope of getting a more favorable report then we don't even know what the Legislative Committee will report, I think we will be doing a disservice to this convention.

I urge you only at this time to be consistent.

Further Discussion

Mr. Planard Mr. Chairman, fellow delegates, I proposed this proposal under delegate proposals. I wanted to propose it before it was too late. There is quite a difference in my proposal and the proposal which has been set up and referred to the Legislative Committee so far. I directed my proposal from one thing and one thing aloud, and that is to lottery as a form of finance in state government. I think it is the proper committee to consider it as being Revenue and Taxation. I have not mixed it in with a question of gambling nor dealing on the market in... I spoke out of the chair rules out because I don't think that this is one of the matters that the Revenue and Taxation Section should consider. But I do think it is a very important facet of this convention that we do consider the question of lottery. Whether we feel that it is a proper way of financing state government. If we feel that it is or not that we should leave it out then let us do so. But I think that we would be making a grave mistake if we keep the other proposal as it has been presented all lumped into one. And that is why I tried to divide the issue in order to make it plain and clear to all of us. And I think we should have some stand on it.
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Thank you.

Questions

Mr. Jack I'm going to ask this question. I didn't get to hear at the beginning and I asked about fifteen people around here and none of them knew exactly what your proposal is for, or against the lottery. Is that question No. 1?

Mr. Planchard My proposal is the delegate proposal pertaining to the lotteries, period. And it reads simply this:

Neither the state nor any of its public subdivisions shall conduct a lottery. That is the whole thing. I think we are referring to a matter of revenues in state government and a matter of finance.

Mr. Jack What is the situation regarding a corporation?

Mr. Planchard I am sorry. I didn't understand the question.

Mr. Jack You say neither a state nor a subdivision can have a lottery. I am against lotteries. I don't mind them elsewhere. But don't you think it ought to include anybody else? Is there some gimmick here? Somebody else can have a big ole state wide lottery.

Mr. Planchard You are speaking of private lotteries.

Mr. Jack Yes, sir.

Mr. Planchard If you feel that this should be in the constitution then I say amend it. I think that I am referring only to the state financing in the subdivisions.

Mr. Jack All right, ok. Now, has a bill been killed regarding lotteries one way or the other in any committee?

Mr. Planchard As I understand this amendment....

Point of Order

Mr. Dennis Point of order, Mr. Chairman. Are we debating the merits of this proposal at this time?

Mr. Henry Whenever you are on referral of proposals or bills or resolutions, whatever the case might be, it opens the main question to debate. Yes, sir.

Questions

Mr. Jack This one please. Which committee do you want yours to go to?

Mr. Planchard I simply want it to go to the Revenue and Taxation Committee because I think that is the proper place for it.

Mr. Jack All right, I am with you. I wanted to straighten that out. I had asked fifteen people and they didn't know.

Point of Information

Mr. Flory Mr. Chairman, I am at a loss to understand what they are talking about and I appreciate what Mr. Planchard said. I ask that his proposal produce revenue to the state. Does the one that has been introduced prior to this, prohibit lotteries?

Mr. Henry It is my appreciation that the regulation or proposal introduced last week by Mr. Planchard prohibit anything to do with either allowing or prohibiting lotteries in the state. I am not sure what they want to do in our opinion. Here with raising revenue or providing revenue. I was of the opinion that it should be referred to Committee on Revenue and Taxation. The convention decided otherwise and it was referred to another committee. It is my appreciation of the resolution introduced here today, it does the opposite but there has been a motion to the contrary and of course those people will have to decide.

Mr. Flory Further point.

Mr. Planchard, chairman, you said the convention decided to put it in another committee. I understood you to say earlier that the Coordinating Committee did that.

Mr. Henry No, sir. I never mentioned the Coordinating Committee this afternoon.

Mr. Flory But isn't it possible that we could take the one in Legislation now and put it in Revenue and Taxation.

Mr. Henry When it is possible, yes, sir. There is a mechanic way this could be done in convention.

Further Discussion

Mr. Smith Mr. Chairman, I made the opposition to sending this to Revenue, Finance and Taxation. I didn't understand what the subject matter is but Mr. Planchard is on that committee and so am I. Now knowing what its contents are, I withdraw my objection.

REPORTS OF COMMITTEES LYING OVER
[Content as printed]

UNFINISHED BUSINESS

PROPOSALS IN THIRD READING AND FINAL PASSAGE

Mr. Poynter Committee Proposal No. 3, as amended by Delegate Blair, Chairman in behalf of the Committee on Legislative Powers and Functions.

A proposal making revisions for legislative branch of government, impeachment and removal of officials and necessary provisions with respect thereto. The status of the proposal in its present form in Sections 1 through 10 of the proposal, presently under consideration in Section 11 of the proposal at this particular time with further pending amendments at the desk.

Amendment

Mr. Poynter Amendment proposed by Delegate Alseff to Committee Proposal No. 3. Amend the reprinted proposal. Amendment No. 3, on page 6, strike out lines 16 through 24 in their entirety.

Explanation

Mr. Alseff, Mr. Chairman, delegate. I have heard the following arguments relative to the legislature without any delegation. There is a delegation who is presenting the motion or amendment. Have great faith in the legislature. We must have the hands for future generations, yet unborn. Avoid statutory details. We must have a short constitution. Franklin. I am not particularly impressed by the above. In my opinion it is what is included and was left out that is important and whether we have protected the rights of the people. We can have a short constitution which is not bad, but does not protect the rights of the people and a long one which does
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the same thing.

However this is a democracy, and the majority rules. We permit the majority to impose the death penalty, make parole impossible, and set salaries by majority vote. I am quite willing in a few cases as for tax increases for example to require a two-thirds vote, the majority rules. There is no need to include this provision in the constitution for the legislature has full authority to act. For its actions, the legislature must account to the people, if the people elected them and if the people are not happy, they can defeat them. If the people are indifferent they will have to try them for that I do not limit. I will not vote to shackle the legislature. If I am in the legislature and a salary for legislators is pursued, I will oppose it. And if it is adopted I will not accept. Nevertheless, the question of determining salaries must lie with the legislature by majority vote. For in electing the members the sovereign people have spoken and the fact that I disagree is immaterial. It does not make sense to me. To permit the legislature by majority vote to take away a man's life and yet prohibit it to set salaries by that same vote. So many seem to think that good structure will bring good government to Louisiana. Though structure is important, alone it will not bring good government. Some government depends largely on what we elect and appoint to office for they will adopt the laws, interpret them and apply them. And the choices will be ours. And I appeal that it is the duty of the legislature to determine the salaries of all public officials. And for what it does we must face the electorate at the next election. That is the democratic process. It can do that if these lines are eliminated. I therefore urge you to eliminate lines 16 through 22 on page 6. And leave the matter of salaries to the discretion of the legislature. Thank you, Mr. Chairman, delegates.

Further Discussion

Mr. Burson. I speak in support of Dr. Assieff’s amendment for the very reasons that we have had a similar provision in this Section 11 in our constitution since 1921 and as far as I am aware, it has never prevented the legislature from raising the salaries of any public officials when it wanted to. I think it’s a good provision. I agree in accordance with the arguments advanced by Dr. Assieff, if we really believe the majority rules then it is our business to go to that school and start adhering to it in the constitutional provisions that we adopt. It is one thing to say and I would agree with those who hold this position and with regard to the parole pass, our history would dictate an extraordinary majority as being required. But really raising the salary of appointed and elected public officials it seems to me is a day to day matter with the legislature. And it strikes me as in Congress entirely that you would require a two-thirds majority for this. The provision that has been proposed here is subject to the additional objection as was pointed out by many of the speakers yesterday that the term appointed and elected public officials or appointed and elected public officials is a vague and ambiguous term and it is susceptible to the meaning that it could apply to local public officials right down to the garbage collectors. And I don’t think that anyone in the widest stretch of imagination would want to require the legislature to approve salary increases for such public officials down to the lowest local level. Therefore, for these reasons I urge the adoption of Dr. Assieff’s amendment. Let’s make the constitution brief by eliminating this useless order.

Further Discussion

Mr. Roy. Mr. Chairman, ladies and gentlemen of the convention, I just want to point out a couple of things. I completely agree with Dr. Assieff and of course with Jack Burson. I don’t understand how we can take a man’s life away with a majority vote, but the legislature can raise the salaries. But I want to address myself to one other thing that I think that has not been brought up. We have to admit that as a matter of fact fourteen Senators may kill any salary raise. How is fourteen people out of a total body of 139 which means that you could have a unanimous vote by 105 members of the House of Representatives to vote a certain way to raise salaries, and I suppose twenty-five Senators to raise the salaries but fourteen of that 139 man body could kill it. If you want to divide fourteen by 144 members in the Senate you come out with 9.7 percent of a legislature. Those of the House and Senate may kill or defeat what 93 may vote for. That is not 66 2/3rds versus 1/3. It is my opinion a super minority and I don’t believe in it. Under the democratic rule a majority vote. I urge you to accept this amendment.

Questions

Mr. Denney. Mr. Roy, are you aware that there are certain other proposals before the body which we have not yet taken up? There are provisions which prohibit the reduction of salaries during a term of office. Are you aware if any? Mr. Roy. Yes, I am aware of that.

Mr. Denney. Well do you know in which sections those are?

In other words, if you delete this phrase you also delete the requirement of that the prohibition against reducing of a salary during a term of office. Now I am sure that was not intentional of Dr. Assieff. If you remove the entire article it would have that effect and I ask you if you have considered that possibly. I certainly think you would agree, would you not, that it would be unfair to reduce an elected official’s salary during his term of office.

Mr. Roy. I was of the opinion, I understand what you are asking me Mr. Denney and if it is, I am opposed to the reduction of salaries. I certainly am. I was of the opinion though that in other provisions of the constitution dealing with specific officials that there is a provision that their salaries may not be reduced in a term of office. These constitutional officers. If I am wrong about it, I certainly would like to see that protected.

Mr. Denney. Well I think the provision by the Executive Committee provides that for elected officials not for appointed officials. And I am not sure what the Judicial Article does.

Mr. Roy. I don’t know if either one of us has really answered the question. I was of the opinion that Dr. Assieff’s proposition amendment merely said that we leave it up to the legislature by majority vote to do these things and we take it out of the constitution and that is what I am for.

Mr. Denney. So you are for no prohibition in the constitution against the reduction of salaries.

Mr. Roy. No, no, I am for no prohibition in the constitution mandating a two-thirds vote to increase salaries. Because there is not a third of the votes one-third of 139 is 93 in a certain case versus 73.

Further Discussion

Mr. Keen. Mr. Chairman, fellow delegates. I rise to pursue the point which Mr. Denney was making when he questioned the effect of Dr. Assieff amendment would be to completely delete this entire Section which would then permit the legislature to reduce the salaries of the public officials during their term of office. And I say to the members of this convention that if we do that we can lead to the grossest kind of abuse, we will get the salary of public officials at the mercy of
simple majority of the legislature. I have no objection to giving the legislature by majority vote the right to fix that but when you come to the point of permitting the legislature to reduce salaries by a simple majority, I think we go too far. And I ask that you reject the Asseff amendment and if we want to come back and reconsider this section so as to make it applicable only to the reduction of the salary during the term of office, then do it, but not take that part out of the constitution where it has to be if we are to provide a first choice against reduction.

Questions

Mr. Arnette Mr. Kean, if this particular amendment is adopted, do you foresee the situation that an appointed or even an elected official such as the attorney general for instance could have his salary reduced to $1.00 a year?

Mr. Kean Yes, I certainly do.

Mr. Arnette And this would in effect make him resign his position if he was not financially independent, is that true also?

Mr. Kean That is correct.

Mr. Arnette So in effect you are letting one majority of the legislature actually impeach say, the attorney general or the secretary of state or anybody else that is appointed, is that correct?

Mr. Kean As I appreciate the amendment, and this article previously made for this section, it applies to all public officials appointed or elected. Under those circumstances the legislature by simply a majority could reduce his salary to nothing.

Mr. Burson Mr. Kean, I understand your concern, but don't you think the proper place for such a prohibition would be in the case of executive officials or administrative officials in the executive article and in the case of local governmental officials in the local governmental article as I believe Section 13 of the local governmental article that we have proposed and submitted which you and I served on would provide that the salaries of all local governmental officials shall not be reduced during the terms to which they are elected.

Mr. Kean I think you can beat the problem partially by including it in various articles but I don't know that you could eliminate all elected and appointed officials in that process. It seems to me that a general prohibition against the reduction of salaries during the term of office ought to be included in the constitution. For that reason I suggest that you reject Dr. Asseff's amendment and then come back and redo this section to leave that prohibition in the constitution.

Mr. Anzalone Mr. Kean, am I correct in assuming or thinking that the federal constitution only provides a prohibition against the reduction of the salaries of the judges?

Mr. Kean I don't really know whether that is correct. Mr. Anzalone but even if the federal constitution did this, it would contain federal limited restrictions. I think the history of this state would indicate that it would be to our advantage to have this prohibition in the constitution applicable to all of our public officers.

Mr. Anzalone Do you have any thoughts concerning the constitutionality of the legislature picking one particular official out and reducing his salary to zero?

Mr. Kean If there is no prohibition against it, I know of no constitutional issues that would prevent it from being won.

Further Discussion

Mr. Newton I have drawn an amendment which is being printed right now that would put back in a separate Section 11 the prohibition against the reduction of salaries of appointed or elected officials during the term of office. So I urge the passage of the Asseff amendment.

[Amendment withdrawn.]

Amendment

Mr. Poynter Amendment No. 1 [as Mr. Kean and Mr. Asseff], on page 6 delete line 17 through 22 both inclusive in their entirety and insert in lieu, thereof, the following:

"Section 11, the compensation of appointed or elected public officials shall not be reduced during the term for which they are elected or appointed."

Explanation

Mr. Newton I think we have had a sufficient discussion. This would in effect accomplish the purpose of the Asseff amendment by allowing the legislature to set its own compensation and the compensation of public officials, and at the same time require that the compensation of elected or appointed public officials cannot be reduced during their term of office.

Questions

Mr. Duval Mr. Newton, I think you have a real good amendment. Only one thing I would suggest a technical amendment perhaps in the title, "Section 11. Salaries of Public Officers," to put a semi-colon in reduction rather than the word change. Would you accept a technical amendment to that effect?

Mr. Newton Yes, surely.

Mr. Henry Well, now you understand, he can't accept an amendment, but we can take care of that at the proper time.

Mr. Denney Mr. Newton, I just want to be sure of one thing. You said that the adoption of this amendment as you have now proposed it with Dr. Asseff will permit the legislature to fix the salaries of all public officials. Is that correct?

Well now under the present set-up that is not always true, is it? In other words, employees of boards and commissions, for example, the salaries are usually fixed by the boards or commissions. So this will not necessarily take that away from those people.

I believe you said if it was not prohibited by the legislature, the legislature could do it. Do you mean by that, sir, that the legislature can now adopt a statute which says that the salaries of all public officials shall be fixed by the legislature?

Mr. Newton I think that might be possibly, entirely true.

Mr. Denney Or would it prohibit the executive department, for instance, from fixing salaries within the executive department?

Mr. Newton It can save the board money.

Mr. Denney I just want to be sure you are satisfied that we won't have a conflict here between parts of the executive branch and parts of the legislative branch in the future.

Mr. Newton I think we are going to have a lot of conflict before this is all over.

Mr. Denney I mean in respect to this specific problem, though.

Mr. Newton I think there is a possibility of conflict there, yes.

Mr. Roy Mr. Newton, I see what Delegate Denney

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Mr. Roy So that all we are saying is that unless it is otherwise provided in the constitution at a specific point, this will prevail but it can be superseded by other sections of the constitution.

Mr. Newton That's correct.

Mr. Rayburn Mr. Newton, if I understand your amendment correctly, in the future, the only way that the legislature could interfere with the executive department would be if they passed an act providing for them to do that. Am I correct?

Mr. Newton Yes, sir.

Mr. Fulco If we adopt this amendment, then we will not necessarily have two-thirds vote to increase salaries.

Mr. Newton That's correct.

Mr. Fulco You are eliminating the two-thirds vote to increase salaries in the future?

Mr. Newton That is correct, sir.

Mr. Lanier Delegate Newton, as this thing is drawn, I take it it's not intended to apply in the situation of changing salaries of officers or employees of local governmental units that have Home Rule Charters.

Mr. Newton No.

Mr. Lanier In other words, if there is a provision in the home rules, the local government article that says that the local home rule units will make their own determinations of salaries, that would not be in conflict with this provision.

Mr. Newton It would override this provision.

[Amendment reread.]

Point of Order

Mr. Thompson Point of order. I don't know who to ask the question to, there is nobody up there that has been talking about it...

Mr. Henry Well, under the rule, points of order are addressed to the chair, so we might start there.

Mr. Thompson All right, you mean if the Board of Education decided it wanted to raise all college presidents twenty thousand dollars....

Mr. Henry That's a question really, and I suggest you turn around there and talk with Mr. Newton about it, Mr. Thompson. You might try Mr. LeBleu when he gets through. He might have some superior knowledge on this.

Further Discussion

Mr. LeBleu Mr. Chairman and members of the convention. I am just wondering whether this is actually something that you want to favorable consider or not and I'm not up here to talk for or against it, but I would suggest that you think long and hard about this before you vote. And I want to cite a couple of instances why and one of them might answer Mr. Thompson's question.

If you will recall recently the State Board of Education granted the college presidents over the state an eight thousand dollar annual increase. There was so much public hue and cry over this amount that the State Board came back and reduced it to four thousand dollars.

We in the House Appropriations Committee cut it out altogether, but the Senate in its wisdom put the increase back in the appropriations bill.

Another instance is one that I read in the paper just a few days ago where Dr. Mary, who is in charge of the Umbrella Health Services was given a nine thousand eight hundred dollar annual increase which is boosted his salary to forty-five thousand dollars a year. I would think that this is probably the highest paid official in the whole state.

There are many cases by which a legislature can make it not exactly unbearable, but not too pleasurable, for a public official if they so desire and it may not be the privilege of reducing his salary. They could cut out all of his budget which would allow an elected public official to continue in an office, draw a salary and sit behind a desk for four years.

I just wanted if you wanted to include this measure in the constitution or take it out altogether as Dr. Asseff suggested?

Further Discussion

Mr. Anzalone Ladies and gentlemen of the convention, I may sound a little bit factitious if I tell you this, but we are faced with the section that says, "the salaries of appointed or elected public officers shall not be reduced during the term for which they are elected or appointed." Why should we give to the higher echelon of state government this protection when we are failing to give it to the everyday working man? Why don't we include in here that everybody who works for the state shall not have his compensation reduced for the term of which he is in office?

If we have never had in history yet, the proposition to reduce a man's salary to kick him out of office although there may have been occasions when we should have. But we have never had it.

Now, we are writing a constitution that supposedly will last this state for many, many, many years. When the people of 1921 wrote their constitution, they had no idea they were going to be faced with the depression of the 1930's. Now suppose in the 1990's we come up with another depression and we've got a governor or a commissioner of agriculture or a lieutenant governor or somebody who is making a salary of fifty or sixty thousand dollars a year, and the rest of the people of this state who are in the throes of a depression are having to live off of ten or twelve dollars a week as they did back in the thirties, then is it going to be right to say that you can't reduce his salary? I think not.

If we are going to give protection, let's give protection to everybody. If we are not going to give protection to everybody, let's don't give it to anybody.

Questions

Mr. Abraham Joe, I agree with you. Don't you think we are just being real inconsistent by saying that on the one hand we are going to leave it up to the wisdom of the legislature to raise a man's salary, and on the other hand we say we are not going to leave it up to their wisdom to reduce a man's salary?

Mr. Anzalone Mr. Mack, you have been on a committee with me for six months and you know what inconsistence is all about.

Mr. Abraham Right, and would not we be better off simply just by eliminating this whole clause from the constitution and just leaving it up to the legislature to fix salaries?

Mr. Anzalone Yes, sir.

Mr. Newton Mr. Anzalone, could you think of a
Mr. Anzalone: Could I foresee something like that? No, sir. Because they that didn't get shot sure wouldn't get reelected.

Further Discussion

Mr. Jack: Mr. Chairman and delegates, I rise to oppose this Amendment in the two-thirds rule of those elected to raise these salaries. Now, let's look at the present situation. What could happen if you changed it to just a majority, which you could do if you adopt this Amendment?

I'm not criticizing. I think the salary in our state right now are very liberal, but probably are fair to the Judges. But they are well paid and I don't think the majority should be able to raise them. A Court of Appeals Judge, thirty-six thousand. Now if a lawyer in private practice can make thirty-six thousand, he shouldn't keep so gross over fifty thousand because of his overhead. The experts say in a firm the average but good firm, the members can earn in it gross to contribute is fifty thousand. You might have an unusual demand of this kind and certainly you will make more. So a judge is making probably on the Court of Appeals more than a lawyer could earn. And it's a good job. You have a clerk, you have your secretary, you've got your quiet atmosphere.

District judges vary, the ones down here make more. I don't know what they make. Ours make, I think it's twenty-seven thousand counting the police jury part. Supreme Court, you know what they make. You know what the college presidents make. Now let me tell you, there is just a certain amount of money to go around. And there's the lobby system and pressure put on them. Now I voted to give judges good salaries, and they got them, but we then had to have two-thirds of those voting, and I think we ought to have two-thirds of those elected like this.

Now there are a lot of other people ought to get some, the State Police, look how poor they are paid. If you are going to keep spending money to raise officials, and there's plenty of elected and appointed officials, and I say, let's kill this Amendment. I have this just like it is requiring two-thirds of those elected, and of course it's got the clause in there about you cannot reduce the salary during their term of office. I don't see all the reason for requiring all the other. If you want to raise salary by a simple majority of the members of the legislature, you just go right on and pass this Amendment. If you want to try to hold a good line, then you kill this Amendment. Thank you.

Mr. Arnette: I'd just like to point out one thing to the delegates here in the convention hall and that is the law presently is it take two-thirds vote to raise the salaries as it presently is. And I think we ought to look long and hard before we accept this amendment which would permit a majority of the legislature to allow increases in salaries. I definitely think that salary should not be reduced in office, also. But the main thing is, this system has worked in the past, it has stood the test of time, and I definitely think we did need a two-thirds vote to raise salaries, as Mr. Jack said, to keep a line on the salaries in the state. I think it's very important that we do it.

Mr. Newton: After some discussion on the floor, it appears that possible majority of the members of the legislature and they reduced his salary during his term of office to one dollar a year.

Mr. Poynater: Amendment proposed by Delegate Shannon and Tobias. These have previously been distributed.

Amendment No. 1 on page 6, at the beginning of line, and here's a correction that needs to be made. Your copy says 8. It should be 18. On page 6 at the beginning of line 18:

"After the parallel word "tion" and before the words "of public" delete the word "salaries" insert in lieu thereof the word "compensation."

Amendment No. 2, page 6, line 20 after the words "that the" and before the words "of public" delete the words "salaries" and insert in lieu thereof the word "compensation."

Amendment No. 3, page 6, at the end of line 20 after the word "public" delete the word "officers" and insert in lieu thereof the word "officials."

Explanations

Mr. Shannon: Mr. Chairman, ladies and gentlemen of the convention, these are in reality technical amendments and all the purpose of it is to clarify and to make the language in the present bill. I'm only substituting the word compensation for salaries in the amendment and changing the word so that the language will be in line 20. I'm changing officers to officials as it is on line 8, and I urge the passage of this amendment.

Questions

Mr. Flory: Mr. Shannon, by changing the word salaries to compensation, don't you encompass expenses paid to state employees? You'd be having the legislature set meal allowance, hotel allowance and mileage for state employees which is now set by the Division of Administration?

Mr. Shannon: These are all appointed and elected officials, Mr. Flory.

Mr. Flory: But those same regulations promulgated by the Division of Administration apply to appointed officials.

Mr. Shannon: In that case, yes, they would still apply.

Mr. Fulco: Mr. Shannon, will you explain why we are doing this? Why do you want to change salaries to compensation?

Mr. Shannon: Mr. Fulco, I think that's relatively simple. I just do not want a salary for the legislature.

Mr. Fulco: Well I mean, what will be the consequences when you change it to compensation?

Mr. Shannon: Well, compensation could be other than a salary. And it could be a salary or it could be other. Compensation covered both fields.

Mr. Fulco: But surely you had a purpose in using this word. What was your purpose?

Mr. Shannon: In order to eliminate salaries for the House and the Senate, in reality.
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Amendments

Mr. Poynter. Amendments proposed by Delegate Anza.

Amendment No. 1 on page 6, delete lines 1 through 11, both inclusive in their entirety.


Explanation

Mr. Angolone. Ladies and gentlemen of the Convention: In our short conference that we have had up here at the desk, there are several amendments that are going to be proposed. One in particular is going to include in a prohibition against reduction in salary of all elected and appointed officials. There is another one that is going to prohibit the salary increase of just elected officials. I have proposed to leave the entire subject matter up to the legislature for these reasons. As I stated before, if we are not going to give protection to everybody, let's not give it to anybody. At no time in history has there ever been a reduction in salary to force anybody out of office. In my mind there is a serious constitutional question if one single solitary official was picked on and his salary reduced in the process. That is why I did not think that this is a matter for the constitution. If we are going to have an independent legislature we say as well begin now to the jurisdiction so that we cannot have it if we are going to restrict them every time we turn around. In closing, all I want to say is it is not fair to give it to one segment of the population of this state and not to insure everybody else.

Further Discussion

Mr. De Blieux. Mr. Chairman, ladies and gentlemen of the convention, I want you to carefully read over that section as it is now worded and then determine whether or not you want to delete that from the constitution entirely. That is what this amendment will do. In other words, when you delete that particular section it will allow the legislature by a simple majority of votes to vote any salary that they see fit for any elected official or public official any time they get ready. There is no restriction on what they can do with it. And I can tell you this, I have found during the period that I have been in that legislature, the easiest time in the world to get in is when you get in for an elected official. Particularly if it is not the year of his election. That is the only time that they don't bother the legislature about increasing their salary. Is the year in which they are running for office. I just think this is a bad amendment and I think we should oppose it.

Further Discussion

Mr. Drew. Mr. Chairman, members of the Convention, I rise in opposition to this amendment. Let me go back over yesterday's deliberations and part of today's deliberations. In our concern about reducing the salaries during the term of office, we have completely lost sight of the amendment which was adopted overwhelmingly yesterday which I offered. The purpose of that amendment was to prevent, without legislative approval, those unwarranted raises in salaries of officials. I don't think the section I in its best words right now, but I think it is a lot better than taking a chance on a deletion, this is going to come up with too much money to pay for those increased salaries and I think to say whatever is what those salaries are. For that reason, I ask you to defeat this amendment and only, I can improve the present one and give the people the protection, let it stand it like it is. It is better than deleting it as proposed by this amendment.

Amendment

Mr. Poynter. Amendment No. 1 or a section in page 6, delete lines 9 through 11, both inclusive in their entirety and insert in lieu thereof the following: When compensation of elected public officers, reducing Section 15, the compensation of elected public officers shall not be reduced during the term for which they are elected.


Explanation

Mr. Newton. Mr. Chairman, I won't belabor the point. It is very simply to remove Section 15 except the following: The reduction of salaries of elected officials during their term of office. I will be glad to answer any questions.

Questions

Mr. Lanier. Delegate Newton, I am asking the same questions that I asked before so that the record will be clear on this. As I understand it, it is not the intention that you proposed to the committee to be in conflict with the provisions as presently proposed by the Local and Parochial Government Committee with reference to home rule units of government? The reduction of salaries of many full time persons.

Mr. Newton. In no way whatsoever.

Mr. Weiss. Delegate Newton, what happens to the appointed officials?

Mr. Newton. This section was originally intended to include them as well as the elected officials.

Mr. Weiss. They would be subject to having their salary reduced by the legislature, but I think that most appointed officials do not serve a term of office.

Further Discussion

Mr. Drew. Mr. Chairman and members of the Convention, I will just take a minute. This amendment does practically exactly the same thing as the previous amendment which you just defeated and I ask you to defeat this amendment again. Thank you.

Further Discussion

Mr. Jack. Mr. Chairman, members, I'll be brief. This amendment is just as selfish as anyone else there are some other ones that are just wolves in sheep's clothing. I am not going to keep talking on it. When you see an amendment that goes on page 6 delete lines 16 through 9, both inclusive in their entirety. That is a wall amendment and let's just vote it down if you are in favor of the two-thirds rule that is in this matter as we found here today. Thank you.

Motion

Mr. Blair. Mr. Chairman, ladies and gentlemen of the convention, we would like to propose an amendment. Section 16 and we would like to table this motion for the time being. We have some conflict with the Taxation Committee and also the Local and Parochial Government Committee and we are going to study this after the fact. And maybe we can come back tomorrow.
Mr. Gravel. Mr. Chairman, do I understand that one or more committees are going to give further consideration to this proposal?

Mr. Henry. I think so far as 12 is concerned that there might be some conflict relative to what Revenue and Taxation is proposing and they want to have a joint committee meeting as I understand it. Is that correct, Senator Blair?

Mr. Blair. Not necessarily a joint committee. They could do it as a sub-committee. Whichever one would be the better. I don't know but we think we can get together as far as the conflicts are concerned.

Mr. Henry. When do you plan to get together now?

Mr. Blair. When we adjourn.

Mr. Henry. Today, when we adjourn. Suppose we get ready to take it up tomorrow, do you think you will be in a position to discuss it tomorrow?

Mr. Blair. I feel sure one way or the other. If we can't get together, then we will run with what we have.

Mr. Gravel. The reason I asked that question is that I have an amendment to that particular section that is really taken from the project and it is a rather comprehensive amendment that puts certain restraints and limitations on the legislature with respect to the passage of local or special law. I think my amendment would be germane to any consideration that you would give in trying to accommodate the concept of local and special law and I would ask that my amendment also be deferred and that the committee that is going to give this consideration give consideration to my proposed amendment also.

Mr. Blair. We would be happy for you to meet with us, Mr. Gravel.

Mr. Gravel. I don't want to necessarily do that. I want you to look at the amendment.

Mr. Blair. You are invited.

Mr. Gravel. Thank you.

[Motion adopted without objection.]

Reading of the Section

Mr. Pointner. Section 13. Local or special laws, Notice of intention, Publication

Section 13. No local or special law shall be introduced into the legislature unless notice of the intention to introduce such law has been published without cost to the state in the locality where the matter or things to be affected are situated on two separate days. The last day of which is at least thirty days prior to the introduction of such a bill into the legislature. The notice shall state the substance of the contemplated law and every such bill shall contain a recital of the notice that has been given.

Explanation

Mr. Juneau. Mr. Chairman and fellow delegates, this provision is essentially the same as it is in the present law with the exception we are specifically providing a time span, that is of two separate days on which the article could be run. Additionally as you will notice, it provides the thirty day provision prior to introduction. I am advised an amendment is being prepared with regard to line 22 the word "introduced" will be changed to the words "enacted by" and I talked to several members of the committee, three of which are here. We have no objection to that because there possibly would be some technical problems with the word "introduced" as opposed to the word "enacted."

I indicated the only other deletion that was made, there is a provision in the present law that requires evidence at the time that it was introduced on the local level be attached to the bill. I thought that that was a rather mechanical matter that would more properly address itself to statutory law. But in substance, word and substance, basically it is the same provision you have today.

Questions

Mr. Tobias. Mr. Juneau, I notice in reading this section, that you state that the provision must be published on two separate days, the last day of which is at least thirty days prior to the introduction of such bill. When is the first day? In other words, could they publish it on two consecutive days?

Mr. Juneau. As long as it is two separate days, it could be one, two days and the last day of the publication has to be thirty days before it would actually be introduced in the legislature. You could have two consecutive days but they would have to be two separate days.

Mr. Tobias. Would the committee consider actually spreading it out further for example, one must be for example one week preceding the thirty day period.

Mr. Juneau. We considered this, Mr. Tobias, and we found in a lot of areas this applied mainly to a lot of our outlying rural areas and for that reason, most of these areas have weekly newspapers and of course it would only come up once in that period of time. We considered, therefore, a matter of feeling one particular way or another. We thought it was sufficient and worked well in the past just to require two separate days.

Mr. Kelly. Mr. Juneau, we apparently just passed Section 12 which, according to your draft, is a limited prohibition against the legislature, yet in 13 we are setting out the procedure. Really, after they have this joint meeting this afternoon, is there any possibility that the procedural aspects of Section 13 might be changed? I mean, it looks like to me we are kind of putting the cart before the horse.

Mr. Juneau. I don't really think so, Mr. Kelly. The reason for that is because the problem with Section 12 is the definition of special and local law but whatever that definition may be, the procedural aspects would be the same. You have your thirty day period as you now have in the present law. The only changes we are really making is specifying the two separate days which really wasn't clear to me in the present law.

Mr. Kelly. So in essence what you are telling me then is regardless of what comes out of this joint meeting this afternoon, it will not affect the contents of 13.

Mr. Juneau. That's right. That is my feeling.

Mr. Stinson. You have partially answered my question before, but you said that the bill will have the recital that it has been published. You don't think it's best in here to put, and also evidence to be attached? If the legislature fails to pass that, I believe the judiciary is, isn't it, that if they pass it and it later develops that it hadn't been advertised, the fact that it recites that, that cures the defect. Actually, the purpose is so the public will have knowledge that it has been introduced so don't you think maybe that is a safeguard it should be attached to the bill?

Mr. Juneau. Your point is well taken, Mr. Stinson. The reason I have to give you was the feeling of the committee that the whole thrust of what we were
Mr. Poynter Amendment No. 1. On page 7, delete lines 6 through 11 both inclusive in their entirety and insert in lieu of the following: "Section 14 The immunity of the state from suit and liability is hereby abolished.

Amendments

Mr. Lanier Amendment No. 1. On page 7, line 6, after the words "the official journal of," insert the following: "their amendment in favor of that of Mr. Roy, Plancharb, Tobias, Aertker and Conino.

Amendments proposed by Mr. Lanier, O’Gerolamo, Duval, Alario, and Perez to this proposal. Amendment No. 1. On page 7, line 6, after Section 14 and before the words "the legislature," insert the following: "the letter a,"

Amendment No. 2. On page 7 between lines 12 and 12 add the following: B. However public property shall not be subject to seizure and no judgment against the state, its agencies or political subdivisions shall be exigible, payable or paid except out of funds appropriated for payment thereof.

Amendments

Mr. Poynter Amendment. Mr. Chairman, I'd like to pass my amendments right now, if I can do that and pick up consideration of the Roy amendment.

Amendment

Mr. Poynter. All right. It is an amendment proposed, single amendment, by Mr. Roy, Plancharb, Tobias, Aertker, etc.

Amendments No. 1. On page 7, delete lines 6 through 11 both inclusive in their entirety and insert in lieu thereof the following: "Section 14, the legislature may authorize methods and procedures for payment of final judgments rendered against the state, its agencies and political subdivisions. However, public property shall not be subject to seizure and no judgment against the state or any other public body shall be exigible, payable, or paid except out of funds appropriated for payment thereof.

Mr. Henry. Now the language that's in this that I have on the amendment in lieu of the deleted draft is what Mr. Clerk and I made?

Amendments No. 1. All right, read the language that is inserted in this amendment that the delegates don't have the benefit of. I have it on my desk, that they can German make a note of it.

Mr. Poynter. All right. At the sedation, it should read: "however public property shall not be
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subject to seizure and" then you pick up "no judgment against the state."

Explanation

Mr. Planchard: I don't believe the amendment really needs any explanation. It's simply one thing, a person would not have to go to the state legislature in order to file suit against the state. It would, however, a person would have to go before the legislature in order to get the judgment paid, and it must be paid out of the funds appropriated for that payment. This is a good amendment and I think that several have already acknowledged that this is a better amendment than they have. So I won't delay the question. So if there are any questions that you have about this amendment, I'll be glad to answer them.

Questions

Mr. Weiss: Delegate Planchard, bonding authorities, don't they require, make certain requirements that this might conflict with? In other words, what security does the state offer in releasing bonds? Can someone explain that?

Mr. Planchard: I'm not aware of any provision bonding firms have that we have to have this in the constitution, to be able to file suit against the state.

Mr. Weiss: I mean what security does the bonding company have if they can't seize the water works, or whatever the matter is that they are securing by bond? I just wonder if this is technically feasible. That's all of my question. Does someone know the answer to this?

Mr. Henry: Well nobody else has the mike, Dr. Weiss, and they can't answer it right now, sir.

Mr. Newton: Mr. Planchard, under your amendment as it should read, "public property shall not be subject to seizure," wouldn't that mean that any water works that was bonded, whether it was bonded or not, it couldn't be seized?

Mr. Planchard: I think that is correct, Mr. Newton.

Mr. Newton: Is it the intent of this proposal to waive sovereign immunity?

Mr. Planchard: Yes, it is.

Mr. Newton: Thank you.

Mr. LeBleu: Mr. Planchard, since a municipality is a creature of the legislature, could this amendment be construed that any suit against a municipality, for instance, would have to be paid by an appropriation from the state?

Mr. Planchard: It means that a person would not have to get permission by the legislature to sue any subdivision of political subdivision of the state. That's correct.

Mr. LeBleu: I understand that, but what I was talking about the actual payment of the judgment. Would the state be liable for a judgment against a municipality or local government authority?

Mr. Planchard: No, I don't think the state would be liable, no.

Mr. Kelly: Mr. Planchard, if I understand the meaning of the amendments that you and Mr. Roy and others propose, you are going to waive governmental immunity from suit, but yet you're going to come in and require a legislative act for the payment of any judgment rendered in any court in this state in that correct?

Mr. Planchard: That's correct.

Mr. Kelly: All right, sir, now on your amendments.
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you should also take a look at an article near the end of the present constitution. Stinson in Article 19, Section 26. This sets out special agencies of the state whereby the necessity for their consenting to suits is withdrawn, and saying that they will be considered agents of the state in that capacity. Of course, this constitutional amendment was necessitated because there were a number of cases which said that sub-agencies of the state, such as School Boards, did not have the privilege of the sovereign immunity of the state from suit as a state. Now the most recent case on the point by the Louisiana Supreme Court generally ruled that the state was not an insurance corporation such as in the case of a Dock Board or another agency which goes out and files suit, as happened in a particular case, that it is not immune from suit. And I think that one should be aware here, that this whole proposition should really be broken down into two questions. One question is whether or not you think that we should constitutionally say that there is sovereign immunity for any agency of the state. My own personal feeling is that most governmental bodies today, such as the one I serve on, the School Board, carry liability insurance with exceedingly large limits and that this is for the protection of the public at large, and that the members of the public are in fact protected from negligence by let's say a school bus driver who runs over them, because they're just as dead if he kills them than if a private citizen kills them. This is the purpose of insurance. That's one question. The other question, however, which demands serious consideration and which I understand the thrust of this amendment gets to is, it's one thing to say that you can bring a suit and get a judgment against a governmental entity, but it's another proposition to say that that governmental entity should have property subject to seizure. I don't think any of us want that. And as I read the amendment, that is what this amendment governs. It would prevent the travesty of a public body, such as the Police Jury having the Courthouse closed, let's say, to satisfy a judgment against it.

Questions

Mr. Stinson, Mr. Burson, don't you think that in the fact that our prohibition has served to cut down the number of frivolous and vexatious suits, that we, therefore, have a lower, an expense lawsuits against the state?

Mr. Burson, That is certainly possible, Mr. Stinson.

Mr. Stinson, Isn't it a fact that what they're attempting to do here would mean that Mr. Stinson would have to double his staff, at least, to take care of all the lawsuits that will be filed?

Mr. Burson, Mr. Stinson, I don't really think so. I think that most lawyers, and I can speak from experience in this, I have never failed to file a lawsuit where I thought I had a valid one against the State even though it was a little bit more trouble to have to come get legislative permission than permission.

Mr. Stinson, Isn't it a fact that a litigant normally have to have a lawyer to file his own suit?

Mr. Burson, Well, that's true. Yes sir.

Further Discussion

Mr. Stinson, Mr. Chairman and delegates, I would urge you to seriously consider first of all, the sovereign immunity of the state from suit as a state, and would like to have my views adopted by the amendment. As it's required at this time, those agencies that are not specifically excepted from the sovereign immunity, that the legislature place a suit against the State or a particular agency, is what is done at this time. There is a difficulty that I know if that has occurred in the past, of anyone obtaining the necessary permission to sue the State or its respective agencies, that Mr. Stinson is absolutely correct that it is possible that the amount of litigation could increase against the state. We don't know how much, we don't if it would be one suit or a hundred suits. But the point is, the attorney general is the official legal representative and officer of the state and its agencies, and he must provide the manpower to file a necessary answer and to defend against whatever suits may be filed. If you think the attorney general's appropriation may be high at the present time, and that the quasi-corporate appropriation with the legislature, he will, I submit to you, that his appropriation would certainly have to be increased if we would permit every type of suit to be filed against the state without obtaining the permission necessary from the legislature. Now I know there are many of you that disagree with the concept or my argument, but that's neither here nor there. I strongly feel that way. That there is no trouble in getting permission. That I think this ought to be done. The state is self-insured. We must pay whatever final judgments are finally rendered, and those who are attorneys here, those who are attorneys know that in a marginal case where you have to obtain permission to sue the state of Louisiana, that they are not to be exonerated if the attorney general does not have a cause of action against the state, that you're not going to go to all that trouble to obtain the permission and then have the state in a suit against the state where it really is not necessary. Also, I'd like you to check the wording of Section 14. This is a very serious error, I feel, in the wording of this section, and if adopted could cause, I feel, untold problems to the state, and to the Budget Committee. In furnishing the necessary to pay judgments not only against the state and the state agencies, but the wording in this section in the amendment says that we would have to pay a judgment against the state or any other public body. Now I know this was brought up, but I don't know what the interpretation of the wording "public body" is. But my comprehension of "public body" is any public body that exists in the state of Louisiana, whether it be a state agency, a municipal, parish government, or what have you. But if it would be interpreted, granted it's open to question, but if it would be interpreted that the state would have to pay any judgment against any public body, that means that the state would pay a judgment against possibly an agency that exists solely for the parish of Orleans, or entirely for West Baton Rouge Parish, or what have you. I think this is a serious error in the amendment as proposed but regardless of this, I strongly urge you to reject this amendment and at least retain the concept of the sovereign immunity.

Questions

Mr. Stinson, Tom, isn't it a fact that under the present law when you authorize a suit, you testify that it will be filed in East Baton Rouge Parish?

Mr. Casey, Ford, I'm not even sure, but if you say that's correct, you're a good lawyer. I'm sure . . .

Mr. Stinson, Under this provision, isn't it a fact that the lawsuit could be filed in any parish, that there is an airconditioned and a highway vehicle in St. Tammany Parish, they could file it there. And also isn't it a fact that the plaintiff could file it in the federal court, if he wished?

Mr. Casey, Well, according to this, that's absolutely correct.

Further Discussion

Mr. Dudley, This line strikes back to floorwork before the Magna Carta that the king could do no wrong, he is sovereign. That has been completely eroded away to the courts where just a little tiny vestige left judicia decisions. The one
ereign immunity is dead, and we're going to do something that's dead. In another couple of weeks, we will no longer have sovereign immunity. I think that's the answer we do not have to come before the legislature prior to filing suit and ask the legislature, "May I file this suit?" Now they talk about frivolous suits. Now, whose frivolity do we want to deal with? If you ask permission of the legislature to file a suit, as I understand it, they pass it through a committee who looks over this first and then decides whether or not someone's suit is frivolous. Or there may come a day when this committee or the legislature may decide that "A's" suit is frivolous. "A" doesn't feel his suit is frivolous, he wants to have judge look at it and determine on the merits whether or not it's frivolous. That's the way that we should go today. I think Delegate Burson has covered the state of the law in Louisiana today. I also want to bring out that the recent modern constitutions that have recently been adopted, have adopted and done away with sovereign immunity. It's Montana, Illinois, Nebraska, Wisconsin, etc. Those states who have not done away with it, they've been doing away with it through the judicial process. So I think we're just fooling ourselves to think that someone can go to the legislature before he files his suit, hundreds of resolutions a year that the legislature shouldn't be bothered with. Now then you say well maybe I won't overlook that to see if it's frivolous. The legislature will probably tell you that, well you pass them all. Well if we pass them all then that's not important either because they're not looking at them. Let's go along with this amendment and we will not allow an execution of the state's funds, a judgment on the state's funds. Do you have any questions?

Mr. Deeney. Sir, I understand you to say that the sovereign state of the law is such that if I filed a suit against the State of Louisiana next week, the attorney general could not plead sovereign immunity?

Mr. Guarisco. I didn't say that. I think you misunderstood. I wasn't clear. What I said is that they are constantly eroding away the adoption of sovereign immunity, and the time was in the Port of New Orleans case, the Splendor case, whereas they talked about a political subdivision, the Port of New Orleans, sovereign immunity has not been done away with on a state level, yet, but that's the next move.

Mr. Deeney. Well don't you think then, if this is your feeling that we should put that in the constitution, if you feel that there should be no sovereign immunity don't you think you should go in the constitution?

Mr. Guarisco. I think I think...

Mr. Deeney. Please understand, I don't necessarily agree with you.

Mr. Guarisco. I know you don't agree with me, but I think we'll defer that at the time that we consider the bill of Rights. Article which has something to do specifically with sovereign immunity. This particular article is proper in the legislative vehicle instead of authorization is concerned.

Mr. Deeney. Okay, thank you.

Mr. Guarisco. I think we'll meet it head on later on.

Mr. Tapper. My question is, I'm in favor of the amendment, I believe, but one of the words I've used was agree, and after the comma in the second to last paragraph, it says "payable or paid except out of funds appropriated to the payment thereof." My question was, wouldn't this construe to mean that the legislature would have to appropriate the funds?

Mr. Guarisco. Yes.

Mr. Tapper. Well what about a judgment against a school board, or a city, or a police jury?

Mr. Guarisco. Well, then they have to appropriate the funds for their particular political body.

Mr. Tapper. The answer to the first question was yes, and that was whether or not the legislature, if it were...

Mr. Guarisco. Legislature for state funds, local body for local funds. Yes. [...].

Mr. Tapper. [...] Can you spell that out that it will be done that way?

Mr. Guarisco. Like someone said before, I can read it for you, but I can't make you understand.

Mr. Tapper. Well I tell you what, I don't think you understand.

Further Discussion

Mr. Roy. Mr. Chairman and ladies and gentlemen of the convention, I never thought anything that plain would cause so much trouble. Let me give you a little history of the background of sovereign immunity or the idea that the king can do no wrong. It started many years ago when the king was descended from God and what have you. Now that has been eroded to the point that the courts have been having to deal with exception after exception after exception. It got so bad that finally Section 5 of Article 3 was amended to say that the legislature is empowered to make that occurrence. The Supreme Court of Louisiana in Houston vs. City of Shreveport held that inasmuch as the city of Shreveport had the right to sue and be sued under the law setting forth the city charter of Shreveport, applying the city of Shreveport could be sued without its permission. You see it used to go that even the local body could object to being sued without its permission. It was eroded finally that a case came out of New Orleans Parish involving the School Board. The court distinguished it and said that you can sue because of the contract provision.

Finally, in Herring vs. Perry, which was a case that: I had, we obtained a judgment against the Department of Highways of New Orleans, for a property. I this have attempted before the lodge, it was under the laws of the state and can sue and be sued, therefore, you don't need legislative authority to sue it. It finally got to the point that the only agencies, you understand, that were exempt from suit and could raise sovereign immunity were those agencies that did not have a sue and be sued clause in their origination, in their creation. So the Supreme Court finally, Justice Tate is here to back me up, in the last case of New Orleans Watershed, the Splendor said that we have finally got to address ourselves to the issue of sovereign immunity. Now let me tell you what happened in the Port of New Orleans vs. Splendor to show you how frivolous the Tate has been in the past. A vessel was operating on a navigable body of water. It ran into the bridge that the New Orleans City of the Port of New Orleans sued Splendor Shipping Company, the owner of the vessel. Splendor renounced or filed a líquidated damages claim, litigation, saying that the part was negligent in the way it maintained the bridge, etc. Then the Port of New Orleans said no, you can't sue me, you haven't gotten legislative authority to do so. Not
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...withstanding it had initiated the suit against Splendor Shipping. The District Court said, you're right, the Port of New Orleans has no authority to sue and when it's suing you, Splendor, you may not sue it. Went up to the Fourth Circuit, they affirmed, I believe, or what have you. But ended up in the Supreme Court and Justice Dixon wrote the majority opinion. He said, it is time in this century to face the issue. The modern concept is that there is no such thing anymore as sovereign immunity, and it's pretty much head on. And it said, sovereign immunity was a creature of the lower appellate courts and we now say they have no authority to grant. And they struck it down. Now what does that bring us? It brings us to Mr. Casey's comment in response to Mr. Ford Stinson's comment that he's worried about the language because it appears that the legislature would have to pay funds out of...appropriate funds to pay for some damage done by a municipality. Now that's not what it says. It says, the last paragraph, or any other public body shall be exible, payable except out of funds appropriated for payment thereof. That means simply, and everyone knows this who's a lawyer, that you can't sue New Orleans and get a judgment against New Orleans and expect the state to pay it. The state was not a party defendant to the suit. Now if you get a judgement against the state of Louisiana, that state, if it chooses, must pay it. The District Court said, you're right, the Port of New Orleans has no authority to sue and when it's suing you, Splendor, you may not sue it. They declared that they couldn't pay it and stayed past. I think you'd reach the same thing you have in the Port of Baton Rouge whereby the constitution says that in the issuance of the bonds that the Port of Baton Rouge, any discrepancy in the payment of the bonds it would fall on the responsibility of the four adjacent parishes including the parish of East Baton Rouge to pay the bonded debt of the Port of New Orleans. They defaulted and said we're not going to pay it and the attorney general's opinion was, in that case, the state would have to pay it.

Mr. Derbes Mr. Womack, I think your criticism of the amendment should be clarified. Doesn't the amendment also say, "And no judgement against the state, its agencies or political subdivisions shall be exible, payable or paid except out of funds appropriated for payment thereof?"

Mr. Womack That's very questionable. But you know there are two approaches to it.

Mr. Derbes Doesn't it say that, though?

Mr. Womack Well, yes, it says that.

Mr. Derbes Do you draw from that phraseology the conclusion I draw, namely that the funds in the school board bank account would not be seizible assets?

Mr. Womack I would question it very seriously, yes.

Mr. Derbes O.K. I would also like to ask you one other question with leave of the chair, and that is, is it not also a fact that in the first month, that is, in the month of June, many actions have been filed against the state with permission of the legislature, actions which have indeed prescribed under the ordinary requirements of the statute?

Mr. Womack The legislature has gone back and granted the authority to sue where prescription had been caused to run out. In other words where the case had prescribed during the interim between sessions of the legislature, but they have not gone back to my knowledge, where it has prescribed and passed two sessions of the legislature. They have not prescribed under the ordinary requirements of the statute. They have been handled in mass production.

Further Discussion

Mr. Kelly Mr. Chairman and ladies and gentlemen of the committee, to expound just a little further on the question that was just directed to Mr. Womack from Mr. Derbes, I can foresee where this amendment will cut down on the amount of the legislation being cast into a position of being back and because of pure political having to vote to allow some citizen of the state to enter a suit that had been possibly prescribed by any twenty-three months. You remove governmental immunity and then the state is going to be cast into the same situation as I as a private citizen, you or any corporation for that matter. They can then allege prescription

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as a defense.

Mr. Blieux. I rise to support this particular ameneent for the reason I believe it is needed. I don't think they are going to get by. I'll not go into the full scope of this amendment. I think this is a quantum jump, I don't think it is the first step. The state, political subdivisions, they are not going to be allowed to carry on business just like a private individual. There is the state or its political subdivisions that are involved.

Mr. Blieux. I'm going to support this amendment. It doesn't go quite as far as I would have liked, but I asked a question earlier concerning the fact that there is no affirmative state action, that the state or its political subdivisions is hereby abolished. Senator De Blieux, I think in my hard amendment and I will tell you at this time that I will support that because it is the best amendment as to whether or not the legislature can look back two years from now assuming that you pass and Bill of Rights amendment and pass a simple act reinstating all of the amendments, you may then pass a support this amendment.

Mr. Blieux. As the amended law, your prescription runs until you are wrong, and in any event, for the purpose of bringing suit, it is only one year, although you are wrong, and they are not forced to bring suit within that time, it is only one year, which individual actions against the state or the legislature that is not the state, or the legislature. You don't have to do this, and I think the individual actions against the legislature that is not the state, or the legislature.

Mr.  Roy. Mr. Conroy, do you understand that is a difference between liability and being answerable for damages.

Mr. Conroy. I understand that there is a difference, yes.

Mr.  Roy. Do you understand that all we are asking to say is in line with allowing the legislature to file a suit, that we are just saying he may file it, but he was to prove his case, he's got to prove the case. Do you understand that?

Mr. Conroy. I think that you are addressing of yourself to personal injury suits or suits where there is a monetary liability. I don't think anything in the amendment that deals with the responsibility that does not address it as to monetary redress, I don't see anything in your amendment that deals with possible injunctions against an official in the performance of the duties.

Mr.  Roy. In other words, you are saying that in the state is doing wrong, and we will get money from it, you may not sue someone in court, and stop the state from doing a wrong.

Mr.  Roy. You seek your redress through the normal political mean. That is correct. Mr. Roy. Mr. Roy. Through the four years, that is the area that I work, I know these people who think they are doing right, and we have to do, they have to go into court and defend themselves. I don't think public officials can be subjected to that accountability and, when we have our amendment along that proposition,

Mr.  Roy. In other words, if a public official is doing wrong, and they have their authority, and they have to go into court and defend themselves, I don't think public officials can be subjected to that accountability and, when we have our amendment along that proposition.

Mr.  Roy. The proposition is to bring the official in court and then let the official have to prove that he is not to have the responsibilities to be brought into court and have to prove that he is not doing wrong for the following reasons.

Mr.  Roy. Mr. Adams. In other words, it would not be answerable to any prima facie evidence, and have to wait.
Mr. Chairman, well, you know, Mr. Senator that's part of the concept of this sovereignty, immunity, it's not just to say the king can do no wrong, it is to protect the public interest, to protect the state, it is to protect all of us.

Mr. Chairman, and another thing, Mr. Senator, if you completely waive the immunity of the state, would there be any consideration for the legislature and the judiciary, would that not leave open the door for all of these agencies to be sued by anyone that wants to come and file a lawsuit?

Mr. Chairman, I think it would be chaotic, yes.

Mr. Chairman, whether it would be for tort or some specific performance.

Mr. Chairman, or for questioning the wisdom of these actions, possibly even.

Further Discussion

Mr. Leighton, Mr. Chairman, fellow legislator, in the opinion of one who is not an attorney, it seems we give a name to the amendment, in my opinion, the amendment, I think, It's not important, but I think that this is nothing but convenience for our lawyers, some attorneys. I know of an instance of the twenty-four years that I've watched the judgment system of this state. There has been occasion, there has been one criticism. I know of the criticism wasn't more than one or two years ago. I mean to change this without permission from the legislature, whether it be a local or a state suit, in my opinion this will happen. True the amendment now, that the local authority to provide funds for the judgment system of this state. But at least it has been ordered, it has a warning that this is going to come before them that this may happen and they will get a chance in my opinion a better chance to defend themselves.

It seems to me that it will be obviously more expensive and the dealer that I have, the dealer that I have, I believe, from the decisions of the state, the great expense that will come to the state will be the expenditure who said that there will be a tremendous expense on the attorney general's office, he is going to get paid, he is going to be reimbursed. I think it would be tremendous expense on the expenditure of money defended suits. If you have seen the expenditure of money. And this is what it's all about, I don't care what you think of this amendment. I don't care what you think of this amendment, it seems to me that this is the development.

Further Discussion

Mr. Wall, Mr. Chairman, ladies and gentleman of the house, we are not going to pass any perfect constitution and we are not going to pass any sections of this constitution that will be perfect. Now, I do think that there's been an instance in the many years that this question of whether this legislative approval was abused or not. There has been, I mean only one instance that it has been pointed out that there was possible legislative abuse. I have seen many, many times suits against political entities. Now let me say this, I feel that if a political entity, one of the political entities, causes damage to any one of the people, you should have the right to recover that damage.

But there has never been but one instance in the house that there's ever been a possible legislative abuse or not. And I can say many, many times suits against political entities. The question of whether this provision has passed. We are not going to have a perfect bill, perfect bill. And I think that this is a bad provision, but it would create many more abuses of nuisance suits and political suits than any questionable instance in the past under the present law. I'm going to ask you to vote against this, and remember, a political entity would have to pass these obligations. There is only one question that's ever been that's ever been questioned whether it was abuse or not. But remember, if you have it to where that lawyer, that lawyer, that lawyer, that lawyer, you may have one lawyer in each locality do that. I don't think that there's many lawyers that wouldn't do it. It's a provision, but it would create many more abuses of nuisance suits and political suits than any questionable instance in the past under the present law.

I'm going to ask you to vote against this, and remember, a political entity would have to pass these obligations. There is only one question that's ever been questioned whether it was abuse or not. But remember, if you have it to where that lawyer, that lawyer, that lawyer, that lawyer, you may have one lawyer in each locality do that. I don't think that there's many lawyers that wouldn't do it. It's a provision, but it would create many more abuses of nuisance suits and political suits than any questionable instance in the past under the present law.

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do you think should really be the judge or whether or not there is merit in a particular suit? Should it be the legislators, or should it be the court systems?

Mr. Wall Mr. Kelly, the legislature in giving permission to file these suits, hasn't made the decision whether or not they leave it to the court. They haven't tried to make those decisions. But in most instances, I'll say that the lawyers and the legislators and the court have to come to the legislature and ask permission with nuisance suits which would be easy for them to file, or either a political suit if they didn't have to go through that process of getting permission.

Mr. Deshotels Mr. Wall, do you realize that none of the opponents of this particular amendment were in the legislative committee?

Mr. Wall No, I did not.

Mr. Deshotels All right.

Do you know sir whether any of the proponents of this particular amendment made any studies as to the consequences and effects that this particular amendment would cause in future finances of towns, of local governments, of school boards, etc.? Mr. Wall Well, I just saw a couple of them were lawyers and I can see where the towns and municipalities would have to hire a lot more lawyers without any study.

Mr. Deshotels Right, sir.

Now they are talking about appropriations and they said there would be no judgment executed except upon appropriations. Do you know or do you realize that the legislature of the State of Louisiana could direct or order a town to appropriate X number of dollars to pay a judgement against it? Do you think this could happen?

Mr. Wall Unless we have...unless the town charter is the proper Home Rule of whether we pass proper Home Rule, yes, that could be done.

Mr. Deshotels All right.

Do you also realize, sir...

Mr. Henry I'm sorry, he has exceeded his time by about thirty seconds.

Further Discussion

Mr. Tate Mr. Speaker, sister delegates and brother delegates, I'm speaking in the interest of clarification of one of the issues of the bill. It has been proposed that I'm going to vote for the amendment, but I am speaking primarily to clarify one of the issues about which a great deal of questions has been raised which is about a judgement, the effect of a judgement, once a judgement is obtained and about how it is paid.

Now Article 3, Section 35 of the present constitution provides in effect, just what this amendment provides in so far as what happens. In this Article 3, Section 35, provides "No judgement against the state or any other public body shall be exigible, payable or paid except out of funds appropriated for payment thereof."

Now Mr. Robert Munson was pointing out when they had a judgement against the school board, they couldn't seize any school property, they couldn't seize any payroll funds. They had to get an appropriation from the school board to pay the debt, or the court had held that the school board owed. This issue here in my judgement is somewhat fictitious in so far as worrying about what happens. I'm not trying to remove a legislative judgment whether to permit someone to file a suit is simply to eliminate one step which the legislature says...they always give permission to the state to do their thing or the school board. And it's simply to tell it go to the court to let it be determined, and then as a matter of law, having been determined, the public body pays when and if it can appropriate the money.

As a matter of fact, you know how it actually works. People get insurance, just like you and I, and do to take care of their possibilities. Now some of the other issues raised about non-damage suits and so on, there is a whole body of law. For instance, you and I can't be sued as delegates. We are...no, we can be sued, anybody can get sued, but they can't win the suit. Because we can be sued because we don't put something in the constitution to say someone brings a suit. We have what they call legislative immunity.

Now if I write a dumb judicial decision, I've never written anything, but if I wrote something you sue me. It's one of the attributes of forming a judicial, or legislative, or quasi-judicial, or quasi-legislative act...an error of judgment. You're immune from liability under a long established tradition.

Now about nuisance suits. What do people bring nuisance suits for? Well, you have very few lawyers, the one or two who might do it, do it to get some money, for their client mostly or more or less. And why do they do it? Because they can get a settlement of something. But a nuisance suit against a public body would not be very effective, would it, because if, first of all, somebody has got to agree to pay it, or you will have to get the judgement, and then the town council or the city, the State of Louisiana has to pay...agree to pay. A nuisance suit, in my judgement, just wouldn't be brought because you have to not only win a suit, if you can ever win it, but you've got to go get an act.

So I'm open for destruction, now. Thank you. Mr. Lanier.

Questions

Mr. Derbes Justice Tate, does the adoption of this amendment indeed create a new clause or right of action against political subdivisions or against public officials?

Mr. Tate No, in my judgement, no.

Mr. Derbes Does the existing provisions regard...do the existing provisions regarding the immunity, whatever they are, do they indeed prevent anyone from filing suits?

Mr. Tate You can't stop anyone from suing the State for anything, you see. But he can't win, maybe.

Mr. Derbes So even if a suit under existing provisions of sovereign immunity were filed, either mistakenly or perhaps appropriately, it would still require the person sued to come in and defend it and raise arguments of no cause of action. Isn't that correct?

Mr. Tate Yes, sir

Mr. Derbes Thank you. Very much.

Mr. Drew Judge Tate, there has been quite a bit said about decisions of the Supreme Court. Do you not think that your court might reconsider those decisions in view of Section 34 as recommended by the Committee on Legislative Powers and Duties?

Mr. Tate What does Section 34 say?

Mr. Drew It says, 'the legislature may authorize suit to be filed against the state, agencies and public subdivisions to provide a method of procedure in effect if the judgement which may be rendered, that being in the constitution...do you think your court might reconsider your decision?'

Mr. Tate I personally don't think so. The legislature has done the law—electrical, the onerous one which just said where the court had created an immunity to a quasi-judicial status that would sue and be sued and that was winning that the court would leave it to the legislature.'
Mr. Chairlain. Mr. Chairman and fellow delegates, this is a very important issue we are discussing this afternoon. I have sought the advice of several of them and was told that this would cause much reflection when delegates have already changed their minds. This frightens me in a lot of ways because this is very important. I am concerned as a businessman with the way these things happen in the community. I am concerned about insurance, about the cost of insurance, I am concerned about many, many things that I think we all should be concerned about. Mr. Chairman, if I am in order, I'd like to move that we pass over all of Section 14 until tomorrow. Give us a chance to think about it some more.

Further Discussion

Mr. Jack. Mr. Chairman and ladies and gentlemen, I rise in opposition to this amendment. You read the material before you and it's very clear. If you pass it as it is in the material, in order to bind the state you will have to pass legislation permitting the legislature, that's the law now, with one exception. Under the present law, in setting up some time back, the highway department, the legislature gave permission for the state and sue and be sued, which was the exception. But as for anybody else, the present law is, you've got to get permission of the legislature and that's the way it should be. Now all the states and I have the greatest respect for Judge Tate, he's a personal friend of mine, one of the fine members of the court, but certainly anybody else doesn't need to be. You don't get thrown out of court because in the present law you've got to have permission of the legislature, as you sue the state, school board, subdivisions and those, except if you sue the highway department. Now let's watch this closely, ladies and gentlemen. How would you like a bunch of disgruntled people to come in and get under this amendment where they don't have to get permission, anywhere in a little town or a little parish, and bring the suit and get to try it and put you to all that expense even if you won? You don't have to get permission to have any sovereign immunity and that's what you've got right now. You decide whether you're going to let a person bring a suit or not. To get back with what Mr. LeBreton said, the legislature is trying to override that, and Mr. LeBreton is against this amendment. The Jefferson Island Sulphur Company got that big judgment, I forgot how many millions, so, it's no production after you get a judgment, you know what your got to a legislative appropriation to pay it if they're going to pay it if you get a judgment. The legislature, a lot of people thought that was wrong when they voted all that to pay that Jefferson Island judgment as I recall in three installments. After I refresh my memory talking to Mr. Edd, I tell you how you have no trouble at all in deciding to vote against this amendment. When you go home, talk to your mayor and tell him, I voted for the amendment, Mr. Mayor, that lets anybody and his brother, good or bad, regardless of the merits of the suit, sue our fair city, and sue the school board and sue the police jury, and you'll see what your police jury is going to tell you, and what your school board is going to tell you what and your mayor is going to tell you, you better think of that. I say let's kill this amendment. Let's kill any amendment, any amendment, let's get along. We were moving good the other day. We're moving terrible. I said last week at the rate we're going it was going to take two years. Might double it in three years, and twelve days, if we move at the speed we did last week. We've got a lot of these bills just like this.

Further Discussion

Mr. Drew. Mr. Chairman and member of the convention, I'll only take a minute because there's little to say, it's not that hasn't been said. It doesn't go back quite as far as some of the previous speakers on this issue of the "king can do no wrong," possibly it has been covered by the theory. But let me tell you what I think. I am not the answer to and possibly someone here does. Suppose a tremendous accident happens and it wound up with a ten million dollar judgment against your school board and your school board did not have the money to pay the judgment without going into complete bankruptcy. What is their bonding position for future bond issues with a ten million dollar judgment against them? I don't know, but I think anyone purchasing those bonds would look very closely and look a second time before they bought those bonds. As I said, this is not the "king can do no wrong," but that the public as a whole should not suffer for the benefit of an individual. That's the real basis of the real theory behind the immunity clause. I am going to support the clause as recommended by the Legislative Powers and Functions Committee. We have been operating under time and a one with a valid claim has been denied a suit. Let me bring this to your attention in the same light. When the legislature authorizes suits, and I don't think valid claims have ever been refused, they must, and I certainly do feel some obligation toward fulfilling payment of the judgment that is obtained. Without that immunity and that immunity having been waived by the legislature and then all of a sudden we go into session and we come up with a stack of bills and judgments a foot high. Then you are doing the exact thing which you are trying to avoid. You are then saying, "well, if the state does not have the money, you the legislators decide which judgments you think should merit being paid and which should not be paid." This amendment is bad. It accomplishes nothing that cannot be done under present procedure. I think that you are putting the legislature in the position of having no knowledge of those judgments until they should reach judgments. As Mr. Jack said, as Mr. LeBreton mentioned, when you have a tremendous judgment being brought, you have great political pressures to be brought in order to pay those judgments. The one judgment that Mr. Jack mentioned, I believe, was turned down by two or three administrations before it was finally gotten through for payment. I urge your defeat of this amendment and, in the final outcome, to adopt the recommendation of the committee.

Questions

Mr. Flory. Mr. Drew, under your theory of sovereign immunity, aren't you saying in effect that we put a price tag on justice?

Mr. Drew. No; I'm not saying we put a price tag on justice. Mr. Flory, I'm saying that the public, and that's the taxpayers and the people of any particular area or the entire state, their welfare is paramount to the welfare of you or me or any other individual.

Mr. Womack. I will make my question very simple. It's something for those who feel you need a new constitution to think about. Can you foresee the possibility of every municipality, every jury and every school board having to pass a resolution advising the public not to vote for this document as a result of this one item?

Mr. Drew. Very easily. Mr. Womack, very easily.

[405]
Mr. Jackson. Mr. Chairman, delegate to the convention. I rise in support of this amendment. The provisions of the state amendment have been brought out by Justice Tate, particularly, and Mr. Kelly. The opposition says primarily that this amendment is basically a nuisance, and I'm not sure that the kind of decision ought to be decided by the court, whether they are nuisance suits. My explanation is that there are what is called — specifically, where the question relates to the content of the offense. Clearly, the court can decide even before giving a habeas corpus hearing that it ought not to be even examined. We talk about it being a nuisance of that particular kind. It will be a nuisance or it will not be a nuisance. The state of Louisiana happens to hit the highway by an employee of the state. Should they not have the same kind of consideration? Another point is to say that this is a rage on the part of the state of Louisiana. I know particularly that they put up there and knock down some property or lien on some property by the state and I don't have the cash money to pay for it, they can seize my home or do that in a city or parish. Finally, we talk about the offenses that are committed, one after another. If we keep the committee amendments, you may have one of us as a legislator in the prescription period to file such a suit. I think that the immunities have been said by many of the delegates that it is eroding. As a practical consideration, the protection for the present amendment that provides that the legislature will approbate the money and if a judgment is rendered against the Legislature, they may only have twenty-five million, which is twenty-five hundred. As most of you know, we have about seven amendments which attempted to alter the state constitution to be determined in the present amendment proposed by Mr. Hays and others represent a more or less agreement as the best way to proceed with the present question. I understand that there are a couple of them that are going to clarify the act, if you mean that shall have to say this or that, if the immunity was done in the spirit of this, if I would ask that we adopt this amendment, because of the reason I stated before and particularly on the comments made by Mr. Kelly and Justice Tate. I yield to any question at this time.

Mr. Jackson. Mr. Chairman, please. I would ask that with the seven hundred odd votes presented to the legislature, we gave many people property values. Anyway, I will introduce a bill to let us use the statute. Don't you think it is about two or three hundred dollars just to get them that through the authorizing. Just when the same thing can be done by just putting the state without litigation, we can get it through the authorizing. I yield to any question at this time.

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Mr. DeBlieux: I think it would, Mr. Jackson. I say this: I would like a nuisance suit against the state, there's something wrong with him, the trouble he'd have to go through to collect any money out of it. It certainly won't be a nuisance to anybody but him before he gets through with it.

Mr. J. Jackson: Well, in fact, am I to understand you to say that any nuisance suits that have been filed against the state already gotten in the past, the sanction of the legislature? So that the legislature's nuisance suits does not really state what some people have attempted to.

Mr. DeBlieux: I agree with you. That's correct.

Further Discussion

Mr. Abraham: Fellow delegates, I've sat here for about an hour and a half or two hours and listened to all these arguments by these attorneys, judges, legislators, and the counsel. I have drawn from what the effect of this amendment is going to be. There has been so much difference of opinion on it. Nobody has convinced me in any way that will happen out of this. Now the legislative committee spent six months on this article, and I trust that they spent quite a bit of time on this particular provision, and the question I ask is where were the proponents of this amendment then? Why didn't some of these people appear before this committee, and speak to them about it, that it should be studied further in detail, and let them come up with the decision. We're being asked now to come up, within a matter of an hour and a half, to come up with a decision that everybody on this floor seems to be in disagreement on. We're asked to override the recommendations of the committee. Well I'm not a lawyer, I'm not a legislator, I'm not a judge. I'm an engineer and a businessman, and over the years I've learned one thing and that is whatever I have an area of controversy where no one is sure what the result will be, or one in which I have a data that ought to be made, in a particular situation, I'd better leave that situation alone. I just better leave it as it is until someone can prove to me to my satisfaction that he has better data. So I would more readily accept that we reject this amendment. We accept the recommendation of the committee, and I was going to raise the question before but since we have other speakers, I think that we should let them speak. I think that we need to get on with our business, let's get off of this subject. Let's either say yes or no and get on to the next article.

Further Discussion

Mr. Gauthier: Mr. Chairman, as one of the delegation, one of the members of the delegation, the one of the delegation and of the one of the delegation, we have heard a lot of talk about nuisance suits and about attorneys and about the board fund being seized and this and that argument, and let it be who is bringing those arguments. And I think it is one of the biggest businesses in the state and all of those people, you know, I'm very proud of the way our directors there, Larry Young, Tom Coursy, Eddie LeBretou, Wellborn, Dr. Mason, you know, they've represented our company, and I don't think I am going to, I think I am not going to, I think I am not going to bring into this a victory, I think that we are not, that we are not going to, I think that we are not going to do that, and I commend them for doing it. But they are wrong gentlemen. A citizen should not be denied his right of action against the state. Let's examine it a little further. There are only five states remaining that invoke sovereign immunity. Nineteen of them have done away with it. In fact, of those by statutes, fifteen of them have also done away with it, by buying insurance for their different agencies. Again Louisiana remains at the bottom. There are only five of us remaining. Let's do away with this concept. Sovereign immunity does not belong in this constitution. Thank you.

Questions

Mrs. Zervigon: Mr. Gauthier, most of the discussions on this particular amendment has been on the concept of sovereign immunity and most of us I think favor it. I like the idea of overriding our amendment, and it is not the case when a suit is brought against a school board, the state pays the judgment if the suit is successful.

Mr. Gauthier: I couldn't answer that. I see Senator DeBlieux saying no. I don't know to be honest. Pappy Triche says yes, and I'll take his word for it.

Mrs. Zervigon: Is it the case.....

Mr. Gauthier: No, not on our side.

Mrs. Zervigon: So you're maintaining that there is no change in law as to how local governments are treated under this amendment and under the present law?

Mr. Gauthier: Would you repeat that please?

Mrs. Zervigon: I say, is it your position that there is no change in law as to how local governments are treated under your amendment from the way they are presently treated under the present constitutional law?

Mr. Gauthier: The only change would be the abolition to bring the suit without sewer, localassess watts. The methods of payment would stay the same.

Mrs. Zervigon: Thank you.

Mr. Burson: Mr. Gauthier, in one of the questions about the nuisance exception to the sovereign immunity doctrine that exists under the present law. Isn't it true that under the present law, if a city or a county board or any public authority violates a contract that one party has and it is for violating that contract without the party's having to go to the legislature to get permission. The methods of payment would stay the same.

Mrs. Zervigon: Thank you.
Mr. Landrum Mr. Chairman, and fellow delegates,

In response to Mr. Abraham, I am on that committee, and I did raise these questions during the committee hearings. I do believe that the state should not be able to do any more to the people than what the people can do to the state. Now, I'm in love with this state, I have a family to raise in this state, I have a mother and father and their grandparents, right here in this state of Louisiana. So I'm concerned about the state. I believe that people should be able to file suits in the regular channels without being able to get permission from the legislature. Why should anybody have to go to the legislature to file a suit against the state? I'm not saying anything about winning a suit. I'm only speaking in regard to the fact that if I want to sue the state of Louisiana, then I should be able to go to the courts, get an attorney, and if that attorney feels that I have a good case, then he proceeds with that suit. If not, he should advise me that Landrum you don't have anything. So don't y'all follow through with this. Last year alone, rather this year, 17 individuals were denied the permission to file suit in the state of Louisiana. The legislature denied 17 right here in this state this last year, this year. Now, we talked about what happens when... in order to collect. I'm not really that much concerned about that point of it. Do you understand the way I put it. In part, there are people who have sold their homes, who have mortgaged their homes to pay off suits. If the state would have to mortgage one of its buildings to pay off a suit, then so be it. But I don't think it would ever get to that point. I believe that the people are concerned about the state of Louisiana just as the legislators are concerned about it and they're not going to do anything to this state. They're not going to try to harm this state. I don't believe they will. If I should see people trying to harm it then I think the right thing too. I'd fight anybody about Louisiana because Louisiana is where I was born. I don't plan to go anywhere else to live. This is where my children are, and I'm concerned about this state. Therefore, I ask that you support this amendment because I believe that it's a good amendment. Thank you.

[Previous Question ordered. Record vote ordered. Quorum Call: 111 delegates present, amendment rejected: 49-65. Motion to reconsider tabled.]

Recess

[Quorum Call: 83 delegates present and a quorum.]

Amendment

Mr. Paynter Amendment No. 1: [by Mr. Paynter]. On page 7, delete lines 6 through 11 both inclusive in their entirety and insert in lieu thereof the following: Section 14. Paragraph A. Neither the state nor any of its agencies or political subdivisions shall be immune from suit. B. However, public property shall not be subject to seizure and no judgment against the state, its agencies or political subdivisions shall be a lien upon public property, or paid except out of funds appropriated for the payment by the state, its agencies or political subdivisions against whom judgment is rendered.

Explanations

Mr. Tapper Mr. Chairman, and members of the convention, fellow delegates, there has been much debate on whether or not the state and its political subdivisions shall be immune from suit. I subscribe to the principle that the state, neither the state nor any of its political subdivisions should be immune from suit, and I subscribe to most of the arguments that were brought here by proponents of the last amendment. There was much said about the attorneys filing frivolous suits, but I ask you to think about who those suits are filed for. Suits are filed for reasons of this state and other states, but mainly of this state. In most instances, when the political subdivisions have insurance protecting them from public liability, in those instances, you can sue the insurance company. The amendment will delete the immunity provision from the constitution in the case of the state or any of its political subdivisions without going to the legislature for permission. It's been said here and elsewhere that the bills down turned down the request. Well, if that be the case then there is no necessity for the immunity provision in the constitution. However, let me bring to you the basic provision and the reasons for its provision. Prescription is going to be run while the legislature is out of session, now, in the world in which you can get the permission of the legislature to file a suit against any political subdivision or against any state or any agency of the state. My amendment will take care of those arguments or the arguments of the people who feel that there should be no immunity. It also will take care of the argument of those who fear that public property would be seized or that a political subdivision or the state would have to mortgage or sell property. There have been arguments against, because it simply says that that public subdivision or agency or if it be the state, against whom a judgment is rendered may appropriate the money to pay them. That it may be seized. They may not have, because it simply says that that public subdivision or agency or if it be the state, against whom a judgment is rendered may appropriate the money to pay them. They may not have the money, they don't have to appropriate it. But this takes away one step, one unnecessary step. If you go to the legislature first for permission to file a suit, then having to go to court to prove your case, and then after you prove your case, having to go back to the legislature to ask them to appropriate the money. Now, under my amendment, one step is taken out, but the legislature can still say that we don't have the money or we're not going to appropriate it at all, you don't get the money or the judgment. Unless there are any questions, I think that we've labored this quite at length, but I would like to impress you with one vital thing, we're not talking about lawyers filing suits. We're talking about people who have valid claims having to go through unnecessary rituals in order to have their claims heard.

Question

Mr. Stinson Mr. Tapper, we've seen the courts do a lot of things in the last few years that never were anticipated, but don't you think that if a suit was filed in the federal court which I think it can under this bill, and that a school board or police jury had a surplus at the end of the year and they just arbitrarily failed to appropriate it and refuted that, can't you see that court ordering that it be paid?

Mr. Tapper Mr. Stinson, with some of the things that I've seen done in that particular tribunal, I think that they could do it right now and get away with it. Mr. Stinson, I don't believe by putting this in this constitution that we're going to do anything about that. In further answer to your question, I believe that if you file a suit in the federal court now against the state or any of its political subdivisions this immunity provision will not prevail.

Further Discussion

Mr. Jenkins Mr. Chairman, delegates to the convention, I rise to speak on this subject because I think perhaps you'll call this important. Seldon during this convention we pass an amendment where there is a more clear, cut line to be drawn, where we will decide in this particular case what is an individual citizen versus the arbitrary discretion of state government. That's the real question will one citizens be allowed to have the jurisdiction of the law being rendered in a case. Will our courts be open to hear them in every instance? Our present constit
tution in the bill of rights in the 1967 Constitution says all courts shall be open and every person for a injury rights, lands, goods, person or reputation shall have adequate remedy by due process of law and justice administered without denial, partiality or unreasonable delay. This is the purpose of the appellate court. Sovereign immunity is contrary to that provision. It always has been. It's something out of the dark ages, literally, which has been written in and has been written in after state where an arbitrary government could keep him from even going before the courts to determine whether liability was due him from the state. It started with the king. Then it was written in wrong and the state could do no wrong, the politicians can do no wrong. We know they can, and I would hate to think that we would have to go back to those days when we tell the courts to any citizen of this state who had a grievance against this state. We can't afford to put government above the people. If government makes laws, it ought to be bound by those laws. There ought to be no escape. They shouldn't be able to say, no we're above the law which we have passed, but that's what sovereign immunity does. It makes a distinction between government on the one hand and every other person on the other. There should be no price tag on justice either. That's been one of the most plastic statements made in this 1973 session. No price tag on justice. If the state owes it, the courts ought to hear it and pay it. There is a question here too of separation of powers. The lawful separation between the executive branch and legislative branches of government. Disputes are to be decided by the judicial branch. They are to hear all sides of a question and make a determination. It's not for the legislature to determine whether the judiciary should even hear a given cause. If liability is there the court should be free to determine it, not barred from that determination. There is some confusion too, regarding a basic legal principle. The difference between right of action on one hand and a cause of action on another. Before you can go to court and be heard you must have a right of action and a cause of action. Abolishing sovereign immunity with regard to initiation of suit only deals with the right of action of a person to go to court. It doesn't give him a cause of action. If we abolish sovereign immunity in this respect, we will not be giving anyone a cause of action against the state. They must have a cause of action independent of that. It simply means that if they have a cause of action, their right of action will not be denied them merely because the state chooses to hear their particular suit. Someone said we must protect the state against some individual who might have a claim against it. Listen, the purpose of this constitution is to protect the individual against the state. This state has almost unlimited resources and personnel. A simple individual does not let. Protect the individual and stand up for him. This does not give him carte blanche to run over the interest of the state. It simply says that he will be heard by the state, by the tribunals, and if a judgment must be in his favor, it will be rendered.

Further Discussion

Mr. LeBreton  Mr. Chairman, member delegates thought I'm not an attorney, I believe that if you would read this floor amendment very closely you will see it's very close to the previous amendment that we debated and had over 20 speakers. I think that those 20 or more speakers gave every point that was to be given. I don't believe that anymore can be said on this amendment after we covered the previous amendment. The attorneys that are speaking today tell me that this amendment is the same from the point of view of the state and from the point of view of your community, maybe it's a little bit worse. So, having gone through this debate for some time and listened to many speakers, I ask you to continue to vote down this thought and therefore vote down this amendment, thank you.
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Mr. Lebreton Not in my opinion, as I said in many words.

Further Discussion

Mr. Jack Mr. Chairman, ladies and gentlemen, I rise to oppose this amendment. It's just like the other one and I wouldn't have taken the floor, except I wanted to mention one or two things. Now, my friend, Mr. Jenkins, is talking about no price tag on justice and all those kind of things, rather surprised, like the do-gooders, but let me tell you there are things where you have to have laws. For instance, last year I've practiced law on August 2, I've had lots of people I've gotten acquitted for various crimes. Now, you don't have a law, even with the permission of legislation, let's those innocent people that I got off, because they were all innocent, of course, doesn't allow them to sue the state, even if the state agrees to let you can't state a cause of action under our law. You can't sue the state in an instance in the union where you've been charged with a crime and you're acquitted. If you could prove the O.A., did it in the instance of good causes, you could sue him. It's not always everything you're entitled a compensation for. You think of the good of everybody. Now, there's been instances where people were convicted not...don't interrupt me...there's been instances where people were innocent and convicted wrongfully where a legislature has reimbursed them. There was a man who wrote a book called Errors of Criminal Justice. He was a professor at Yale on Conviction of the Innocent. It had two names. It showed numerous cases of innocent people being convicted and later it came to life that they were innocent. Now those people, if they sued in any state, they couldn't get any judgement. Even though the state settled the lawsuit and the recourse he had was to go to the legislature. Many a person has been acquitted in the last few years here in federal courts, state courts, city courts and all of it. Now, if you all want to protect everybody, why don't you get busy. I'm not in the legislature and I don't believe that way that...nobody's perfect and the prosecution is going to make some errors, but you people, if you're a do-gooder and you think that everybody that's acquitted ought to be able to sue the state, you who are in the legislature get busy and pass a law and you'll see. Our lawyers really pick up steam. We won't need to practice but a few years before we'll have plenty of money. Now that's just the thing that people want to do. A lot of these, this thing, take a chance on maybe being prosecuted when they are innocent and get convicted or turned loose, and if you've got laws that are beneficial for the state as a whole. We've killed one bill. There's a lot of lobbying going on on this and let's kill this amendment. Thank you.

Further Discussion

Mr. Burson Folks, you know, you get lost in all this, wind and sometimes you can't see the real issues. What's the real issue in this case? It's just like Mr. Ayer pointed out. The only thing that would change from the present situation as it would be necessary for a citizen of this state who was injured to come to the legislature and get permission. Now, there has been great notice here on the part of all the legislators who have spoken against this on the fact that the school board has immunity. Let me tell you that I am a member of a school board and I am an assistant district attorney. So I have a little bit more experience about how school districts work and the legislative who have thought about this and enlighten you on this point. What do we talk about with regard to a school board? With a school board right now, if the school board violates any law, we can sue the school board. If there is a railroad crossing such as happens often last year in our parish, if you want to maintain the railroad crossing, there is a children that if a railroad board is short-sighted enough to have failed to keep the railroad crossing, there is a children killed. You're telling these parents of the children that if your school board made a railroad full of kids that hit by train at a railroad crossing such as happened last year in our parish, if you want to maintain your railroad crossing, there is a railroad crossing, there is a children killed. You're telling these parents of the children that if your school board is short-sighted enough to have failed to keep the railroad crossing, there is a children killed. You're telling these parents of the children that if your school board is short-sighted enough to have failed to keep the railroad crossing, there is a children killed. You're telling these parents of the children that if your school board is short-sighted enough to have failed to keep the railroad crossing, there is a children killed. You're telling these parents of the children that if your school board is short-sighted enough to have failed to keep the railroad crossing, there is a children killed. You're telling these parents of the children that if your school board is short-sighted enough to have failed to keep the railroad crossing, there is a children killed. You're telling these parents of the children that if your school board is short-sighted enough to have failed to keep the railroad crossing...
Further Discussion

Mr. Duval Mr. Acting-Chairman, fellow delegates, I am at this time, toting on the horns of a dilemma for the following reasons. I think that if all we ask is that the suits be in tort, certainly the doctrine of sovereign immunity should be waived as it now stands because I think it's farcical, in that it's been eroded away completely. What constitutes that protection is not money but a expenditure of money. I think that you have plenty of protection under the Roy amendment and under the present amendment there. I'm worried about the extent of sovereignty...how it exists, and I've talked to 10 or 12 lawyers and all of them had different opinions. One, if I were to sue the state alleging that it failed to provide and grant, I owned the property upon which the state capitol is located. Many people say that I should be able to sue that right. Well, in that instance, as a matter of public policy, I think that the rights of one individual would be diminished because of the rights of the whole. In other words, in the event the person prevails he is rewarded with wisdom, held in the favor of the plaintiff, then we would have to...it would cost the state a great amount of money. What I'm saying is are we're all talking about is tort? Are we talking about other suits? Now, if someone can give me a legal opinion that there is no immunity at all, the state has no immunity at all, except in matters of tort, then say, let's do away with it now. I agree that the state has presently has an immunity on suits such as land suits, etc., perhaps certain public policy decisions which have made that a policy decision that should be made by the legislature and not the courts. Now, if someone can certify to me that legally the states immunity only applies to suits, then we've been wasting a lot of time, because we ought to do away with it. But if the states immunity presently applies to other matters, then suits in tort where you don't have a common judgment...you're not worried about collecting money...you have a judgment for land or mandamus or for other things, then the public could suffer for the rights of one individual. We do live in a society and we all make a social contract, and I don't think that the rights of society should suffer for the rights of one individual. It's a very difficult question and I am very torn with it, but if the law is now that there is no immunity except in tort, then, heck, let's do away with it, but I'd like for someone to inform me about the law. That's what I'd like, and I'm an attorney and I don't know.

Questions

Mr. Perez This is a proposal with respect to waiving sovereign immunity is so great, why do you think that the United States has never waived its immunity and still retains the position that you must secure its consent before you sue?

Mr. Duval Well, I would assume that that immunity would apply to other things other than tort.

Mr. Angalone Mr. Duval, are you satisfied that this present amendment does not restrict itself to tort actions?

Mr. Duval Yes.

Mr. Roy Mr. Duval, in your question about the social contract, I take it that when years ago the majority of people felt certain people should be discriminated against if that was a social contract thing, then the right of the individual should have been superseded by the right of the majority, do you agree?

Mr. Duval I think that question is phrased such that I refuse to answer it because it doesn't make sense.

Mr. Roy Oh, yes, it makes sense. Aren't you saying that irrespective of the right of the individual that the social contract mandates that the state whether it is right or wrong supersedes the individual?

Mr. Duval Well conceivably the court could say that the title to the state of Louisiana was an Alphonse Gaston and we all had to leave and be evicted. Now, should all the rights of all the other individuals be sacrificed the right of Mr. Alphonse Gaston who has got a legal claim to the state of Louisiana under the Louisiana purchase was defective?

Mr. Roy You haven't answered my question but...

Mr. Duval I am attempting to answer it in the same way it was asked.

Mr. Roy No, I thought you meant that the individual is subservient to the state alone.

Mr. Duval Of course not, that is not what I mean at all. I say in certain instances the rights of one individual would be mitigated by the rights of all the other individuals in the state.

Mr. Roy Shouldn't that individual at least have the right and the privilege of going to a court of law to determine whether his rights superseded that of the state or not? And isn't that all we are asking in this particular amendment?

Mr. Duval I agree with you basically, except in certain crucial instances I think that the decision is a political one.

Mr. Roy Well then the state and its judiciary system in my opinion, and I am asking you, don't you think that the state court would then say that we waive the interest of the individual against the state and let one half million people and we then will rule in favor of three and one half million people?

Mr. Duval Well, you boil down to where you put it on that?

Mr. Roy But I would like to know really does the immunity exist anyhow and if it doesn't?

Mr. Duval I can agree with you...

Mr. Casey I am sorry Mr. Duval you are out of time.

Further Discussion

Mr. Stoval Ladies and gentlemen of the convention, Delegate Denbery has an amendment which is on your desk which will be presented later on. Which seems to accomplish the purpose that many of you are concerned about, without relinquishing the rights of the state. It says in effect, the legislature shall adopt statutes providing methods of filing suits against the state, its agencies and political subdivisions. Such statutes may waive immunity from suit and liability and shall provide a method of procedure. My point is this, the present amendment which is before us is extreme. This amendment that will be presented by Mr. Denbery seems to be a middle of the road position which answers many of the concerned. My suggestion is that we vote on the amendment which is before us. I think most of us have made up our minds and then that we deal with the amendment that is being presented by Mr. Denbery. And Mr. Chairman, if I am in order, I would like to move the previous question.
amendment and I want to try to correct a couple of misconceptions. As I mentioned before, I am entirely sympathetic to those who wish to expand the state's liability, for want of a better word, for negligence, to respond in suits for such matter. The United States government enacted the federal tort...claim act. That act permits suits for negligence against the federal government, but it is limited in scope to that activity. Under the original proposal the state of Louisiana could enact a comparable waiver of liability for tort claims. And I think probably the legislature in Baton Rouge should have thought of the rights of the individual in such action. The amendment here goes far beyond the rights of the individual. It opens up the state to suits not just by individuals but by large corporations as well. And there may be quite a few such suits hanging in the wind and some substantial liabilities on the part of the state. Right now when the state leases lands and royalties are paid to the state, it keeps those royalties, no matter what. Be careful about what you do with this amendment. Be careful what you do in this area because you may be opening up a possibility that will bring on the state serious economic consequences.

Thank you.

Mr. Avant Mr. Conroy, you partially clarified the question that I was going to ask but I just want to ask it again on this point. Any implication by any person in any part of the United States of America still retain the doctrine of sovereign immunity to the fullest and utmost extent is not correct. It has waived sovereign immunity under the federal tort claims act. Has it not, sir?

Mr. Conroy Under a statute which would similarly be possible under the original proposal submitted by the committee.

Further Discussion

Mr. Shannon Mr. Vice-Chairman, fellow delegates, we have been arguing this thing back and forth for about two and one-half hours now seems like, maybe longer than that. And I have heard some of the attorneys get up here and say what the committee came out with was good and I have heard others offer amendments to try to change it. As I see it, the committee's recommendation is good so I now move the question on the entire subject matter of Section 14.

[closure for the Previous Question on the entire subject matter rejected: 31-63. Previous Question ordered on the amendment.]

Closing

Mr. Tapper Thank you, Mr. Chairman and fellow delegates, I know you are growing weary with these arguments and I'll try to make it brief. I would like to first though point out Mr. Burson pointed it out very, very ably about the school bus filled with children who would lose their right to sue if the legislature did not authorize it. And my amendment I am sure, Mr. Burson, he spoke in favor of the amendment and I just hope that you realize that he did because he didn't want to try to convince anyone one way or the other, he just wanted you to know what you were voting on. Insofar as the federal government, yes it is true. There is a federal tort claims act all of you lawyers know it and you can sue the federal government directly without their permission, without their consent. As far as it being a political decision which somebody said a while ago, it should be a political decision, we all know with the individual has a right of action against this state that individual should be able to exercise that right without having screening through one eight or one fourteen member of one committee of one of the houses of the legislature and if you don't know the way it works, that is the way it works. There is a judiciary committee at each house to which these bills or resolutions are directed. If that committee does not report them out favorably it is not voted on by the house and therefore you are deprived of your right to sue when you have a valid claim. Now, yes, the only thing we are doing with this amendment is taking away the supervision of the legislature and this should not be there anyway. Now I ask you, you make the decision, do you want to stand by the sovereignty of this individual who can deprive any individual of his right of action? Not only these children in the school bus, what about a man twenty-five years old with about five or six children who goes up the highway and a garbage truck crosses a red light or a stop sign in front of him and kills him. He cannot sue unless he gets the permission of this committee of the legislature.

I am a member of the legislature, yes, and this is not one of the rights I think the legislature should have, it is not one of the authorities I think they should have. I believe you should weigh it as between the individual right and the right of the state. And don't make any mistake about it. Mr. Tapper and the subject of the legislature is insured against this. So we are not doing anything here for the lawyers, we're not doing anything here to deprive the state of any of its money we are only attempting to give the individual the right to file the action if he does have an action. If he has no cause action he will lose his case in court. So at least if Mr. Tapper, you, Mr. Tapper, you would do it that way. Let's not put the state between us and the people we represent.

Questions

Mr. Guarisco Mr. Tapper, wouldn't you say that to allow the legislature to, in its discretion, to give or refuse permission to sue can limit large or small government in that the garbage truck or the bus driver or the highway department dump truck can run around with impunity knowing that he can't be sued if the legislature doesn't allowed him to be sued, is that correct?

Mr. Tapper That is absolutely correct and I might tell you of an example of a case that came by me and that was against the federal government for a national guard truck. There was a case where a claim against the national guard driver of the national guard truck the state could not be sued because you had to get permission but the federal government was sued because it happened to be called out in a national emergency and that person was able to sue the federal government but not the state.

Mr. Guarisco Mr. Tapper, isn't it also correct that if you oppose and vote down this amendment then in effect you are adopting the philosophy that it is better for an individual to sustain an injury than that the public should suffer an inconvenience?

Mr. Tapper That is exactly correct.

Mr. Stinson Your wonderful illustration about the national guard, isn't it a fact that that national guard was federalized when it was called out and it was on federal duty and not on state duty and therefore the federal government should have been sued?

Mr. Tapper Yes, sir. I am glad you asked that question, because I have a similar case where the national guard had not been nationalized and the party that was aggrieved could not sue Mr. Stinson. If there are not further questions I will ask you to really consider this, I know you voted down the last amendment and I know a lot of you have thought about the philosophy behind this particular amendment but believe me in most instances, in all the instances on political subdivisions...
Mr. De Blieux: I might say this, Mr. Chairman, ladies and gentlemen of the convention, this particular amendment will allow the legislature to set up the procedure by which suits against the state can be authorized and how the judgment will have to be paid. They cannot be paid except by appropriations. The amendment provides that and I think it contains some of the things that the other amendments were lacking. The issue of the immunity of the state has been well presented to you. This contains that particular provision that I don't want to discuss. Let's get back to the other one that I think Mr. DeBlieux is assuming that all possible such suits have been presented to the legislature in the past and may not have been.

Mr. De Blieux: Well as far as I know, I don't think we have ever had an occasion where we have denied the right of an individual to enter suit but I do think it causes a lot of trouble to do that and say why cause him to go ten miles to do something when he should be able to do it in one.

Chairman Henry in the Chair: Question

Mr. Champagne: The question that worries me Senator is are you establishing, are you doing away and you are saying that absolutely no immunity is enjoyed by the state? Is that what you are saying, in no case...not in the cases of torts of anything but none at all?

Mr. De Blieux: Well, the legislature will set up the procedure because it provides for that for the waiving of the immunity.

Further Discussion

Mr. Fulco: Mr. Chairman and fellow delegates, excuse me for taking up your time. I haven't been here in some time but I have been motivated and inspired to talk on this subject. However I have hoped that it would be resolved by now. We have heard about the gerbage trucks, the children in the bushes, we have heard about the automobile accidents, and we have been led to believe that they have no right to sue the state. I can't conceive possibly...possibly conceiving of these people being denied the right of a bill being introduced in the legislature and receiving permission. The legislature shall, as a matter of the legislature shall have the privilege of setting the procedure and the amendment says that the legislature shall set the procedure by which suits against the state and its political subdivisions can be filed.

Mr. Tobias: Then other than the procedure, there is no difference?

Mr. De Blieux: Other than that, I'll say that this is the main provision in this. That the legislature will have control over how the suits will be initiated.

Mr. Conroy: But Mr. De Blieux this does contain the same attempt to waive all immunity that has twice been voted down by this convention, is that correct?

Mr. De Blieux: Well, it does contain that, Mr. Conroy, but let me say this. At the present time the immunity could still say that the legislature cannot be paid because it is only adopted, you are costing the state money by having to pass those resolutions. You are making it the legislature as you might say it a little bit more popular with your constituents by being able to handle those resolutions and you are creating the nuisance of the individual and having the legislature get his resolution passed and costing them that extra amount of trouble. You are certainly not taking care of your constituents and the people and the private interest is by the legislature to get that procedure. Even though you don't deny them the right to proceed because the legislature usually gives it.

Mr. LeBreton: Mr. Chairman, fellow delegates, I will be very brief. I somewhat subscribed totally to what Mr. Fulco said and I particularly want to point out that the objection that I have to this amendment is A. It is 80 to 90 percent the same of what you have defeated previously and secondly and most important as I present my case the speaking for the... hopefully for the committee, that what we have done is studied the matter we have made
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few changes. We present to you a rather proven and
tried method that has existed and with the few in-
provements that we have recommended under our com-
ments that I have mentioned to you earlier. I will
give you a rather one-sided argument to work from. And
I repeat again, I know of no reason to change, ex-
cept that I appreciate the wisdom of the attorneys
that have come up here. But outside of that I see
of no reason to change. There is certainly no re-
quest from the people of the state of Louisiana and
I hear everybody talking about representing the peo-
ple in Louisiana. They haven't asked for a change.
So let's vote this amendment down and other amend-
ments and hopefully we can go on and pass this sec-
tion

Thank you.

Further Discussion

Mr. Warren: Mr. Chairman and fellow delegates, I
asked Mr. Roy about helping me to put this amend-
et together and I noticed on it my name was
spelled wrong but that doesn't matter. Since Mr.
LeBreton mentioned that none of the people really
wanted it this is why I asked for it because it has
come to my attention from a number of people that
this is one of the things that they wanted. So I
could not sit there and say that no people wanted
it because when I go back home they are going
to be challenging me on it and you just want to take
this privilege of letting them know and letting you
know that I am representing them and what they want.
I ask you to vote for this amendment.

Further Discussion

Mr. Roemer: I will make it real brief. I support
this amendment as I also have supported the previous
two amendments that tried to do in substance the
same thing. The issue at hand to me is clear and it
was better said by a man far wiser than myself, Ben-
njamin Franklin. He said that those who give up
liberty to purchase a little security will soon find
that they have lost both, liberty and security. Now
that is the issue here, the liberty, the right of a
man to sue if he feels that he has been
wronged. What is the security involved? Those
legislators here and others who want that security
blanket of screening themselves want to deny some
liberty so they can keep that security. Now that
is the issue and it is a good issue, it is a basic
issue in a new constitution. I don't think we can
do anything less than put this amendment through.

Further Discussion

Mr. Casey: Mr. Chairman, and delegates, I will be
very brief. I believe I would like to urge first of
all that you defeat the amendment, and at least
retain the concept of sovereign immunity whether it
be the proposal that the committee is submitting to
you or one of the other proposals that may be sub-
mitted at a later time. Senator DeBilieux by the
wearing of his amendment says this. The immunity
of a state and any of its political subdivisions
from suit and liability is hereby abolished. My
understanding of a case that was announced in
1970 indicates that the doctrine of governmental
immunity in Louisiana is not an affirmative consti-
tutional guarantee. So to my way of thinking this
language doesn't even belong in the constitution to
start with. Because it is not a constitutional
guarantee that immunity exists. So I would submit
to you that if you adopt this amendment which does in fact
abolish the sovereign immunity that it is not neces-
sary to specifically have the wording that Senator
DeBilieux has in his amendment. I am suggesting to
you for the reasons. I have stated many times before
that you reject the amendment but also for the fact
that this I believe, contains superfluous wording.

[Revised Docket ordered.]

-Closing

Mr. DeBilieux: Mr. Chairman, and ladies and gentle-
men of the Convention, it is going to be very brief.
I just want to say this, that the individual citi-
zens have lost a lot of their rights. This is giv-
ing them back one of their rights that they should
have had, and should have, and I ask that at least
one time, let's vote for the citizens of this state
and adopt this amendment. I ask your concurrence.
Thank you very much.

[Amendment rejected: 41-57. Motion to
reconsider tabled.]

Amendment

Mr. Poyster: Amendment proposed by Mr. Denneny.
Amendment No. 1. On page 7, delete lines 6 through
11 both inclusive in their entirety and in-
sert in lieu thereof the following: Section 14,
Paragraph A. The legislature shall adopt statutes
providing methods of filing suits against the state,
its agencies and political subdivisions. Such
statutes and the word is may, I believe it has
already been changed from shall to may on your
copy but if not, you should make that correction.
Such statutes may waive immunity from suit and lia-
bility shall provide a maximum of procedure and the
effect of their judgments which may be rendered
thereon and may waive any prescriptive or preemptive
period. Paragraph B. Except when it may have been
alleged or hypothesized to secure payment of any
debt or obligation, public property shall not be
subject to seizure and no judgment against the
state, its agencies or political subdivisions shall
be exigeable, payable, or paid except out of funds
appropriated for payment by the state, its agencies
or political subdivisions against whom judgment is
rendered.

[4 coauthors added.]

Explanations

Mr. Denneny: The purpose of this amendment is to
permit the legislature to waive immunity if in its
determination it deems proper to waive the immunity.
But it does not bind the state forever and ever or
until another amendment to the constitution in order
to get back its immunity. I feel if the legis-
lature wants to try the immunity method, I mean
the waiver of immunity method, let the legislature
try it. If it is not proper and it finds it not to
be proper it can always remove the waiver and go
back into the state of immunity as if such exists.
The balance of the amendment I believe is self-ex-
planatory and I request the delegates to please
support it. I will be glad to answer any question.

Questions

Mr. Conroy: Mr. Denneny, I am just a little bit
confused because of the copy I received. The second
sentence does read, such statutes may waive immu-

nity, is that correct?

Mr. Denneny: Yes, sir. That is correct. There was
a typographical error and it was corrected in the
original.

Mr. Conroy: There is no automatic change in it?

Mr. Denneny: No, sir.

Mr. Conroy: In what way does this, do you feel dif-
fier from the committee proposal as such?

Mr. Denneny: The committee report as I understand
it, says that as it is now, that waiving of authorizin-
g suits shall waive immunity. It doesn't say waiv
waive immunity. It shall waive immunity from suit and liability. My amendment says it may
waive immunity from suit and liability.

Further Discussion

Mr. Jack: Mr. Chairman, ladies and gentlemen, after-
reading Mr. Denneny's amendment and noticed in the
word was "shall" still there. I wasn't for it, and I discussed it with him and it has "may" in it. So I became a coauthor. I like this better than the relative-made provision, but in fact we have there for this section, of course, the legislature can waive it in any and all of them. This, of course, will be the same, but this goes further. They can get up some guidelines. During the time I was in the legislature, we nearly always authorized a suit, but I thought, and I think you can do it under this in the sense that the suits we should have had set up where we could have at least require affidavits as to how something happened, especially a number of the suits that I saw like at Angola and all. So it be left to the legislature, so that, to me, is better than in the material we have. So I ask that you pass this amendment. Good.

Further Discussion

Mr. Roy Mr. Chairman, ladies and gentlemen of the convention. Mr. Jack and all the others have been talking about snakes and I'll talk about tad-poonets but this one is. This is much worse than what they call it. I am, in the legislative committee came up with. At least the legislative committee provides on line 10 that if the legislature chooses to waive its immunity, that is to authorize that it will waive its immunity. Under this thing, since Mr. Moose Denny has changed the word "shall" in line 4 to "may" the legislature may authorize you to sue it and then after you go through a formal process of suing and all, it may not waive its immunity. So you haven't done anything. This is very very important. We've been talking about something, and now I have a few more things and I have been voting the other way. But this is much worse, than the present legislative provision, because although it may authorize a suit, it may not authorize or waive its immunity. Well, what a fine thing you are in. So, you get to sue the state, or the political subdivision, but the immunity is not waived and your judgement is not worth the paper it's written on and you can never execute on it, and by that I mean you can't even present it for payment, because the defense says we didn't waive our immunity. Now if y'all are opposed to the concept of suing the state without its authority, although any public agency can sue and be sued, may be sued right now, and its immunity is automatically waived, that's one thing, but for God's sake don't come up here with something that allows the suit to be filed but does not permit the waiver of immunity. We are nowhere. I'll answer Mr. Womack's question, if he's got one on it.

Questions

Mr. Womack Mr. Roy, I gather from what you're saying is that you don't trust the legislature in good faith to go ahead and authorize a suit, and that you fear that they would be stupid or irresponsible enough to authorize a suit for a man, saying you've got a legitimate suit, you're entitled to go to court, but we're not going to give you anything. Is this what you're saying?

Mr. Roy I'm saying that in the past I have not always been confident of what the legislature did. But I'll be darn if I can get the legislature to authorize the filing of the suit but may not waive it. Immunity, because we got into that before. Missouri material was past post, if the Supreme Court has had to straighten it out. Let's look this thing is now about 20 lines long. If we're going to go with conformity and clarity and short concision, I believe in the Constitution, let's what the legislative committee has done. It's a lot shorter and it amounts to a little bit more than what Mr. Denny has proposed.

Mr. Drew Chris, in addition to what you just said with which I agree, can you see any purpose in the first sentence? Doesn't the Code of Civil Procedure already provide methods of filing suit?
Mr. Derbes. So, just like the Federal Tort Claims Act has been recognized by the federal Congress, that type of legislation could indeed be undertaken under the provisions of the original committee present. Isn't that correct?

Mr. Burson. It is not required however, I have a subsequent amendment that is coming that would require-require-it because it says that the state would waive its immunity in tort. We've had a lot of speakers tell us they didn't mind waiving immunity in tort, so we'll give everybody a chance to vote on it.

[Motion for the Previous question on the entire subject matter rejected: 34-1. Previous question ordered on the amendment. Amendment rejected: 24-1. Motion to reconsider raised.]

Amendment

Mr. Faynter. Mr. Avant sends up amendments. Amendment No. 1 on Page 7. I'm immediately after the word "subdivision" and the "", and before the word "and" insert the following: "may waive any prescriptive or any peremptive period".

Explanation

Mr. Avant. Mr. Chairman and fellow delegates, I'm going to be very brief. I know you're tired. I'm not trying to get you to waive immunity. The only thing I want to point out, the present constitution permits the legislature in these special acts to waive the immunity from suits to waive immunity from liability and also permits the legislature to waive any prescription that may have accrued. Now, in many cases it's impossible to get an act passed by the legislature to allow you to bring the suit within the one year prescriptive period which follows the date of the accident. That is not included in the committee's draft. There is no authority in the committee draft, specific authority, for the legislature to waive prescription. So since it was in the constitution now, if you take it out I'm afraid that the logical inference is that it was omitted for a reason, and that therefore the legislature cannot waive prescription. In which case, if you were not able to get in accordance to the timetable of when the accident happened and when the legislature meets and so forth and get your act passed and then you'd just be blown up. So I ask you to vote favorably for this amendment. It just puts back something that is in the present constitution and it doesn't affect any other phase of the committee's proposal.

Questions

Mr. Derbes. Mr. Avant, you're an attorney, is that correct?

Mr. Avant. Yes, sir.

Mr. Derbes. Let's take the prescription in Article 2315. For example, the one year prescription on causes of action for negligence. That's a civil code matter isn't it.

Mr. Avant. Article 2315 is in the civil code but it doesn't contain any prescription period that I know anything about. The prescription is in some other article of the civil code.

Mr. Derbes. Isn't it true, Mr. Avant, that, as far as I know, there are no prescription articles anywhere in the Louisiana Constitution? Isn't that correct?

Mr. Avant. I don't know.

Mr. Derbes. Well, I don't know of any, so I don't want to know why it's necessary to put this in the constitution in order to give the legislature the authority to waive prescription.

Mr. Avant. I will try to explain by you. The civil code says that the prescription for an action in tort is one year. That means that you've got to file the suit within one year after the accident happened. The present situation requires that the legislature may waive the state's immunity from suit, its immunity from liability and the waiver prescription. So, they frequently do waive prescription, and create a prescriptive period in the act itself. In other words, say you've got to bring a suit by a certain date. Now if you leave that out of the new constitution the inference is that you didn't because you don't want the legislature to be able to waive prescription, which I don't know if that was intentionally done. All I'm doing is asking you to eliminate any possibility that the courts could so interpret it and make it clear that there is no change in the law. The law is just what it's always been. You've got to get the act from the legislature authorizing the suit and waiving the immunity and if prescription is a problem the legislature would have the right to waive prescription. It's just as simple as that.

Mr. Landry. Mr. Avant, I'm not going to give up. I'm going to sit here and listen to every proposal. I'm going to listen to every explanation. I want to ask you a question.

Mr. Avant. Yes, sir.

Mr. Landry. It might be a bit difficult for you, because lawyers have been talking to lawyers, and independent people, and people have been listening. I don't know whether we're on radio or not but somehow, someway, I've got to explain, just in ordinary language. Now, I want to give you a difficult problem. The question is can you explain to me what is meant by may waive any prescriptive or any peremptive period. Can you in ordinary language, everyday language, not legal language, explain what that means?

Mr. Avant. I will try to do so. So Mr. Landry. The law provides a period in which a suit may be brought on various types of claims. A suit on an open account, I think, you have to file suit within three years, I think it's three years, within the time the account became due and demandable. A suit for damages is brought within one year after the act that caused the damage occurs. In other words, if somebody runs a traffic light and runs into you while you are proceeding through an intersection on a green light and breaks your leg, you have by law one year in which to file a suit. If you don't do it within one year you can't bring it later, it will be dismissed. Now, the present constitution says, in Article 1, forget the article but it's Section 35, in outlining this procedure the legislature may waive any prescription or period which may have accrued in favor of the state or other public body against any claim or claim which suit is so authorized. Now if you delete that language from your proposal the clear inference to me is that you no longer want the legislature to be able to waive prescription, and I don't think that that was the intent of the committee, maybe it was. I don't know. But I think that it was. All I want to do is put it back like it was.

Mr. Landry. Thank you, Mr. Avant. Thank you.

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ther the state nor any of its agencies or political subdivisions shall be immune from suit and in your copy this may not be included "or liability in tort".

Explanation

Mr. Burson: We've had a number of speakers today on this issue who had, I think, good faith doubts about the extent of just a blanket elimination of sovereign liabilty. They were worried about things like suits involving state land, which might adversely affect the whole policy of the state of Louisiana. We've had a number of speakers who expressed doubt in that area who said that they had no objection to an individual who was involved in an accident bringing a personal-injury suit without permission of the legislature. This is what the amendment says. You will note that my amendment does not substitute for the committee proposal. It would simply be an addendum to the committee proposal. The committee proposal provisions, which would permit the legislature to set up the means by which the individual would exercise his new-found right in tort could be done in a state tort claims act. You've already had previous speakers up here tell you that we have a federal tort claims act now. So, I am simply telling you that this amendment, the purpose of this amendment, would be to provide for a state tort claims act, which instead of breaking down into different categories or classes and removing the immunity from the state highway department and so on in another piece of legislation, removing the immunity from school boards and maybe in another removing it from the police jury, I would say let's go ahead and have one state tort claims act which would permit the citizen if he's injured in tort to act in the same legal capacity as he would against any other defendant in a tort suit, and let's let the legislature provide the means of how this could be done in a tort act.

Questions

Mr. Denery: Mr. Burson, why would the state have to authorize a suit to be filed if it has no immunity?

Mr. Burson: The only thing that I'm advertising to there is the legislature may authorize suits to be filed against the state and the effect of judgements which may be rendered therein. I have not affected that last clause the effects of judgements which may be rendered therein. It is certainly my intent that you will be able to file a suit without legislative permission. I am open and above board about that, if you were involved in a personal injury situation. If my hypothetical examples of the ferry boat that sunk or the school bus hit by a train at a railroad crossing were involved, you would not need legislative permission to file a suit in those instances or in any instance when you had suffered a personal injury at the hands of a servant of the state.

Mr. Denery: In other words, sir, the first part of this sentence in the committee report where the legislature may authorize really has no meaning any more...

Mr. Burson: It would be negated insofar as it referred to tort claims. However, we have been...

Mr. Denery: Thank you, sir.

Mr. Jenkins: Delegate Burson, in other words, this would simply put us in line with the federal government and waive immunity to the same extent that the federal government has.

Mr. Burson: It would be my interpretation that we would do this by this amendment, yes, sir.

Mr. Conroy: Certainly this amendment is not as bad as some of the others, but it still has had the proposed amendment does not do anything that the legislature could not do under the committee proposal. The legislature could enact a general tort claim act. Reference was made to the federal tort claim act. I'm not that familiar with it. I know that it exists. My impression was that it had certain limitations and restrictions in it. I am concerned again about the possibilities of the kinds of suit that we're opening up for the state. Suppose, for example, a major property damage suffered not by an individual, but by a major corporation whose property is flooded due to the negligence of a levee board employee, or something like that. There are many types of things that come to my mind that this could open up, that you can't close the door on again. Again I say, leave it to the legislature, that's what the committee proposal does. There sort of things can be handled. They've been handled in the past and I think that we should adopt the committee proposal and reject this amendment.

Questions

Mr. Abraham: David, the proposal by the committee said that the legislature may authorize a suit and this to me means they could simply change the law which says that people can sue the state for liability claims for personal damages or something without having to come to the legislature at all. Isn't the last sentence says that any law enacted shall waive immunity. So this language right here is simply superfluous to what's already here. Is it not?

Mr. Conroy: I'm confused about the thrust of your question, Mac...

Mr. Abraham: What I'm trying to say is that the amendment is not necessary because the provision of the committee takes care of that.

Mr. Conroy: The thing that the amendment hopes to do, the legislature can do under the committee proposal, yes, but the way we would have to do it. This is a blanket waiver that the legislature, I think, if it attempted to waive liability and tort would probably put certain limitations on that, it was doing, rather than exposing the state to multi-million dollar suits.

Further Discussion

Mr. Casey: Mr. Chairman and delegates to the convention, the more amendments that we have seen presented on this subject matter, the better and better and better I personally like the committee proposal. First of all, in the amendment as submitted by Mr. Burson, the word tort is used. I do not know where the word tort is used in the revised statutes, even, or in the code, the civil code, the word offense and quasi-offense, is used to my knowledge in the area of tort. The word tort certainly has legal significance, but it is more a word coined for colloquial, everyday usage rather than for to be contained in the constitution, and this point was very intelligently pointed out by one of the delegates on the floor here just now. Secondly, a proposal of this type doesn't belong in the constitution. Why are you going to give immunity just for a certain one kind of suit and leave all other types of suits alone. I submit to you ladies and gentlemen, that this has no place in our constitution. Either you for or against the concept, but don't make special itemized exceptions such as this type if you adopt this amendment. As Mr. Conroy very well pointed out, the legislature itself by act can waive immunity from tort actions and liability
therefrom if it deems appropriate and I can assure you gentlemen that under no circumstances may any widow if a truck driver or an ice truck or a milk truck with 15 children, have they been prohibited from filing a suit against the state of Louisiana, and I would urge rejection of the amendment.

Questions

Mr. Landrum Mr. Casey, now you have been in the legislature for some time.

Mr. Casey Six years, Rev. Landrum.

Mr. Landrum Six years. Well, all right, probably a little before your time even when one-third of the requests were turned down. Do you know that?

Mr. Casey One-third of what requests were turned down when, Rev. Landrum? I don't quite understand your question.

Mr. Landrum I believe it was 1965 or 1964, when in about 29 applicants' appeals to file suits, ten of those were turned down.

Mr. Casey Reverend Landrum, I don't know. It is possible...

Mr. Landrum Mr. LeBreton, I wish you were right up there beside him because you were there.

Mr. Casey Reverend Landrum, I assume that the question was directed to me...

Mr. Landrum Yes.

Mr. Casey ...and I am willing to say this. First of all, that it is possible requests for suit have been rejected, but do you know that as far as I know that when authorization is requested what the legislative committee, the judiciary committee, looks for is the determination first of all to see if prescription has run? Now if prescription has run, the person couldn't file a suit even if sovereign immunity was waived, and that's to my knowledge, all that the judiciary committee looks for, Reverend Landrum.

Mr. Landrum And I think that's really the cover you're really hiding behind, that prescription.

Mr. Casey Reverend Landrum, I'm not hiding behind anything. I feel very strong about the concept of sovereign immunity and I don't believe that we should automatically waive it.

Mr. Landrum Mr. Casey, I'll pass, thank you.

Mr. Jenkins Mr. Casey, under what circumstances and what facilities would the legislature have to determine the meritousness of a given case, as to whether or not it should be allowed to be entered into the court system? Is the legislature set up to do that sort of thing?

Mr. Casey To my knowledge, the legislature does not do it. It's the merit of a case, to determine whether it is meritorious or not, because then in fact, you would really virtually have to have a trial and present the evidence, and I think you know as well as I do that the judiciary committee, in fact, does not grant that. That all it does look for is the determination of the claim have or has not been made.

Mr. Jenkins No. Another word, it does not look into the merit of a case...

Mr. Henry Mr. Jenkins, you exceeded his time, sir.

Further Discussion

Mr. Landrum Mr. Chairman and fellow delegates, there are certain dangers of speeches of this type. The object that are not pointed out. In some of the other amendments there was a safeguard as to any such a judgment would be paid and the need for the safeguard was to see that regular procedure in the courts and other proceedings would not be disrupted. The Landrum of the school board that has been used as an example when the school bus was run into. Under this amendment as tied in with the recommendations of the committee, they wouldn't have to get authority from the legislature to sue, they would not have to get a legislative act to collect the judgment. All they'd have to do is go out and seize the school buses, any property that the school boards own, that the police juries own, or any property belonging to the state of Louisiana. There would be no exemption whatsoever, from the execution of a judgment, and I think that that could result in very serious items. Result in a lot of things: welfare funds, school funds, anything that they wanted to execute on could be executed. If all evidence tied in with the amendment or the provisions as recommended by the committee. Now it's all right to say that the individual whose property has been seized are a lot of school children and other people that could be injured if this is adopted as it is here. Now, if they wanted to do what is right and protect the majority of people that with the majority all the time and now we're talking about one individual, its one individual going to disrupt the entire school operation in an area because he has a judgment of maybe two hundred thousand dollars and seizes everything belonging to the school board; not to the school board but to the citizens of that parish that live in that school district. We've got to have some safeguards. If you don't we're going to really run into serious problems on execution on judgment. When they get a judgment against it, it's going to be to hold a parent of some little school child. As they say, it can be a corporation; it can be anyone that has sued on a tort action, whatever a tort action means, and get judgment. They can at any time seize anumber thing that they want to seize. That is dangerous and anyone that forces that on our different public bodies is doing a good service to the citizens of Louisiana. I'd like to caution you, this is not needed; under the provision of the committee, it can be taken care of, and I think we're going to get into serious trouble if you adopt this amendment.

Questions

Mr. Burson Mr. Stinson, do you know that my amendment in no way affects the language of the committee proposal which provides that the effect of the judgments which may be rendered in any lawsuit would be provided by the legislature?

Mr. Stinson But you're going...the provision as I read the law, maybe I'm not as good a lawyer as you are, Mr. Burson, but as I read the law, this is an exception to what the committee has said. It says that there will be no immunity from torts. That means that this provision of the committee will apply to other matters and that as far as torts you can sue anytime, execute anytime that you get a judgment. And the courts will hold that, too. To your sorrow, it will be, if this is adopted.

Mr. Burson Mr. Stinson.

Mr. Stinson And it might be that you might be an excellent district attorney by the time your school board gets in trouble over there.

Mr. Burson Mr. Stinson, if this is your opinion do you know that I would be happy to join with you in the other amendment which would clarify this, although I disagree with you.

Mr. Stinson Well I think that the other amendment should be put on first, Mr. Burson, because our
School Boards are having more and more problems over being financed now as we know. Bond issues are being voted down, and we are soon, I'm afraid, going to almost have a passed issue as to School Boards, so maybe we won't even have to apply to them.  

[Quorum Call: 96 delegates present and a quorum.]

Further Discussion

Mr. De Blieux Mr. Chairman and ladies and gentlemen of the convention, I'm going to make my remarks very short. I think that Delegate Stinson has made some remarks up here that he doesn't believe in himself, and I think some improvements that have been made in the legislation shall make the rules for the enforcement of judgement. So therefore, there's not any possibility of seizing any school funds, or buses, or anything of that sort. I want to make that very clear. I would say this, he made reference to some $100,000 judgements. If there is any judgement obtained in that amount, you can be sure that the person was entitled to something because as you well know, the courts very, very seldom ever allow judgments to take care of the damage that was actually done. If you have some improvements that have been made in the legislation, the legislature is not equipped to determine whether or not that individual has a merit to his suit. So if they are not equipped to determine the merits of the suit, why should you get permission from them to render the judgement in the first place? It should be in the hands of the court and why not go direct to the court to start with for your remedy? I ask you to vote for this amendment since we are only limited to the person who has been injured through damages by tort action. Somebody that's entitled to suit upon his claim. It's a good amendment and I ask your approval.

Questions

Mr. Tapper Senator De Blieux, isn't it a fact that in order to get permission from the legislature, some legislator must file something for that individual and that he cannot do it himself, can he?

Mr. De Blieux That's right, exactly correct.

Mr. Tapper And if he can't get a legislator to file it for him, then he can't file his suit, can he?

Mr. De Blieux That's exactly correct. You are making the legislature his errand boy to do something which he ordinarily should be able to do by himself.

Mr. J. Jackson Just in line with what Mr. Tapper said, let's say based on arguments that were given to us by Mr. Stinson, let's say if a legislature, and usually if one wants to give it to a legislator from that particular district, and that if this legislator is concerned maybe about the political ramifications of introducing the suit against his school Board, then the possibility does exist that that citizen could not get that legislation introduced. Right?

Mr. De Blieux Because of the political consideration involved the legislator may not introduce the resolution. He may lose the suit, at least it's postponed under another legislation which will do that for him. I just don't think that's right.

Further Discussion

Mr. J. Jackson Mr. Chairman, fellow delegates, I would delay you a moment and I am using the word "tort" in this amendment. Now all we've heard about "tort" and I'm sure what you think it is, is when a train hits a school bus or something of that kind, or a school bus runs somebody over and gar-bage truck runs over somebody. But I'll tell you this, tort can mean a whole lot of things. Anything that a person feels that he is damaged by the act of somebody else is a tort. For instance, to give you an extreme case, and you know you have professional litigants in lots of communities. To give you an extreme case, if a legislator inadvertently or maybe accidentally reads a prayer in a school. Well there would be somebody that might say that their children were damaged by that, and that would be a tort. So I ask you to watch what you do here.

[Previous Question ordered.]

Closing

Mr. Burson I don't want to pass it because frankly I don't want to lose the vote because of a misunderstanding. I may not get many. The word "tort" is a term which is backed by historical meaning which antedates the Louisiana Civil Code and goes back to the Early Romans, and I don't think that a court would have too much trouble in defining it. It does include more than accidents caused by negligence. It does also include intentional wrongs to the individual such as an assault and battery. So if you happen to believe that a servant of the state should be able to do assault and battery a private citizen and that private citizen should have to come to the legislature to get permission to file a suit for that assault and battery, vote against this amendment. If you believe, as I do, that that citizen should be able to file that suit without getting permission, then vote for my amendment. Now, it's been stated by Mr. Casey, for whom I have the greatest respect, that the legislature is not going to turn down widows and orphans I think that's true. I have the greatest respect for the legislators who are delegates here, and if I had any doubts about their political acumen, they have long since been gone since we began these deliberation. I am not proposing this to take away anything from the legislature that I think the legislature ought to have. If the legislature is going to permit these suits anyway, then why not, let's say it here and now and not leave it an open question in the future. I put it to you, ladies and gentlemen, why else reserve the prerogative of approving these suits if you don't want to be able to say no to some of them. Now other than that, it just doesn't make you want, you don't want to say no to the citizens' right, then let's say it in the constitution and make it plain and let's not burden the legislature every time with five or six hundred bills, most of which are passed pro forma, but each of which costs the state money and time that could better be served on other legislative business. And if the suits are going to be denied, then frankly I don't think the legislature ought to have that prerogative because that prerogative belongs in the courts under our system. I ask you in the end, consider whether you want to place this new constitution backward to an anachronism of sovereign immunity that has been abolished in all but five states, or whether you want to move forward into a new era and let our citizens have the same rights as citizens have in 45 other states of the union. The decision is yours.

[Record vote ordered. Amendment rejected: 30-51. Notion to reconsider tabled. Motion to revert to other orders adopted: 67-2.]
Friday, July 27, 1973

ROLL CALL
[105 delegates present and a quorum.]

PRAYER
Mr. Burns: Our heavenly Father, Thou greatest of all law makers and law givers we pray that Thou would pass on to us enough of Thine knowledge and wisdom that we may draft a new constitution that will not only meet with Thy divine approval, but with approval of the voters of the state of Louisiana when it is submitted to them, so that Thou would give us clean hearts, free from any animosity, hostilities or any personalities that we may proceed to draft this constitution in the spirit of friendship and cooperation. We ask these things in Jesus' name. Amen.

PLEDGE OF ALLEGIANCE
[Resolution to suspend the rules to limit debate in the preamble: present and a quorum. Motion to limit debate to five minutes. Substitute motion to allow five additional minutes for guest speakers. Substitute motion rejected: 38-76. Motion adopted: 95-19. Debate limited to five minutes for each delegate.]

READING AND ADOPTION OF THE JOURNAL

Personal Privilege
Mr. Armento: Mr. Chairman and delegates, I hope that this is the appropriate time for us to pause a moment and examine the progress of this convention as of this date and make at least an attempt to find ways and means of expediting the work of this convention. We have been debating and rehashing many subsections in the amendments to each subsection for more than three weeks on Article III, which I don't think anyone considered highly controversial. According to Act 2 of 1972 the final draft of the proposed constitution must be completed by January 4 of 1974. If we are to meet that deadline, we have to turn over to Style and Drafting Committee at least a tentative draft of the entire constitution prior to January 4. And then we must come back to this convention for approval, and then it must go to the printer and be in the governor's hand by January 4. That's why I think that we have to look and see what we've accomplished thus far, and try to expedite the work of this convention. I don't have any solutions to the problems but I do think it may serve us well to try to analyze it as shortly as possible. You will remember that on July 6 we started with the election of legislators and it was proposed that they be elected from single-member districts. It appeared quite obvious that every delegate was in favor of single-member districts. Merely, there were some who were opposed to including that in the constitution and some who wanted it in the constitution. If my memory serves me right, at least 12 to 15 delegates came up to this rostrum and gave identical reasons why it should be included in the constitution. Another dozen or so delegates came up here and gave identical reasons why it should be left out of the constitution. This repetition is what's bogging down this convention as our chairman has no power to eliminate this repetition. If he were a trial judge he could tell us, 'I don't want to hear any more corroborative evidence'. That would be the end of that. But this is a democratic convention and he does not have the power to eliminate unnecessary repetition on every proposal and every amendment on every proposal. The only way we can accomplish this is by voluntary self-restraint. Now no one wants to cut off debate. Everyone wants to hear all valid arguments for and against every amendment to every proposal, but don't think anyone wants to find himself on December 1, with the job half done. I think every delegate wants to complete the job. The five minute rule apparently will be a help, but it will take more than that because if on every amendment to every proposal we have say ten delegates on each side, 20 debates, taking three minutes only, we're talking about the loss of one entire hour. As I recall, the very first day that we took up the proposition of the election of legislators, we consumed about three or four hours. Now, I don't have to remind you that we have many highly controversial issues. For example, property tax assessment, homestead exemption, industrial exemptions based on our present rate of progress we could spend six weeks on that one issue alone. Not to mention the governance and coordination of higher education, civil service, judicial system, dedicating an amendment to draft in the preamble. Therefore, I have no desire to get involved in a debate as to how to do it because I have no solution to the problem, but I sincerely hope that every delegate here will exercise some voluntary self-restraint seeking to expedite the work of this convention. Thank you.

RESOLUTIONS ON SECOND READING AND REFERRAL
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REPORTS OF COMMITTEES LYING OVER
[Page 207-208]

UNFINISHED BUSINESS

PROPOSALS ON THIRD READING AND FINAL PASSAGE
Mr. Poynter: Committee Proposal No. 3, introduced by Delegate Smail, on behalf of the Committee on Legislative Powers and Functions, a proposal making provisions for the legislative branch of government. Impoundment, and removal of officers and necessary provisions with respect thereto. The status of the proposal at this date, Mr. Chairman, is that the convention has adopted Sections 1 through 13 as amended of the proposal and it now has under its consideration Section 14, suits against the state. Correct, Section 12 was passed over, or action postponed, so Section 14 is now under consideration. Section 12 has been postponed and presently under consideration is Section 14.

Amendments
Mr. Poynter: Amendment No. 1 [by Mr. Lanier], on page 7, line 6, after "Section 14" and before the words, "the legislature", add the letter (A).
Amendment No. 2, page 7 between lines 11 and 12, add the following: "(A) money will be paid out of funds appropriated for payment thereof."

Explanation
Mr. Lanier: Thank you, Mr. Chairman, fellow delegates. Yesterday we had many proposals submitted to us that had similar language to this in it. However, these proposals also contained provisions dealing with the issue of sovereign immunity, which have been so controversial. These issues were not severable. This amendment isolates the issue. This is the simple issue of the manner of execution of judgments against the state. The purpose of it is to exempt public property from seizure and to provide that no judgment against the state, its agencies, or political subdivisions shall be subject to seizure and no judgment against the state, its agencies or political subdivisions shall be executable, payable, or paid except out of funds appropriated for payment thereof. This does not make any change in the existing law. We have codal provisions in jurisprudence that support the proposition, and this language is presently contained in Article III, Section 35 or [of] our present constitution. We,... the public policy... behind this, of course, is that if someone was to seize the general fund of a public agency that is under the control of the operations of that agency and, of course, deprive the public, which is all of the people, the benefits of these services. I added in the clause... "except as otherwise provided in this constitution".

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because there are instances in our present constitution and what is being proposed for our future constitution that authorizes the pledge of public property to secure certain types of indebtednesses [sic]. Specifically, I would direct your attention to the proposed sections 32 and 33 of the local and parish government provision. I feel fairly certain there will be somewhat similar provisions in the revenue, finance and taxation proposal where public property can be pledged to secure revenue bonds, local assessments or certificates of indebtedness, and that also is the present law. That is the reason for the "except as otherwise provided in this constitution to accommodate these security devices, without which you could not sell these types of securities.

I believe that the amendment is fairly self-explanatory. In order to accommodate the remarks of Mr. Armentor, with which I concur, I would at this time yield myself to any questions from the floor.

Questions

Mr. Rayburn. Mr. Lanier, I didn't hear all of the debate yesterday. What...would you briefly tell me the purpose of the language in this amendment which says that no judgment shall be paid unless the money is appropriated by the legislature.

Mr. Lanier. Yes, sir. That is the present law. It's not appropriated by the legislature. It would be appropriated by the legislature with reference to state agencies or state subdivisions or the state itself. With reference to others it would be with reference to that particular body. That's the present law, Senator.

Mr. Rayburn. Well, there's no chance in this provision.

Mr. Lanier. No sir, that's Article 35...Article III, Section 35 of our present constitution and the jurisdiction as it exists under the civil code.

Further Discussion

Mr. Tapper. Mr. Chairman and fellow delegates, I don't have a copy at my desk but I read a copy that someone else had and I don't want to oppose the principle of not being able to seize public property, like the Capitol, or the courthouse in a particular parish, but the way I read this amendment, it says that no judgment shall be paid except out of funds appropriated by an instrumentality or the state. I believe that this amendment is faulty in that it will also exclude a judgment in an instance of a political subdivision or an agency of the state. If Mr. Lanier wants to ask the question, Mr. Chairman, I'd like to answer it because I don't want to be accused of his amendment but it does give me a problem.

Questions

Mr. Lanier. Mr. Tapper, is it not true that under the law of the state of Louisiana, a plaintiff would have a direct action against an insurer?

Mr. Tapper. That is true, but the law could be changed. Mr. Lanier, by a simple act of the legislature.

Mr. Lanier. Is it not true that at the present time in a case where you might not necessarily be able to sue the sovereign, you can file a direct action against the sovereign's insurer and collect under the insurance policy and this has been ruled by the courts to be a judgment against the insurer and not against the sovereign?

Mr. Tapper. That's true, but we're writing a constitution here, and if this constitutional provision provides that there can be no judgment paid or that there shall be no judgment paid except out of public funds appropriated, then I think that the provision in the amendment would have the...the insurance company would have a real exception in that suit that is being filed, and that's the only problem that presents itself to me.

Mr. Singletary. Mr. Tapper, I agree with you that the principle of protecting public property from seizure is good but is this amendment really necessary to accommodate this something that could be accomplished just as well by statute?

Mr. Tapper. It could be accomplished by statute and anything that is not prohibited I understand that we are going to finally...of course this will be within the prerogative of the delegates of this convention...but I also understand that we are going to allow the legislature to do anything that is not prohibited. It could be provided by statute, yes. Ladies and gentlemen of this convention, I don't want to oppose Mr. Lanier's amendment insofar as the principle of not being able to seize public property. But we are going a little further here and we are providing that under our constitution in this state that there cannot be any judgment paid unless it's paid by an appropriation, either by the legislature or political subdivision. I think that this is not what Mr. Lanier wants and this is not what this convention wants. Certainly if we are going to pay for insurance, our agencies are going to pay for it and our political subdivisions are going to pay for it, those insurance companies should have to pay the judgment if there is a judgment rendered against them. I urge that you defeat this amendment.

Mr. Lanier. I may put another one in and explain that a little bit more in detail. I'll answer any other questions.

[Previous Question ordered. Amendment adopted: 55-40. Motion to reconsider.]

Personal Privilege

Mr. Tapper. I understand that Mr. Roy voted no, and it registered green on the board. I would ask for a five minute recess to check the machine to make sure that it is recording properly.

Personal Privilege

Mr. Burson. I attempted to change my vote just to see what would happen and it didn't change. I think that machine is fouled up.

Personal Privilege

Mr. Stovall. I was just about fifteen steps over there talking to Mr. Blair. I moved immediately but we didn't have time to get over to vote.

Personal Privilege

Mr. Dunlap. Mr. Chairman, you just shut those machines down so fast. We don't even have time to find out what is going on, much less get up and vote. Now, I don't see any big emergency in getting this machine shut down.

Mr. Henry. We have had amendments which were adopted, after which Mr. Lanier moved to reconsider the vote by which the amendments were adopted and to lay the motion on the table. To which objection I think that the motion to reconsider is urged. Therefore, when the machine is opened, if you are in favor of tabling the motion to reconsider and don't want to fool with these amendments any more, then you will vote green. If you were against Mr. Lanier's amendments, you will vote red.

[Motion to table report rejected: 52-22. Motion to reconsider adopted: 0-22.]

RECONSIDERATION

Mr. Poynter. The copies of the amendment as retyped have just arrived and they are going to be passed out now so everyone will have a fresh copy retyped with the correction made by Mr. Lanier in the amendment.

Explanation

Mr. Tapper. Mr. Chairman and delegates to the convention, this is not a joking matter. I'm not really opposed to the principle that Mr. Lanier is trying to put forth here, but if you read the amend-
ment when you get it, you will see that it says that no judgment can be paid except by funds appropriated. This will preclude the payment of any judgment by any insurance company that has been paid premiums by any political agency, political subdivision, or agency of the state. This is the only thing that I am trying to straighten out and I hope we can straighten it out. I'll yield...

Questions

Mr. Duval Mr. Tapper, perhaps you can clear up something for me. Couldn't you bring a direct action against the insurer under the Louisiana law?

Mr. Tapper That question was asked a while ago and I don't know if you were here, Stan. Yes, you can bring a direct action against the state. The statute could be amended or repealed. We are talking about a constitutional provision here which precludes the payment of any judgment except by appropriated funds.

Mr. Duval But if you didn't name the state and merely named the insurance company, you wouldn't have any problem would you?

Mr. Tapper I beg your pardon.

Mr. Duval But if you didn't name the state and merely named the insurance company under the direct action statute, you would have no problem, wouldn't you?

Mr. Tapper No, you wouldn't. But if you didn't name the state, you would have the problem, Stan. I have never filed a suit and not named the party against whom I'm suing in addition to the insurer you know that too, don't you?

Mr. Anzalone What's the provision of the law now as to the payment of judgments against the state?

Mr. Tapper What is the provision of the law...

Mr. Anzalone Yes, how are judgments paid at the present time?

Mr. Tapper The money has to be appropriated by the legislature against the state. The money would have to be appropriated by the legislature in order to pay that.

Mr. Anzalone That's the way it is being done now?

Mr. Tapper Yes.

Mr. Anzalone That's what this says too.

Mr. Tapper No, no. Mr. Anzalone If it is a direct action against... if the suit is filed against the state and against the insurer today, the insurer will have to pay up to the coverage of the insurance of the policy. But under this provision this prohibits the payment of judgments except by appropriation. Read the amendment, Mr. Anzalone.

Mr. Anzalone Does this provision prohibit the state from paying any judgment except by appropriation of funds? It does not say that somebody else who's got insurance can't pay it.

Mr. Tapper Yes, it does. It says that no judgment shall be paid except by appropriation.

Mr. Anzalone But it would say that the state shall pay no judgment, that's why I withdraw this amendment and resubmit it with that provision in it. It says that no judgment shall be paid except by appropriation.

Mr. Anzalone Would you classify Travelers Insurance Company a state?

Mr. Tapper No, they are not.

Mr. Conroy Mr. Tapper, are you aware that the present constitution, Section 35 of Article III, says, "No judgment against the state or any public body shall be exigible, payable or paid, except out of funds appropriated for payment therefore."

Mr. Tapper Yes, I'm aware of that but this amendment does not say anything to do with a judgment against the state. It says the "No judgment shall be paid." You have read the amendment?

Mr. Conroy Yes, I have. I was trying to clarify exactly what your objection was.

Mr. Tapper At this time, Mr. Chairman, I move to table the amendment.

Mr. Lanier Mr. Chairman, fellow delegates, I can understand where there was some confusion over the votes on this thing. In that regard I can understand why you want to reconsider this thing. However, I just can't understand some of the arguments that have been presented here. I would like to read specifically from Article III, Section 35. It specifically provides, "No judgment against the state or any other public body shall be exigible, payable or paid, except out of funds appropriated for payment thereof. This amendment makes no change in that. The law will remain the same. This particular constitutional provision has been supplemented by R.S. 13:5801 which gives further explanation on how you execute judgments against the state or political agencies. This business of, you can't sue the insurance company and collect a judgment against it, is baloney. You can do it. Under the Louisiana direct action statute, you can sue a direct suit against the insurer and get a judgment that is not a judgment against the state and you can execute upon it. So, I really don't know what all of this is about. This only maintains the status quo of the present law as supplemented in the statutory law, and for that reason, Mr. Chairman, I move the readoption of this particular motion.

Further Discussion

Mr. De Blieux Mr. Chairman, ladies and gentlemen, I hate to see Mr. Lanier get upset about this but let's take this situation. Suppose, and most lawyers will do that if they're worth their salt, they'll sue anybody they think could be liable on a matter. Suppose the state and the insurance company are both sued because that would give them the right to sue under the direct action statute. Suppose you get a judgment against both of them and the amount of the judgment is a little bit more than the insurance company is liable to pay. If Mr. Lanier used the words in his amendment of out of public funds, it would be one thing, but he does not use those words. He says the judgment shall not be paid and it means that the insurance company and nobody else could pay that judgment until the state appropriated the money to do so. I think it might be holding up some person who needs to settle his money a long time until the state appropriates its portion of the money before they could be paid. I feel like we ought to reject this amendment and adopt one which would accomplish what he wants to do. This amendment in my opinion does not do that.

Questions

Mr. Tapper Senator De Blieux, is it not a fact that a majority vote of the legislature the direct action statute can be repealed?

Mr. De Blieux Oh yes, that's true.

Mr. Tapper In that case, Senator, the suit would have to be then against the state or its political subdivision or its agency and the insurance company. If a judgment were rendered under this provision of
Mr. De Blieux. That's the way I read it. Now if
he limited it to public funds... and furthermore I'd
say like under our present law and statutes, I don't
think this amendment would be necessary anyway.

Mr. Juneau. Senator De Blieux, I'm a little con-
fused. As I read the amendment and the present
constitution, there is no change. Isn't that cor-
rect?

Mr. De Blieux. I think that if you read the first
part of that amendment, Mr. Juneau, it says out of
public funds.

Mr. Juneau. I don't see the distinction between
the two. The point being, Mr. De Blieux, the prob-
lem that is raised by the execution of the judgment
has not been a problem in the past.

Mr. De Blieux. That's true, because most of the
time the judgments are obtained where there isn't
any insurance. But if those bodies to where that
they do have insurance would be allowed to go ahead
and pay their judgments. I'm just afraid that it
might be interpreted that way. Under our present
law I don't see the need of this particular amend-
ment anyway.

[Previous question ordered. Record
vote ordered. Amendments adopted:
54-54.]

Amendment

Mr. Poynter. Amendment No. 1 [by Mr. Casey]. On
page 7, line 9 after the words "any law" and before
the word "enacted" insert the word "or resolution".

Explanation

Mr. Casey. Mr. Chairman and delegates to the con-
vention, this is merely a technical amendment be-
cause at this time the legislature uses the resolu-
tion method in order to permit filing suits against
the state. This would merely allow the status that
exists today—that is the use of resolutions.

Questions

Mr. Kelly. Mr. Casey, you are not taking out the
word law, though? Is that correct?

Mr. Casey. No, that's correct. We use resolutions
now. All I'm doing is making sure that if the
legislature wishes that it would have the preroga-
tive of the right to use the system that it uses
today—that is resolutions.

Mr. Kelly. That is resolutions. Now for our pur-
pose in the legislature what is the difference be-
 tween say a law and a resolution.

Mr. Casey. The governor would have the right to
veto a law. He doesn't have the right to veto
resolutions.

Mr. Kelly. But this amendment...you did not take
out law. You just added resolution.

Mr. Casey. We added resolution merely to insure
the right... I think we could probably do it anyway
... but this is merely for clarification. That's all.

[Amendment adopted without subamendment.]

Amendment

Mr. Poynter. Amendment No. 1 [by Mr. Roy, et al.],
on page 7 delete lines 6 through 11 both inclusive
in their entirety and insert in lieu thereof the fol-
lowing:

"Section 14. The doctrine of sovereign immunity
is abolished; however, public property shall not be
subject to seizure except when it may have been
pledged or mortgaged to secure payment of a public
debt and no judgment against the state or any pub-
lc body shall be exible, payable or paid unless
all the facts are specifically found and proved.

Mr. Roy. I presume you would want a technical
amendment deleting all the previous amendments. I
think that correct, sir. Thank you.

Explanation

Mr. Roy. Mr. Chairman, ladies and gentlemen of the
convention, I know I have been up here a lot and I
apologize for it but I've got some pretty strong
feelings about certain things. I want to thank Mr.
Landry yesterday for reminding me that the
majority of you are not lawyers; we lawyers who
get up and speak in terms of [...] we're making a
mistake. We're not... Mr. Landry pointed out a real
good thing and I've just gone over it, that the law-
yers tend to be a little presumptuous. Not that
we want to hide anything but we speak in terms of
art that some of you are not familiar with. This
amendment does three things, and it meets the issue
head on. One of them, in my opinion, is a "good"
thing and I hate to see it all term but that's what it
is. It's the notion that an individual of the State of
Louisiana should be allowed to go into court and ask
the court for regress against the sovereign. That's
doesn't mean he can win. It doesn't even mean he can collect if
does win. Let me give you a good example. A
foreign corporation that is in the State of Louisi-
ана is an injured by a Louisiana Department of Public
Officials' employee may go to federal court
because it's got diversity of citizenship and doesn't
need the majority to be the Department of a public
or the Department of Public Works. Yet, we, our own
citizens, would need that. That's one great hiatus
that shouldn't be. Let's go further. It does
another thing that yesterday I hadn't prepared for. It
tracks the language of Mr. Denney's amendment
with respect to protecting companies that have is-
ued bonds and that have had property mortgaged or
pledged by the state to secure those bonds. Those
properties may be seized if the state doesn't pay
its debt or the local communities. Therefore, there
will be no effect with respect to bonding companies
not doing business in the state. The third thing
it does, it says that in other respects, public
property cannot be seized and finally it says the
only way you can collect your mortgage after you
would get a judgment, and a court would rule on it, is
if there was specifically appropriated money to pay
that. Now ladies and gentlemen, that's about as
plain as it can be read through. You'll notice that
the co-authors are people who yesterday generally were opposed to the other stuff
because of the reasoning that was not correct.
This amendment covers it all. It merely says that
a citizen of this state does not have to go to the
person against whom it seeks to sue and say give
me permission to sue you. That's all it does. No
cases have been brought up whereby people can
show there are a lot of nuisance value suits filed
against the state. It's just not. If you talk to any
attorney who's in the business, they'll tell you
frankly that. I urge you to pass this bill and
let's get on. Thank you.

Questions

Mr. Triche. Mr. Roy, I wanted to get your explana-
tion of the difference in the language between your
amendment and Mr. Lanier's amendment regarding
seizure of public property. Mr. Lanier says except
otherwise provided in this constitution public pro-
erty shall not be subject to seizure. Your amend-
ment says public property shall not be subject to
seizure except when it may have been pledged or
mortgaged to secure public debt. Is there a dif-
ference between your amendment and Mr. Lanier's
amendment? Is there a conscious difference?

Mr. Roy. Mr. Triche, I'm not exactly certain. I
would think that mine may be limited to, and was
specifically trying to protect bond and bond 1-

sued in the state, and I don't know what Mr. Lanier thought. In the legislature now, with thening or
the constitution may come up with something that
would be a lot different. But I specifically wanted
to protect the bonding industry of this state so
they would not have to worry about people's
communities...being able to borrow money. That's
what I was trying to protect because yesterday it
was not protected in my original proposition.

Mr. Singletry Mr. Roy, if an attorney is repre-
senting a client on an hourly basis, wouldn't your
amendment actually save a client some money?

Mr. Roy Certainly it would because you wouldn't
have to go through the formalities—the proforma
formality that one has to go through in the federal
suits, which is a formality. The legislature, incidentally,
my friends, never sees the suit. It never passes
on the merits of the suit. Some friend merely gets
a bill that up that eight out of fourteen says, "Let it
go.

Mr. Burns Mr. Roy, the first line in a [..] the
doceine of sovereign immunity is abolished. Isn't
that exactly the same question that we voted on
yesterday?

Mr. Roy No, Mr. Burns. I'm going to be perfectly
honest with you. Yesterday my amendment didn't say
anything about abolishing it. Today and last night
after I read about what has happened, I realized that this is a constitutional convention.
I want our citizens protected as much as a foreign
corporation, which could sue in federal court. I
decided to make it head on and I want to tell you
honestly that this will abolish sovereign immunity.
But sovereign immunity is based on an erroneous
concept that the king can do no wrong. All we're
asking is permission to sue without having to ask for
it.

Mr. Burns You're not answering my question I'm
not questioning the rest of your amendment or the
method of payment and collectively judgments and ap-
propriated funds and bonding companies and all that.
All I'm asking you is did we not vote on the direct
question of removing the immunity that the state now
enjoys from suit?

Mr. Roy In my opinion, no. Because it was strict-
ly up to the legislature whether to keep it. Now
we're saying that we don't.

Further Discussion

Mr. Blair Mr. Chairman and ladies and gentlemen
of the convention, I rise in opposition to this
amendment. If you will recall we had four similar
amendments that carried most of this yesterday that
you voted against. I urge you to vote against this
so we can move along.

Further Discussion

Mr. Jenkins Mr. Chairman, delegates to the con-
vention, the reason this amendment is being offered.
and it is not too much different from those offered
before, and the reason I am up here again is because
I think the success or failure of this convention is
decided to a large extent on our ability or not
to can we take an issue and discuss it think about it
and maybe change our minds about it, if we come
to realize we made a mistake in the first place.
Most of the delegates to this convention can do
that--can weigh the arguments and consider the is-
sues and maybe come to a new conclusion. What is
sovereign immunity? It is the doctrine that the
state need not entertain a petition alleging cer-
tain grievances from a private citizen that lives
in that state. That's the first aspect of it. The
second aspect is, that the state need not pay a
judgment if a judgment is rendered pursuant to a
suit being entered with its permission.

so there are really two basic protections the state has.
The first is that it doesn't happen to any suits under the doctrine of sovereign immu-

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gible until you have a specific appropriation and that is the only understanding that I have for people advocating something so strenuously and forgetting about all the other facts and aspects to it.

Further Discussion

Mr. Tapper. Mr. Chairman, and fellow delegates, the gentleman exceeded his time. I therefore was not able to ask him a question. But I resent and I think every lawyer here represents the insinuation that we are here representing ourselves and not the people that we were sent here to represent. I don't believe anyone here is here to represent himself, and that has been the problem with this particular subject since we began with it. And I implore to the lawyers here to be honest in this, forgetting who lawyers represent. Lawyers represent people and ask the people in everyone of your districts I will not yield to a question.

If we are going to continue on this particular premise that everyone who approaches this microphone and everyone who submits an amendment is submitting it for personal gain, then ladies and gentlemen of this convention, I suggest that we move to adjourn since that is why we are here for. And you have seen me time and time again. I have some of the lawyers tell me why have you voted against my proposal. I haven't been with the legislators on any other proposals and I am a member of the legislature. And I don't question their motives in what they present here and I don't think anybody else should. And I don't think that they should be intimidated or that it should be thrown under the carpet, or that the people of this state should be told that there is a possibility that there is nothing but personal interest, but I think that what the gentleman said here and that everyone of you do also. And I hope that we can keep that out of this convention. Now it is a simple, simple thing, this amendment, simple. And I think that one-third of the people who represents where his interest lies but I will tell you where mine lies and that is with the people that I represent. And I believe that all of you are here in this same vein and feel the same way. And I hope that we can continue to present our positions, without being intimidated or questioned about our motives. Thank you.

Further Discussion

Mr. Assiff. Mr. Chairman, delegates, first let me say I am imputing nothing to anyone. I don't want to get involved in that. However, the issue has been hashed and rehashed and thrashed and retharshed until I am sure that we are aware that are involved are aware of the issues that are involved. We are hearing the same thing over and over again. Mr. Chairman, delegates, it is not because of any time limit or lack of it. But because the issue has been hashed and rehashed, thrashed and retharshed, and it has so many facets that I don't know which facet I am on. I know that I am completely exhausted and I believe every delegate here knows the issues. And I feel that it is wasting our time and the money of the taxpayer to repeat the same thing over and over again. I rarely move the previous question and I rarely vote for it. But I think the delegates do know, and I wish before I move it that the delegates will simply present their resolution, explain it briefly and then let us vote, or Mr. Chairman, if you will forgive me, we will be here until the second coming of Christ. Therefore, Mr. Chairman, delegates, move the previous question.

[Motion for the previous question rejected: 34-70.]

Further Discussion

Mr. Jack. Mr. Chairman, and members, I'll be brief. Now this is another instance of the wolf in sheepskin. And like little red riding hood, I see you Mr. Wolf. Yesterday you had minimized this bill strike out page 7, line 6 through
Mr. Henry: We will just have to get you up here and read the section for you, as we have several other people on the list, Mr. Jack.

Mr. Jack: All right, ok.

Further Discussion

Mr. J. Jackson: Mr. Chairman, delegates to the convention, I rise in support of Mr. Roy's amendment. I think the thing that is in question here is the fundamental principle of state's rights versus the individual rights of a citizen. You hear the opposition saying that the amendment which is introduced to the house in the judiciary committee talks about is prescription. But every time they get up here and talk, they talk about the merits of it, and all the arguments are filed against the state. I begin to wonder very seriously what is behind our position from taking this authorization from the legislature. I want to suggest to you that it is not only the prescription, it is a matter of the legislature, members opposing this amendment, wanting it in effect to become...I rise again and I say I rise in support of this amendment because I think this amendment provides citizens of the state not to fear that if they don't have a favorable legislature that they can get suit a redress from the courts. I think you have a just grievance against. I think that you know the only major question is, whether we are going to let the legislature authorize or whether we are going to let people sue in a superior court. Those in favor of maintaining the legislature's authorization says we need this. Not because we want to judge the merits of 1000 cases, but we need it only to judge that prescriptions. And I want to suggest that most of the arguments they have presented tend to lead me that they are beginning to judge the merits...of it, of the particular suit rather than the fact of the prescription. I think in a political arena that you are going to get certain propositions that are going to have to be amended, or molded into some sort of compromise. But I think that there is one issue before this convention that this is one issue that we can't afford to compromise. I don't believe particularly and I am a member of that legislature that I don't believe personally that we ought to be about the business of making judicial interpretations of whether a suit is valid or not. I have got the courts. I don't see any rationale other than the fact that you know we want to maintain the sovereign immunity of the state. I want to suggest to you, that certain serious questions of the state fee and that sovereign immunity has particularly been used to the disadvantage of their development. I think that this amendment, as proposed by Mr. Roy, addresses it myself to the arguments about the seizure of the courthouse or the seizure of public property, or the stymieing of a public firm. I would ask that you seriously view in favor and give your serious consideration. I remember one amendment by Mr. Riecke, where we had to go almost three days and we finally came up with something that we felt that people could live with. So don't have any problem if we have to come up here over and over again in a different form to accomplish the very thing that we need in our state and I suggest that this is one problem that the legislature does not need. And Mr. Chairman, today I want to suggest that we want to bring up an example. If I wanted to file a suit against the state for a damage done against me I have to first locate a legislature that would do that. If that same suit is to be brought against a political or public body in the parish in which I am from, there are political ramifications for a particular legislator to do that. So which means that I have to find someone possible outside of my parish to do it. And I can see a legislator going down to the judiciary committee saying he is handling something for the parish that he is not so concerned about. And I want to suggest to you that I am not suggesting that this has been a patronage system like in the past because I don't know that. But I want to suggest to you that there is no reason whatsoever that the legislature must first give you the authorization to sue them. I think that is why we have got our courts and for those reasons and the reasons particularly enumerated by Mr. Jenkins, I would ask that you adopt this amendment.

Mr. Burns: Mr. Chairman, and fellow delegates, my main reason in getting up here at this time is because there seems to be a misunderstanding on the part of the question that I asked one of the former speakers.

Had we not voted on this identical question yesterday? And the answer was no. And that is talking about the method of recovery on judgments or how the judgments are to be paid out by bonding company. My question was addressed solely to the removal of the immunity from suit for torts that the state now enjoys. I was much and favorably impressed with Mr. Armentor's speech at the beginning of this afternoon session. When he appealed to the delegates for restraint on their enrollment to keep repeating the same thing over and over. And we even went so far to show our appreciation and our ratification and confirmation of what he said by applauding him. And lo and behold, right on the heels of that, we now find ourselves voting on the same issue, that is the immunity from suit that the state now enjoys. Not once yesterday, but I later told we voted on the same questions at least two other times. So I say to you gentlemen, there is nothing I could add or detract, I have my own opinions and my own views. But I am not at all impressed with this business of picturing the state as some far off monster. These buildings over here, the State Capitol, is that Capitol that is not the state, that is merely buildings in which employees and the governor of the state occupy. However, more than a church building is a church. The congregation is there, and you and me, all of the citizens of Louisiana. That is the state. So let's not be misled and sidetracked and hoodwinked by representing that the state is some monster ready to engulf all its people and take advantage of the poor individual. This is not taking away any rights of the individual to sue the state. They have had the right to get the authority of the legislature and you heard the gentleman say yesterday that that right has never been denied us. So fellow delegates, this is just one place that we have heard this afternoon and sorry that we have heard it and we've voted on it, I know once. The first time on the amendment by Mr. Planchard and others which started this debate into motion and it was then and at that time it was voted exactly on this issue as to whether the state should continue to enjoy its immunity or whether it should be taken away. So I say to you, let's not be misled. But let's bring to an end. Thank you.

Further Discussion

Miss Perkins: Mr. Chairman, ladies and gentlemen of this convention, I rise in support of this amendment. The reason that I rise in support to the amendment is that the Lanier amendment as
adopted by this convention provides that legislative power can provide this immunity that has been beaten to death before the floor of this convention. The first paragraph in the initial committee proposal allows legislative immunity to be taken under consideration and provide not only for the immunity where necessary but provide the procedure by which the immunity can be enacted. It would also like to point out that not only accomplishes the purpose of the general provisions that have been argued before the convention but in addition, it allows the legislature to take the necessary time to stipulate the necessary consequences of the particular immunity or the extent of immunity that is granted. I feel that Mr. Deshotels earlier made a comment which was pertinent to this convention though there were delegates who took issue with his statement. He said that he called this amendment the thirty-three and a third, forty-five percent amendment. Pointing out to the convention that on the basis of contingent fees, a lawyer normally receives thirty-three and one-third to forty-five percent of the total amount collected. I would like to say that I think that Mr. Deshotels' point was well made. He did not accuse any lawyer in this convention of being guilty of this being primary consideration as his statement was concerned. But merely pointed out to those people who are not lawyers that this is the way a lawyer's fee is set on this type thing and every lawyer in this convention has thought of that and if they hadn't they weren't thinking. In addition, I would also like to take issue with what Mr. Tapper said.

Mr. Sirica will not yield to a question. And that was to the effect that every lawyer in this convention took personal offense by Mr. Tapper's statement. Let's legislate and gentlemen and I only of the lawyer but I took no offense to it. Simply because I know what my legal and ethical standards are and if this would not have crossed my mind to consider what was going to be a cause or question, when I take offense to it. So I do feel that if anyone has taken personal offense to it, it is most unfortunate. But I don't think that it was intended that way at all. I think there is no reason if you know your personal standards and live up to them.

At this point in closing, I would like to again say that I urge that you defeat this amendment. It has been back door to death. The provision provided by the Lanier amendment gives the legislature to give the immunity whenever they feel it is important and necessary. Thank you for your attention.

Personal Privilege

Mr. Tapper: Well, Mr. Chairman, fellow delegates, far from me to chastise the lovely lady who just left the podium and I will not do that. And of course I am not going to take issue with what the lovely lady said. However, if what she said is true then let's find out and this is something that I don't really want to happen but I know there are many insurance agents in this legislature there are many public officials, there are many contractors, people in all walks of life, representatives of labor, how if we want to talk about the thirty-three and one-third. If we are going to talk about a percentage that a lawyer may get, well let's talk about the commission the insurance company gets. I don't want to mention Mr. LaBreton name because I don't think he is here. But he was here fighting this thing too. Well let's find out who the gentleman that I was talking about awhile ago, who stated that he was file and defend political subdivisions. Let's talk about everybody.

Point of Order

Mr. Stovall: Mr. Chairman, I think the rules also take reference to the prohibiting of personal reference. I think we have dealt with this adequately and I think that the rules do prohibit personal references and my point of order is that we proceed with the business and get beyond this.

Mr. Henry: Wait just a minute, gentlemen.

Now there is a rule which prohibits delving into personalities. There has been enough of this sort of business going on to this point in this convention. I do not have the authority, nor do I desire to take the time to go into any rule because it is sort of loosely drawn and hard to construe the rules to be results supposedly nature people and it is about time that we begin using some restraint on ourselves. Proceed Mr. Tapper.

Personal Privilege

Mr. Tapper: I would like to reiterate what you said Mr. Chairman, and Reverend Stovall and I agree with both of you and this is the reason that I have approached this rostrum at this particular time. Regardless of what our particular professions are, regardless of whom we may represent individually, let us keep personalities out of this convention and let us not suspect someone when he presents an amendment or when he uses his privilege and I think to be in a particular profession or happens to represent a particular company or happens to be a plumber, a fisherman, a laborer or what have you. And I will not attack anyone on that basis and I hope that we can refrain from that. I think the lady that was here before kind of tried to drive it home because she was an attorney that this is paramount in the minds of some of the attorneys. The gentleman before, emphatically... he didn't imply he stated it emphatically that this was the purpose of some of the attorneys supporting this amendment and I think we should take this out of this convention. We don't need it here and I hope that we can from now on. Thank you.

Recess

[Quorum Call: 106 delegates present and a quorum.]

Further Discussion

Mr. Keen: Mr. Chairman, and fellow delegates, I rise in opposition to this amendment for one rather significant reason and that is the doctrine of sovereign immunity, it goes further than immunity with respect to suits in tort action. Suits in negligence actions are the type that we have spent so much time in legal language. I would not necessarily be opposed to a limited waiver of sovereign immunity limited to tort actions if that matter were a real issue. But when we say that we will abolish sovereign immunity period, I don't think there is a lawyer in this chamber who could tell us where we would be in that point of time. I sight to you for examples the present doctrine of legislative immunity. In my opinion legislative immunity is merely an arm, a part of, an element of sovereign immunity. Judge Tate spoke yesterday about the fact that there was a quasi-judicial immunity in my opinion if there is such quasi or in fact judicial immunity it is but an arm of sovereign immunity, and element of sovereign immunity. Under the law at the present time, good faith administrative action is immune from suit. That good faith administrative action immunity is but an arm of sovereign immunity anyway and I think to you in all sincerity that if we proceeded to abolish sovereign immunity as the royal amendment would seek to do, I don't think there is a delegate here today who could intelligently analyze and explain to the people of this state where we stand now that governmental immunity without any restriction has been abolished. Under the law as it is written we think we would take a dangerous, a far reaching and a precipitous step if we proceeded to abolish governmental immunity when we are talking about negligence actions, tort actions, suits in contracts.
which it seems to me could be put together in the form of some kind of sensible section which would deal with that limited action. But not leave us danging there wondering whether circumstances and by its own admission sovereign immunity is abolished in its entirety without anyone having any real conception of where we would be under those circumstances. Now I understand Mr. Burson has an amendment, has a proposal to amend this section which would be in line with authorizing suits in connection with torts and contract action. And it seems to me that that is sufficient to point to the problem that has been well discussed here today. But I implore this delegation not to be swayed by emotional discussion about the necessity of letting people to file their tort rights when this can be handled in a separate and distinct manner and to otherwise simply abolish sovereign immunity would leave us in an untenable situation. One that none of us could attempt to tell any member of this delegation or the public where we stand insofar as other suits are concerned. For these reasons, I think that the amendment should be rejected and we proceed to other matters before this House.

Further Discussion

Mr. Hayes Mr. Chairman, and members of the delegation, I would like to see that each person in the delegation take as much time as he would like to take on this particular subject. I have been here and I am willing to stay as long as the people who want to talk on this particular subject because it appears to be one that is important to a lot of people. It seems we have had speakers on this than any other proposal we have had so far. It appears that this whole section could be so handled with the one thing liability insurance. Liability insurance in the political subdivisions are the people who are afraid that they might be sued could solve their problems by simply carrying some type of liability insurance. The right to sue and be sued should not be abridged by anyone. You would abridge that right by running it through some hopper that is going to let some through and not let others. Any type of abridgment of that right I think should not be permitted. I would assume that this building here probably has some type of liability insurance on it against everything except rain in your desks. And I figure everybody in here carries some type of insurance... liability insurance, we have a good insurance agency in here and I believe could solve everybody’s problem. We had a problem here of... with the tax problem of theft where the sheriff didn’t detect it and say to the dollar but then see lost about a half a million dollars. Well now the taxpayers had spent this money, no recourse. Now if the state would keep better house or was committed to this... if the state would keep things better things wouldn’t happen. Now the state is now almost one large community and we are going to run from parish to parish... from city to city with political subdivision after political subdivision not to require to do anything and anything can happen and I think each one of these political subdivisions should be required to have some type of liability insurance to cover the action. You might have if a jailhouse is no good to keep prisoners in them should be required to put them in one that has the right facilities. You see a person can’t run a jail that is not fit to put a person in and should meet health standards. Now, you will hide under the sovereign immunity of the state and go along and do things you are not supposed to do, hiding behind sovereign immunity. I don’t think the right to sue and be sued should be abridged by this constitutional convention. Thank you.

Further Discussion

Mrs. Warren Mr. Chairman, and fellow delegates, I am standing here because I believe we should have the right to sue. I don’t believe we should have to hide behind the legislature to do it. I think that we should have that right. I know you are glad that I don’t feel like standing here talk ing, because I am a little bit hoarse and I am not going to stay up and talk and talk. But one thing that I think I must mention, I was a little bit disturbed when I heard a gentleman say that attorneys didn’t care about children. And I hope I don’t ever hear that again. Thank you.

Further Discussion

Mr. Arnette I think we have talked about this problem enough. I think we have had enough amendments brought up on it, I think we have got a set of amendments that has probably got everything in it that has been proposed before and for that reason I move the previous question on the entire subject matter of this amendment. If you don’t like what this amendment says you have got amendments before you that we will consider right after this one that has something that you probably like or you can go back to the original proposal. But I think it has been talked about far too much.

[Motion for the Previous Question on the entire subject matter rejected: 40-65. Previous Question ordered on the amendment 65-0. Record vote ordered. Amendment rejected: 54-59.]

Amendments

Mr. Paynter Amendment proposed by Delegate Burson, a reprinted bill

Amendment No. 1. On page 7 delete lines 6 through 11 both inclusive in their entirety and insert the following: “the legislature shall provide by general offer the prosecution of tort claims against the state or any political subdivision any judgment rendered against the state of Louisiana or one of its political subdivisions shall be exible, payable and paid out of funds appropriated by the legislature or the political subdivision concerned.” And Delegate Burson, would you prefer a technical amendment here striking out the previous amendments to the section? Mr. Burson Yes, sir.

Explanation

Mr. Burson Ladies and gentlemen, I ask you, especially those who have voted against the prior amendments, to pay special attention to what I want to make. I, first of all, urge you to consider that it is not in any way, shape or form a refesh of what I have already yesterday. The amendment that I had yesterday would have abolished that thinking terms immunity and tort for the state or any political subdivision. I am proposing today I propose to you that we put in here that I should have done before I proposed the amendment yesterday. That is doing a little homework this morning... I read the federal tort claims act. Now this opening sentence of the federal tort claims act says... this is 28 U.S.C.A. Section 2674... that the United States shall be liable respecting the provisions of this title relating the tort claims in the same manner and to the same extent as a private individual under like circumstances. So that is the phrase and makes the United States susceptible to suits in tort just like any private person. But on reading the act on further down, you find some exceptions and those exceptions are primarily in the area that we’ve had concern voiced in by Mr. Keen and Mr. Clinton and others. That exception was the most important one would be that any claim based upon an act or omission of an employee of the government in his or her official duty or what Mr. Keen called good faith... in the performance of his duty even though it is a discretionary duty under federal law that you do not have a tort claim. That was the phrase that this delegation has concerned some of the delegations, that you would have suits simply to harass agents of state or local government in the performance of their duties. Now, my amendment does not offer any such exception because that is really a statutory matter. All my

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amendment does it mandate the legislature that the legislature shall provide by general law...now why do I say general law? I am using the term general law as distinguished from the present system which is an ad hoc procedure in which every citizens of this state could bring their suits in the courts of this state without having to first come to Baton Rouge and get a hearing. The second sentence of where my amendment is proposed today takes language directly from, and I left the book on my desk, but it's Louisiana Revised Statutes 13:5801 which presumably states that any suit filed against the state of Louisiana or one of its political subdivisions or any compromise reached in favor of the plaintiff or plaintiffs in any such suit shall be exible, payable and paid only out of funds appropriated by the legislature or the political subdivision concerned. Now, I eliminated the language about compromise because I think that is implicit, that if you say any judgment has to be paid by appropriation I think you can take care of that by statute by the same tort claims statute. I'm thinking of the language enacting by the general language that I've used. I have encountered in the debate today a problem raised by Mr. Tapper, are you talking about insurance companies? Frankly, I don't think that's a problem, but just in case I would like to have Mr. Tapper's support on this. I eliminated the language about appropriation because I think that clearly does not mean a judgment against an insurance company or any other third party, I want you to consider this as what I deem to be a reasonable compromise between those of us who are concerned with the rights of citizens of this state, personal injury claims, suits in a court of law in this state without undue delay. Now, I should have made the point yesterday and didn't because sometimes you get carried away with your own rhetoric and forget to make the logical points, but the biggest disadvantage of the present system is the delay by which a person has to wait until the next term of the legislature until he can get a bill or a resolution through both houses of the legislature before he can file a suit. Even though his cause of action may have accrued two years ago, if he is in a country place like the one I come from, in ten months you can have a suit tried, heard and on appeal if there's an appeal on it. I think it would eliminate an unnecessary delay and inconvenience.

Further Discussion

Mr. Womack Mr. Chairman, fellow delegates, I have two questions, I wanted to ask a question to Mr. Burson and he exceeded his time. Number one is what if the legislature fails to reach an agreement. We had, I don't know how you'd value them but I guess several million dollars worth of no-fault bills introduced into the legislature. We recessed; we called joint sessions; we invited national and international figures in; did everything in the world, but the legislature refused to reach an agreement I don't know what would happen. If the legislature cannot reach an agreement, a suit be filed for a declaratory judgment and either the state or the federal court be asked to set up a complete set of guidelines. That's number one. In number two, does not this proposal mandate indirectly the same repeal of immunity that you have failed to pass directly. To me it does.

Further Discussion

Mr. Abraham As I read Section 14 as presented by the legislative committee, with the amendments, I see nothing in here which prohibits the legislature from passing a general law allowing the claims of the citizens to be heard and allowing the necessity of coming to the legislature prior to the suit being filed. So, I see no need for this amendment. Now, I think that this is permissive enough, it does anything that we need to do.

Further Discussion

Mr. Landry Mr. Chairman, ladies and gentlemen on the delegation, really it is a privilege for a person of my type to sit here and listen to the legal minds of the state of Louisiana and the representa-tive people speak in terms of "I'm trying to understand". I have come to a conclusion. I've asked a few questions. I'm going to ask another one, if it's possible to ask a question at this point. I can answer it with no, I can ask it but you don't have to answer it. The question is this: what is the meaning of the word "suit"? Now, I have asked 15 people just a moment ago...I made a survey of 15 people in my area...and only two knew the answer. I'm also aware of the fact that many writings lately have tried to express in language matters that people could understand. Exigible...what does it mean? I'd like to find out how many more people in this audience doesn't know...what it means. I'm in a better position now to take a position because of having found out what the word means. but this vote in just a few minutes is going to be decided by a few independent people. The lawyers are locked, and the decision is going to be made by people on the outside of the fringe of lawyers. I'm completely satisfied after research with the word "suit" and the meaning of the word. I've gone in this document, completely satisfied that it provides for me and my constituents everything that needs to be known. This is point number one of my concern. Sometimes we're influenced one way or the other by what we hear. I've enjoyed everything that was said by everyone concerned with this question, especially the words spoken by Miss Perkins.

[Previous Question ordered.]

Closing

Mr. Burson Gentlemen, I'm not going to waive my right to close because I'm naive enough to believe that the process of debate while at times is very hard on the rear end, sometimes can be good for the brain. I know that there are some issues that have been brought out in the course of this debate since yesterday that I frankly had not thought of when I began, and they may come only once in a great while, but that's part of the discussion that we're having here. I'd just like to point out in answer to the points that were raised in opposition. Mr. Womack asked if the legislature could be mandamus or compelled to reach an agreement. I think under the general law of separation of powers no other agency of the government can mandamus the legislature to do anything. But I have enough evidence in the legislature to believe that if we have this mandatory language in the constitution that they will do something about the problem. Now, the second question was: whether or not this mandate indirectly would have the same effect of repeal of sovereign immunity? To that I would urge you the answer is no. Because the amend-ment that I had yesterday would have repealed sov-ereign immunity root and branch. This does not preclude reasonable exclusions as such as the one for an administrator in the performance of his duty, and that's very, very important to your decision, here. Mr. Abraham pointed out that Section 14 could do what my amendment would do. That's true. I agree with that. But, only if this amendment 14, it might be done. My amendment says it shall be done and that's a very important difference. As for the meaning of "suit". I didn't look it up in the dictionary but it's my under-standing that the meaning at law and the context that it's used in Louisiana Revised Statute 13:5801 which is where this legislature put it in at some time past, mean that any judgment could be executed upon in that manner. For instance, Mr. Landry was talking about the people would have to decide this, and that's the way it ought to be just like in criminal juries. The
law says that the guilt or innocence of an accused is too important to leave to lawyers. So with that, I urge you to pass this amendment. I think that it would be a reasonable compromise.

Questions

Miss Perkins: Mr. Burson, I have a series of questions. First of all, I think that you may have clarified this. Would you agree that the power authorizing the legislature to give immunity with reference to torts claims is a limited authority of legislation which would be included in the Lanier provision which gives a general authority? In other words, would legislature under the Lanier amendment have the power to do what you have provided in your amendment?

Mr. Burson: It would have the power under the committee proposal, Miss Perkins. My amendment would make it mandatory that it be done with regard to tort claims...that specific issue.

Miss Perkins: So the only difference between the Lanier amendment and the amendment that you now propose is that the Lanier amendment is broad rather than specific in scope and it does not mandate as does your amendment, is that correct?

Mr. Burson: No, ma'am. As I understand the Lanier amendment, it related only to the issue of seizure of property and how judgment was to be paid. I don't believe Mr. Lanier's amendment had anything to say about sovereign immunity one way or the other.

Miss Perkins: All right. The last question, in reference to the second to last sentence of your amendment, you state that funds appropriated by legislature. So would this mean any funds appropriated by legislature, or specific funds appropriated for the payment of the judgment?

Mr. Burson: As far as I'm concerned and I urge you to notice that it says by the legislature or the political subdivision concerned, that that would have to mean the one concerned in the law suit and I took this language, I remind you, from a statute which has been on the books in Louisiana since 1960 when this whole statute was passed regarding how judgments were to be executed against the state.

Amendments

Mr. Poynter: Amendment No. 1 [by Mr. Landrum], page 7 delete lines 6 through 11 both inclusive in their entirety and insert in lieu thereof the following: "Section 14, the immunity of the state from suit and liability is hereby abolished.", and Rev. Landrum would need to add that other amendment deleting previous floor amendments.

Explanation

Mr. Landrum: Mr. Chairman, fellow delegates, this amendment is to try to change the financial status of this state from the way that board's been showing here all morning. We're going to try to get some green into it rather than the red. So, I would hope that you will support this amendment. It has been stated that the legislature never denied a request to be sued that was, I would still be opposed to the idea that an individual would have to go to the legislature to be able to file a suit. But, if we would just look at some of the records, in 1959 there were two request denied. In 1961, ten were denied. In 1962 one was denied. In 1965 two were denied. In 1966 five were denied. Four were denied. Out of 1973 seventeen were denied. Now, why? Why should an individual be denied to file a suit against the state? I just cannot understand why some delegates are opposed to the idea of an individual filing a suit against the state. Now, my amendment does not go into the idea of what happens after the suit is filed. I'm not concerned with whether or not the individual wins the suit of loses the suit, or how it's to be paid. What I am concerned about is that you have the right to do that, that you don't have to get permission now under the due process of law, and I'm not an attorney, everybody is supposed to have their day in court. What we are saying here is that you don't have the right to go to court. And I don't think that we really want to do that. I don't believe that we really want to deny an individual the right to have his day in court. Under the amendment, just as we get beat down on amendments here, then give that individual the right to get beat in the court. That's all I'm saying. I would ask that you support this amendment, and I believe that all your constituents would be more than happy to know that their delegate supported such an amendment. Thank you.

Questions

Mr. Drew: Rev. Landrum, do you have any knowledge whatsoever of why those suits were not allowed?

Mr. Landrum: Mr. Drew, I have been told that in some cases prescription...now...

Mr. Drew: Well do you know Rev. Landrum that I am a member of Judiciary A and in 1973 the cases that were denied had been described as probably on the absence of attorneys in many cases, and only because of prescription?

Mr. Landrum: Mr. Drew, if an individual had the right to go to court, then the legislature, you wouldn't have had to worry about that at all. That's all I'm saying. That we go to the regular procedures, through the judicial department of our government.

Further Discussion

Mr. Stagg: Mr. Chairman and fellow delegates, with all the respect that is due them, to Rev. Landrum who just spoke, to Mr. Roy who was here previously, to Mr. Burson who was here previously, with all due respect to those delegates, who believe that sovereign immunity ought to be dispensed with, I would like to point out to you that on eight separate distinct amendments the concept has been voted down by convention. We are faced with the amendment seeking the same object. This may be the way this convention is supposed to run, but it surely is not a productive manner of proceedings. You have lost gentlemen. I don't mind for this convention to get on with its business and I move the previous question on the amendment.
Mr. Kelly. Ladies and gentlemen of the convention, we've been here for many, many hours on this particular subject. I think I will say that I think that there will come a time when some of these decisions will be made. I think I will say that in all of these cases the legislature must still authorize the suits to be filed against the state. Now, in answer to one of Mr. Stinson's objections yesterday concerning the providing of a procedure and the effects of judgments and so forth, we've added a Paragraph C, which simply applies both to the A and B sections above, which cases or suits just like Section B would prescribe the method of procedure, effects of judgments against the state, its agencies and political subdivisions. We have retained the concept of the Lanier amendment. Public property and funds not subject, and Mr. womack, I've even tried to take care of school board funds or anything else, so there would be no judgment against the state as to what is the meaning of property, because we specifically placed the word "funds" which means that no funds, no school board can have their funds garnished, or taken from them. It simply says that the legislature or the political subdivision against whom any judgment is going to be rendered, before that judgment can be paid, you might say you've got to get the approval of the governing body in question against whom the judgment was rendered. I think that this is a true compromise of the entire situation. Mr. stinson, I gather we didn't hold not to apply but was thought not to apply so that the litigants were able to litigate against the state, the state or the political subdivision, the state under your amendment, then, the doctrine of sovereign immunity would be enlarged to apply to situations, is that correct?

Mr. Kelly. Representative triche, I'm not sure whether or not it would be enlarged to that extent but I will say that that would certainly be left to judicial interpretation, and the only thing which is specifically set forth where there is no immunity would be the contract suit, the suit for personal injury or the suit for property damage. All other suits, of course, have to go to the legislature and seek the legislative approval before filing that suit.

Further Discussion

Mr. Guarisco. I rise in support of the Kelly amendment. It reminds me of a story of a fellow who took his young son on his first hunting expedition. They went out in the swamps and they had two ducks swimming in the water. The father told his son, watch me kill these ducks, and he shot at them a couple of times and the ducks got up and flew. He said you know son you've seen something that not many little kids have seen. You've seen two dead ducks get up and fly. I think that's what we're doing in this convention. We've told people to some dead ducks. Sovereign immunity is a dead duck. It's caught in the cross-fires all over this country. It's hit in every direction. Now, we here at the Constitutional Convention of 1973 are coming here and saying "we're going to give it open heart surgery and revive it." We can't do that. We're probably going to pass an equal protection of the laws clause in our bill of rights. I'm pretty sure that this convention is going to pass such an act. Once we do that, and once the legislature in their wisdom refuses someone the permission to file a suit when you file a suit under the equal protection of the laws and when the legislature can deny it to one and give to the other the right to file a suit, then that is a denial of the equal protection of the laws. So, it's not going to last very long even if we pass it today. Montana in 1972 did away with sovereign immunity. Illinois is 1970. Nebraska did away with it, the courts are doing away with it. Our courts are doing away with it. Various legislators are doing away with it, yet we're holding to continue to keep it. We're going to pass something that is not going to last. We all pledged ourselves to come here and try to find new solutions to old problems and then we want to keep the old solution. I'll yield to a question, sir.

Questions

Mr. Lanier. Delegate Guarisco, we were told by the previous speaker that Subsection D was intended to preserve the principles of the Lanier amendment. Would you agree that the words "except as otherwise provided in this constitution" are not contained in this language?

Mr. Guarisco. Yes.

Mr. Lanier. And without that language do you think that if this thing passed, then put this proviso in possible conflict with provisions of revenue finance and taxation and local and parochial government, particularly references to secure revenue bonds, certificates of indebtedness and local assessments?

Mr. Guarisco. I haven't seen anything from revenue and taxation.

Mr. Lanier. Have you seen anything from local government?
Mr. Guarisco Yes

Mr. Lanier Would you agree that that would put this in impossi ble conflict with Sections 42 and 43 of the local government proposal?

Mr. Guarisco With the proposal, yes.

Mr. Lanier Now, one other thing with reference to your remarks about the death of the snake. Have you ever had to kill a snake seven times?

Mr. Velazquez Mr. Guarisco, at present there is no requirement that a political subdivision of the state carry liability insurance, is there?

Mr. Guarisco It would be wise to do so.

Mr. Velazquez No, I'm asking you is there now a law saying that they must carry it?

Mr. Guarisco I don't know.

Mr. Velazquez Then, it seems to me that that we should have some protection in here to make sure the insurer at least pays up to the maximum limit that the subdivision already has. This is what I'm asking you. Shouldn't you have something in here saying something to the effect that provides that nothing herein shall be construed to release any insurer of the state, its agencies or political subdivisions from liability to the extent of coverage provided by any policy of insurance which may have been purchased by the state, its agencies or political subdivisions?

Mr. Guarisco No, I don't think so.

Mr. Velazquez You think this thing, as written, already makes sure that before the state has to pay out anything the insurance coverage will have to pay what they have been paid premiums through the years for.

Mr. Guarisco Those public officials are vested with the responsibility of their subdivisions and they'll take care of that, I assume.

Mr. Velazquez Well they maybe have the responsibility but there is no requirement that they have to have sufficient insurance.

Further Discussion

Mr. Blair Mr. Chairman and ladies and gentlemen of the convention, I'll make mine very brief. I rise in opposition. This reminds me a little of what Mr. Tom Stagg brought out, this is about 7,8, or 9 times that we've considered the main concept, these same things coming up. If you saw the race between Sham and Secretariat, does it remind you anything about it? You remember they almost beat poor old Sham to death for twice, but he still didn't win.

Questions

Mr. Alexander Senator Blair, as a member of the legislature what happens to a poor individual who lives in the back wood and who hasn't the political clout to get a member of the legislature to introduce legislation to permit him to sue the state. What happens in that individual after present law?

Mr. Blair Reverend Alexander, he should be represented by someone that would introduce it. I've introduced bills for this type, for people on the opposite side politically. It felt it was my duty to introduce such legislation

Mr. Alexander But suppose he lives in a rural area 50 miles from nowhere in a large district, geographically? He doesn't have political clout, he doesn't even know who represents him. What happens? He's injured by the state. I've known of instances like that

Mr. Blair Reverend Alexander, I feel sure that he'd have to get an attorney and I feel sure that the attorney should know who the Representative of Senator is.

Mr. Landrum Mr. Blair, do you know how many times we tried to go to the moon? Many times we failed and tried, yet we continued to try.

Mr. Blair Reverend Landrum, I can answer only for myself. I don't believe that I have ever refused to introduce a bill in a suit bill for anyone in my parish or my district that I represent.

Mr. Landrum Now may I ask you one other question? When every state but 5 have abolished this law, do you feel that the people in Louisiana are so much worse than in other parts of the country? That they are going to abuse this type of law?

Mr. Blair Reverend Landrum, there is so much noise I didn't understand your question. Do you mind repeating it?

Mr. Landrum What I'm asking you is all but 5 states have abolished the immunity law. Do you feel that the people in Louisiana are so much worse than any other state in this country that they would abuse this law?

Mr. Blair No, but I like the way we've been operating a long time in Louisiana, and I think that we have improved and I think we are going to continue to improve.

Mr. Landrum Well that's why we are here now, because what we've been operating on for a long time. Otherwise we wouldn't be here, wouldn't you say? Something was wrong that the people...

Further Discussion

Mr. Roemer Fellow delegates, I'd like to address a few remarks about the idea of snakes and how many times we have to deal with them. You see there, that's a good issue, particularly when it's not your snake. You remember last week and the week before when we talked about how many days the legislature should meet and whether we should have split sessions? Oh yes, the other side came back too and time again. They finally won it. You see it wasn't a snake then, cause they owned it. The question is whether it's a snake or how many times we talk about it. It's hard to think this snake, if you want to call it that, is owned by the people. Not be a special group whether they be legislators or those who have heard some snake, and this is a pet snake. It's a good one. The people who fight this kind of amendment probably believe in the Queen of Canada. Oh yes, Virginia there is a Queen of Canada. She lives in England, and she is the sovereign head of the mighty nation of Canada. Has no power, has no authority, that's what they're talking about here, the Queen of Canada in the legislature of our state. You see, they just told us time and time again oh we allow all these suits, we just want to review them. They don't turn any down, they allow them all. They said it time and time again here. why should they have the right to review? Queen of Canada, window dressing, patronage, giving up our rights to them. I'm against the amendment, I've heard problems with every prior amendment because they were so broad in fighting sovereign immunity. This, I think it is a Mr. Kelly stated, a true, accurate, progressive compromise. It puts limits on the sovereign immunity and yet allows the people to have redress, have their case heard where it ought to be heard, not in the legislature, but in the court. Now I respect and have respected and hope will continue to respect every man and woman in the convention right, and I've had some good thoughts on this particular proposition. I think we've finally arrived at a point, I hope, that we can take a step forward. I urge you to adopt this amendment.
Mr. Conroy: While this has been a long discussion, it has been interesting and we've seen a lot of different versions of how to do something. The present amendment before the committee is certainly the best effort made by those who wish for the state to incorporate in the constitution a waiver of immunity. I still fail to understand those who feel that it is necessary to incorporate in the constitution, such a waiver of immunity. There is nothing in Section 14 of the Committee Proposal that incorporates or states anything about sovereign immunity. It says the legislature may authorize suits to be filed against the state. It's a delegation to the state, to the legislature, of the authority to do what I thought this constitutional convention intends to do. It's to indicate the areas in which the legislature could act. Those who have spoken for a flexible constitution, those who have spoken for giving authority to the legislature find themselves in this case, speaking for requiring the legislature to do certain things or removing from the legislature the authority to review certain things. I don't understand their concepts or their desires in that regard. I think that the committee proposal as written is sound and should be adopted by this convention. I continue to be opposed to the amendments that are proposed to it.

[Previous Question ordered.]

Closing

Mr. Kelly: Ladies and gentlemen of the convention, I think that it's obvious that you've heard much less objection to this particular amendment as has been stated up here and I have stated on several occasions, this is a good amendment. If we pass this, it will give the people of the state of Louisiana the protection yet it will give the state the protection that it needs. It will give the cities the protection that they need. It will give the villages, the incorporated villages, the protection that they need. I earnestly solicit your support, and let's get this behind us and move on to another subject.

[Previous Question ordered. Amendments adopted: Sec. 14. Motion to reconsider tabled. Previous Question ordered in the entire subject matter: 81-26.]

Point of Information

Mr. Flory: It's my understanding that the majority cannot pass this section unless the majority is 67 votes. Isn't that correct?

Mr. Henry: Sixty-seven people will have to vote for this section before it is adopted. You are correct, sir.

[Previous Question ordered in Sec. 14. Motion to reconsider tabled.]

Reading of the Section

Mr. Paynter: Section 15. Continuity of Government.

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

Explanation

Mr. Casey: Mr. Chairman and delegates, the provision pertaining to continuity of government is now contained in the present constitution in Article II, Section 3. The provision submitted to you under the section designated in Section 15 is substantially the same with a slight exception. For instance, that part of the continuity of government pertaining to local government was assigned to the Committee on Local and Parochial Government so this section is intended to apply only to state government. Secondly, the wording as contained in today's constitution to provide for continuity of government in case of emergency, arising from force of enemy attack, has been changed to provide for continuity of government caused by enemy attack has been changed to periods of emergency so that it will not be strictly confined to enemy attack, but also to epidemics, natural disasters, etc., which certainly could occur in addition to enemy attack. Unless there are some questions, I would move for the adoption of Section 15.

Questions

Mr. O'Neill: Mr. Casey, you remember the discussion in our committee about this provision, and would you agree that in line 14, "provide for the temporary continuity of state government," that that is sort of a vague mandate? And don't you agree that they could provide for any form of government under this provision?

Mr. Casey: Well, obviously it's confined only to periods of emergency and I would assume it would be in accord, and it does, I think, imply that it would be done in accord with the constitution and the laws of the state and not at the type of government concerned. It's strictly during periods of emergency. It's on a temporary basis and I think the design of it is certainly intended to be flexible so that the detail of it could be left entirely to the legislature to itemize and define.

Mr. O'Neill: Well this flexibility is what concerns me a little bit and it implies that the legislature would have to go by the constitution, but it doesn't really say it. Another question, isn't it true that we had a very hard time determining what a period of emergency would be?

Mr. Casey: You're absolutely correct. That's why I think the committee that both you and I were a member of, did not attempt really to define what is the definition of emergency. So that's why that vague term was used. Because there are many situations other than enemy attack.

Mr. O'Neill: Well I just hoped that we could clarify it a little. Thank you.

Mr. Anzalone: Mr. Tom, I hate to ask you a "do you know" question, but your second paragraph, that shall also provide for the prompt and temporary succession etc., in the Committee on the Executive Department we have taken care of a great number of those officials that are going to be in the executive department. What I'm concerned about is again, do you know, that there is a possible conflict between this article and the article that we would have to provide for the succession into office based on inability, unavailability, death, or something of that nature?

Mr. Casey: I would assume that when an interpretation is requested, and I would expect it would be from the judiciary, that where the constitution is specific, specific provision on this point. I would think that the legislature certainly could not override or overrule those positions specifically designated in the constitution as to the method of succession in case of emergency.

Mr. Vick: Does this give the legislature the power to suspend the writ of habeas corpus? Implies?

Mr. Casey: I do not see that implication here, but far be it from me in my humble interpretation to say that it does or does not.

Mr. Vick: All right. As a constitutional scholar, wouldn't you agree.

Mr. Casey: Thanks for the compliment.
Mr. Vick: Wouldn't you agree that this provision is vague and over broad, and therefore unconstitutional on its face?

Mr. Casey: I would suggest that it's not. It's broad, yes, when we use the word emergency. I don't think it's vague though.

Mr. Vick: And over broad. That this is constitutionally infirm because of overbreadth and is therefore unconstitutional on its face.

Mr. Casey: Well, I merely disagree with you. I don't think that it is. You are entitled to your opinion and I'm entitled to mine.

Mr. McTiche: Mr. Casey, under the committee's proposal would the legislature determine the emergency?

Mr. Casey: I would assume that the legislature could, in whatever statutes are enacted, attempt to define emergency. But I would say even then that it is possible that they could not cover every possibility.

Mr. McTiche: Well if the legislature wouldn't determine the emergency, who would?

Mr. Casey: Well, the idea is that the legislature would.

Mr. McTiche: All right. Now in addition to that, it talks about until such time as normal processes of government can be resumed or reestablished. Would the legislature also determine that?

Mr. Casey: I would say under the interpretation of Section 15 they certainly could, Mr. McTiche.

Amendment

Mr. Poynter: Amendment proposed by Delegate Jenkins. Going to the reprinted bill.

Amendment No. 1. On page 7, strike out lines 13 through 20 in their entirety and insert in lieu thereof the following: "Section 15. The legislature, in order to insure continuity of state government in periods of emergency caused by enemy attack, shall have the power to provide for temporary succession to the powers and duties of public offices, whether filled by election or appointment, when the incumbents become unable to carry on the powers and duties of such offices."

Explanation

Mr. Jenkins: Mr. Chairman, delegates to the convention, if you'll study the committee recommendation, may be troubled by the first sentence. I want to say it to your attention. The first sentence of the proposal by the committee says: "The legislature shall provide for the orderly and temporary continuity of state government in periods of emergency until such time as the normal processes of government can be reestablished in accordance with the constitution and laws of the state." The application of that sentence seems to be, in my view, that there will be certain times, because of emergencies, and the word emergency is not defined, when the legislature might choose to act contrary to this, or circumstances. This might be contrary to what we have laid down here. Now that, to me, is a very dangerous power. It could mean in times of emergency that all the protections that we've built-in, could mean nothing. Look at some of the words. What is temporary continuity of state government? What is an emergency? Who declare it? Is it a hurricane or an emergency? Who can happen in emergencies? Let me ask you these questions. Can first amendment rights be suspended, freedom of speech, freedom of assembly, habeas corpus, the right to keep and bear arms, due process of law, property rights be deprived, grand juries? Can ex post facto laws be passed in these periods of emergency? Is this constitution and laws can be reestablished? Bill of attainder, will access to courts be closed? Will there be still a prohibi-

Further Discussion

Mr. Casey: Mr. Chairman and delegates to the convention, I think Mr. Jenkins intends to reinsert and certainly does by the wording of his amendment, the use of the words enemy attack. All the committee has submitted to you or intends to submit is a flexible, workable proposal realizing that there are other things other than enemy attack which could cause great confusion in our state, could effect the continuity of government, and that is all that we are talking about in this particular section, is to provide for the orderly and temporary, and I must emphasize the word temporary, continuity of state government, and for the succession to power of public offices. I would like to remind you, if you go back to Section 15 as submitted by the committee proposal, that all this does is require the legislature to pass a statute or an act after the passage of which is subject to rejection by our constitutional convention, and that this can happen in this time, and it's susceptible to being declared unconstitutional, and if it is workable, unrealistic, completely improper, it would certainly be so declared by our constitutional convention. Any rights that might have been referred to by Mr. Jenkins, any rights that might have under the federal Constitution, we don't affect any federal law or any federal constitution here. All we're talking about is the mechanics of succeeding to office in case of emer-
If we sat here for the rest of the day we could think of a hundred examples, but I would submit to you that an example is widespread flooding, widespread epidemic, sickness from various causes, many of which could be inflicted on the entire citizenry of our state. Mr. Alexander. Would you also agree that to enact this amendment would in itself be an emergency?

Mr. Casey. Well, I'm against the amendment and judging by your comments, I think you are also, Reverend Alexander.

Mr. Avant. Mr. Casey, as I understand this provision, the legislature could only so provide with respect to some emergency situation in which the normal processes of government had become disestablished, because they can only provide until those processes have been reestablished. So that is a limitation, is it not, on the power of the legislature? The normal processes of government have to be completely disestablished before you can institute this legislative succession procedure. Is that the intent of the...

Mr. Casey. You are certainly correct, Mr. Avant. We would have to detail this method in a statute. And if it's improper, it could be declared unconstitutional.

Mr. Avant. And if the normal processes of government have become disestablished because of some emergency, it is of little consequence what that emergency is. It may be an enemy attack, flood, an epidemic, a hurricane, or what it is.

Mr. Casey. An enemy attack always sounds like the best thing to talk about, but I think there are a lot better chances of something else occurring other than enemy attacks.

Mr. Kilbourne. Mr. Casey, doesn't the Federal Constitution guarantee every state a republican form of government, and wouldn't that protect the state against the kind of things that Mr. Jenkins has talked about on his amendment?

Mr. Casey. It certainly does, Mr. Kilbourne, and I really don't envision that as a problem at all.

Mr. Stinson. Mr. Casey, the recommendation of the committee and also the amendment both, is only as to state government. Isn't it a fact that our parish government and city governments, they take care of themselves. This is only state government, isn't it?

Mr. Casey. That's all we are dealing with here. The present amendment deals with local and state government and we'll discuss that under the local government area.

Further Discussion

Mr. Perez. Mr. Chairman and delegates, I've thought long and hard about this particular provision and as you know I hesitate to come up to the mike except when I feel that there is a subject matter which is of such importance that it deserves special consideration. The present provision in the constitution was adopted during the time when we were so concerned about the fact that our state may be subjected to enemy attack and that there would be wholesale loss of public officials so that they could not continue to operate government because of the death of so many public officials. What concerns me so much about this amendment is that you might have and probably would have all of your elected officials or most of them still alive, still able to carry out their functions, but the legislature might decide, in their wisdom, that because of an emergency that some other procedure or process should be followed in the operation of government, and that they would suspend the legislative officials' duties and responsibilities and put them elsewhere. I might call to your attention, that under federal laws, Louisiana or parts of Louisiana have been declared to be emergency areas time and again. Take for instance, just during this last high river flood fight which we have had, the entire state of Louisiana along the Mississippi River and many other areas were declared emergency areas. Does this leave the possibility that the legislature could adopt laws which would provide for the suspension of the operation of government during those emergencies? I am very much concerned over the fact that the word emergency has not been properly and adequately defined and that we are leaving the possibility that pandora's box could be opened wide. I suggest to you that if we need a provision like this in the constitution it is only under the condition when we have a pandora's box could be opened. And the only condition that I can conceive of when that would ever happen would be in the event of nuclear attack. That's the reason the present constitution provides for emergency caused by enemy attack. And that is the only case that I can conceive of when such an emergency provision would be necessary. So I therefore suggest that the Jenkins amendment is better because provision which has been submitted by the committee, and I would urge the adoption of the Jenkins' amendment.

Questions

Mr. O'Neill. Mr. Perez, didn't you come before our committee and express the same concern to us and didn't we amend our provision somewhat, but not completely to your liking to take care of part of this?

Mr. Perez. I appeared before your committee on behalf of the Committee on Local and Parochial Government and only in that capacity, and the committee was good enough to insert the word statute on line 14 to hopefully make it clear that this provision would apply only to state government and not local government. But the purpose of my remarks here today concern the general provision itself as it applies to state government.

Mr. O'Neill. Thank you.

Mr. De Blieux. Mr. Perez, I'm thinking about a situation that could take place that I don't believe the Jenkins' amendment will allow for. Suppose the legislature should be in session sometime in the capital, and of course the governor and everybody's there, and we should have an earthquake, let's hope that never happens, at least while I'm there. But suppose that does happen, and the whole legislature and the state officials are wiped out. Wouldn't that be an occasion where that the particular provision like this would come into effect?

Mr. Perez. My only answer to that, sir, is who has ever known or heard of an earthquake of that kind in the history of this state? We can only provide for those things which are reasonably foreseeable, not something which we might conjecture up as some remote, ultra remote possibility.

Mr. De Blieux. Well, I hope, we haven't had any in

the past, I hope we don’t have any in the future. But let’s don’t say that something like that can’t happen. I’ve seen some things happen that I never would have thought would have happened this day and time. Even in this convention.

Mr. Perez Senator, to answer your statement, the question is which is the worse of the two evils. As the committee proposal now stands, it could declare what an emergency is. There is no definition of an emergency and it would strictly be left to the whim of the legislature to declare what would constitute a sufficient emergency in order to suspend the Constitution. Adoption of state during the duly elected officials and put that responsibility possibly in other person’s hands.

[Previous Question ordered.]

Closing

Mr. Jenkins Mr. Chairman and delegates to the convention, there are many procedures in our law that allow the government to act in times of emergencies. In fact, once again I think the legislature pass things to allow certain flexibility of the governor, the legislature, local public officials to deal with emergencies, and certainly many of the procedures that we adopt in this constitution will allow local officials, state officials, the legislature and the governor to deal with emergencies. If we have an emergency provision, we want to limit those officials to the confines of this constitution and the protections built therein. And so the only purpose of this amendment is to provide that as, in this context and with the same feeling as the 1962 amendment to the constitution which originally put this provision in, we allow for temporary succession to public officials, to public offices, in case of an enemy attack. We have many natural disasters but there’s no reason in such cases to suspend basic constitutional protections. I fear without this amendment that such a suspension will be possible. We need much more of a definition of emergency than is in the Legislative Committee’s proposal, and certainly we need some protection. We need not go to the trouble of writing a constitution with a Bill of Rights, with many procedural safeguards, if at the whim of the legislature or the governor or someone else all of these things could be done away with. And so for that reason I urge you to adopt this amendment.

Questions

Mr. Juneau Mr. Jenkins, of course one of the controversies is whether we put a limit to enemy attack or not. I notice one thing that you deleted from your provision which is now in the present constitution. That is, in times of emergency even in the case of an enemy attack it says to adopt such other measures as may be necessary and proper for insuring the continuity of governmental operations. That is deleted from your provision, is it not sir?

Mr. Jenkins Yes, that is, and that’s because we have sufficient flexibility right now to handle those situations. I can’t imagine what procedure might be necessary in an enemy attack that the legislature, the governor, doesn’t already have the power to accomplish that they couldn’t do.

Mr. Juneau Don’t you think though it’s possible to be construed to be self limiting the fact that you have specifically what they shall have a power to do and nothing more in the case of an emergency?

Mr. Jenkins Yes.

Mr. Juneau The normal processes we have forbidding every other procedure you may need for a prompt emergency section at that time. In my opinion that could be waived. I question whether that could be accomplished under your amendment.

Mr. Jenkins No, you see the thing is the legislature under our provision adopted earlier can come into immediate session, the governor can declare a particular provision an emergency provision, it can come into effect immediately. They can pass laws on a moments notice, practically. They can deal with situations as they come up, so there’s no need to allow them to act contrary to this constitution, because the constitution gives them sufficient flexibility.

Mr. Juneau Well then, what would occur, we’ll get to the legislative article which requires that a bill, for example, be read on three separate days? And that’s in the constitution, the legislature couldn’t change the constitution.

Mr. Jenkins No, it couldn’t change that...

Mr. Juneau Well, do we have to wait 3 days in an enemy attack to find out?

Mr. Jenkins But it can pass resolutions, concurrent resolutions and things of this nature to deal with emergency situations.

Mr. Juneau No, that’s all, thank you.

Mr. DeBlieux Mr. Jenkins, I’d just like to ask you this question. They said that my illustration about the earthquake might not be proper. But suppose, and I’ve got two questions to ask you. Suppose that we should have a bomb during the time the legislature is in session in which about half or most all of the legislators and the governor is killed. Your amendment wouldn’t take care of that, would it?

Mr. Jenkins No it wouldn’t, and neither does the Legislative Committee’s proposal. You notice that it says the legislature shall provide, and if the legislature doesn’t exist, then even under the Legislative Committee proposal it can’t provide for it.

Mr. DeBlieux Well haven’t you appointed a successor to your office under the present provisions of the act of the constitution and the act of the legislature. I thought every legislator had done that. I know I have.

Mr. Jenkins Yes. And that’s in case of enemy attack under the present law.

Mr. DeBlieux Well, now aren’t we broadening this to take care of a situation as I’ve illustrated to you?

Mr. Jenkins No, because we have procedures for special elections to fill those vacancies.

Mr. DeBlieux If a half the legislature is wiped out you don’t have that, though. You have...

Mr. Jenkins You could still have a special election.

Mr. DeBlieux You have that you have an emergency or more that can happen.

Mr. Jenkins You could still have special elections to fill the vacancies in such instances.

Mr. DeBlieux Now another thing. With reference to the definition of emergency. Since no legislators are wanting to give up their position, don’t you think they’d restrict the type of emergency which that would take over?

[Second order ordered. Amendment rejected: MR. PETERSON. Amendment: Mr. Petersen, Delegate Stagg and Abrahmson send up amendments as follows: Amendment No. 1: Page 1, line 17, immediately after the period and before]
Mr. Stagg. Mr. Chairman, and delegates to the convention, this is in the way of a technical amendment and I suggested it to the lenient legislative committee, Mr. Casey, and they found it to be non-objectionable to them. The reason for the amendment is that in the executive article in which I hope some day we get to, it is provided in a particular way how a declaration of inability by a public official can be determined which will involve all three branches of the state government. In this particular case, I would like for our language not to be frozen out of the constitution by the way that this is written and the amendments provide that flexibility by saying "except as otherwise provided in this constitution, it shall also provide for the prompt and temporary succession to office."
and goes over to the Senate, and is amended there, the House must then concur in those amendments by the same vote that was required for final passage; so that, for instance, in the case of a tax bill which passed the House by a two-thirds vote of the elected membership of each house, the Senate is amended and let's say is increased and comes back to the House for concurrence, the House still then would have to concur by a two-thirds vote of the elected membership of each house. Paragraph 6 indicates that for a bill to become law that you must have a favorable vote of a majority of the elected membership of each house. So, I move the adoption of these amendments.

Mr. Avant Mr. Perez, we're considering your amendment that has only two sessions in the legislature. That's all this particular amendment does.

Amendment

Mr. Poyneter Amendment No. 1 [by Mr. Perez]: On page 7, line 29, immediately after the word "bill" and before the "," insert the words "introduced during a session of the legislature". Amendment No. 2: page 7 line 29, immediately after the word "introduced" before the comma insert the words "introduced during a session of the legislature".

Explanations

Mr. Poyneter Mr. Chairman and delegates, I know that there has been a great deal of confusion concerning the provision which we adopted early in our deliberations with respect to the meaning of "a continuous body". We have said that the legislature is a continuous body. If you would refer to the notes which were prepared by the staff and apparently adopted by the committee in connection therewith, it would provide or permit the legislature to manage its own actions when it is actually in session by allowing, among other things, formal introduction of bills prior to convening in regular or extraordinary sessions, the assignment of such bills to committees and the pre-session committee hearings and determination of reports. Now, what all of that means is that all during the ten months of the year in which the legislature is not in session that the continuous body would mean that bills could be formally introduced into the legislature, could be assigned to committee and final report made by the committee and the legislature so that the opening day of the legislature a bill would be ready for final passage in one house thus making it possible to finally pass a bill within a three day period within the first few days of the session of the legislature. I know that we were divided with respect to the question of having a split session, that the public might be interested in the bills which had been introduced. Under the present posture of the provisions which we have adopted, not only would the public not have the five days, which is the minimum time in which a bill can be now passed, but would have only three days after introduction of a bill, before that bill could be adopted, finally adopted, into law. In order to avoid that possibility, and in order to avoid the possible interpretation of what is meant by a continuous body, we would make it clear by this amendment that the legislature shall enact no law except by a bill introduced during a session of the legislature and shall propose no amendment to the constitution except by a joint resolution introduced during a session of the legislature. I submit to you that without this amendment that we would have a congress of the state of Louisiana. We would have a twelve month session of the legislature, the session that legislation would normally processed all year round. Now, nothing in this amendment would prohibit the legislature from pre-introducing bills without moving them in the session of the legislature. This bill would be after the adoption of these amendments.

So, I move the adoption of these amendments.

Mr. Perez Mr. Avant, you see there were two amendments which I had proposed. The one which we are taking up now is the one which would insert only the words "introduced during a session of the legislature" which would require every bill before it could become law to be introduced during a session of the legislature. That's all this particular amendment does.

Amendment

Mr. Poyneter Amendment No. 1 [by Mr. Casey]: On page 7, line 32, immediately after the word "and" and before the word "shall" insert the words "every bill".

Explanations

Mr. Casey Mr. Chairman and delegates, this is strictly a technical amendment to clearly indicate that every bill shall contain a title and as drafted there was some question as to whether a joint resolution would have to contain a title.

Amendment

Mr. Poyneter Amendment No. 1 [by Mr. Jenkins]: On page 8, at the end of line 1 insert the following: in any matter intended to have the effect of law shall be taken except in open public session.

Explanations

Mr. Jenkins Mr. Chairman and delegates to the convention, we were subjected to some criticism by the Public Affairs Research Council recently because of an inadvertent omission. We haven't anywhere in the article provided that our sessions are going to be open to the public, that the general public can come and sit in the chambers and that there can't be restrictions on that, at least, while action is being taken. So, all this amendment does is provide that when we actually take some action on a bill in the legislature that the meeting has to be open to the public at that time. Now, frankly it would not altogether prohibit executive session, but it would prohibit any sort of action being taken during such a session. This gives the public, I think, most of the protection we need and so I'd like to move the adoption of this amendment.

Questions

Mr. Casey Mr. Jenkins, I have two questions. I'm not in opposition to your amendment, first of all. Is there some distinction between the wording "open public" and I'm just curious why both of those words are used.

Mr. Jenkins I don't know that there is any real distinction. It may be a redundancy. Perhaps we could just say public.

Mr. Casey The other question I have refers to the process that the Senate uses, particularly, for executive sessions to hear personnel matters such as appointments that are recommended by the governor and must be concurring with the advice and consent of the Senate. There is no prohibition to that. I would assume, is that correct?

Mr. Jenkins No, that's correct.
Mr. Henry: Do you mino withdrawing it and making it “public meeting” rather than “session”?

[Amendment withdrawn and resubmitted with correction.]

Mr. Poynter: It would read: no action on any matter intended to have the effect of law shall be taken except in open public meeting.

Questions

Mr. Triche: Would this require committee sessions open to the public?

Mr. Jenkins: No, sir. I don't believe that it would. I think it's the actions of the body as a whole, but amendments will be offered later on to make sure that committee meetings are held in public. At least, not as actions on bills are concerned.

Mr. Jackson: Woody, I'm basically, you know, for your amendment, too, but you start off by saying no action and someone raised the question of executive session. Would action be interpreted to mean that if in the executive sessions you were just discussing things were not taken as actions or no formal action as an action? Does no action mean no formal action? Does that prevent in executive session people discussing certain things?

Mr. Jenkins: I think it means no formal action, so it would not prohibit discussions in executive sessions, and if we can pass such a provision, I would be glad to vote for it if someone would propose amendments even to do away with those but I'm trying to get something that we can pass here, so that's why that is provided in this manner.

Mr. Tate: Mr. Jenkins, we're all in favor of open public meetings, etc., but is there any danger by striking it out in the committee that after a bill is passed we're going to have laws suits saying that you have to take evidence that they were not in an open public meeting and things like that.

Mr. Jenkins: Well, I think that there is always the possibility that if the legislature doesn't conform to the procedural safeguards in the constitution that it would be subject to attack. This would be with regard to three readings and things of this nature and certainly if they did not hold a public meeting, they voted on it in executive session, it should be subject to attack.

Mr. Tate: You've answered my question. Of course, the three readings, generally the journal proves it, and I guess, we'd say the open meeting would be proved by the committee resolution that said...the committee minutes that said that it was open, I guess is what you mean.

Mr. Jenkins: Well, I'm sure it would be subject to attack if there were contrary evidence, but probably the presumption would be that it wasn't an open public session.

Mr. De Blieux: Mr. Jenkins, I think, and I'm not opposed to this, but this is going to at least cut the executive sessions of the budget committee or any committees like that as I can see it here. Because it says no action shall have the effect of law and of course, the budget is a law as you well know, and I'm wondering about the executive appointments that the governor has to submit to the Senate. The action that we take on those are usually taken in executive session and when they are confirmed that I know we're driving at, but I feel like that it can be read into this...now I know that you may not intend it, but after all, the court is going to have to pass upon this, not just you and I. I just want to throw this out so that you can think it over, and you might want to clarify it to be sure and reword it. I know what you're driving at and I'm in accord with that.

Mr. Jenkins: Well, Senator, I don't see that any way the actions of the budget committee could be construed as actions, because they do not act on a proposal. They don't even report it favorably or unfavorably.

Mr. De Blieux: On the budget, sure they report...

Mr. Jenkins: They prepare it, but they don't take action that...on anything as I appreciate it.

Mr. De Blieux: Maybe you ought to change your word action to vote. No vote shall be taken. When you say action, that's different.

Mr. Jenkins: Well, I'm hoping that action will be a little broader. It certainly wouldn't mean debate and discussion or preparation or agreements or things like that.

Mr. De Blieux: That's what kind of concerns me is the broad nature of the word action.

Mr. O'Neill: Mr. Jenkins, isn't it true that the rules of this constitutional convention are basically the same and that our executive committee can discuss personnel appointments but no final action can be taken except in the full session? Isn't it basically the same as this?

Mr. Jenkins: Yes, that would be the same in this case. Now the final vote, of course, in the Senate would have to be open but they could discuss it in private.

[Previous Question ordered. Record vote ordered. Amendment adopted. 90-6. Motion to reconsider tabled.]

Amendment

Mr. Poynter: This goes to Paragraph D, Mr. Chairman.

Amendment No. 1 [by Mr. Flory], on page 8, line 11, after the word “unless” and before the word “it” insert the following: “and until a public hearing has been held on such bill and”.

Explanation

Mr. Flory: Mr. Chairman and delegates, this is now consistent with the rules of both houses of the legislature and also makes the committee chairman the person who decides what it does, the process of round-robin, that's all it does.

[Amendment adopted without objection. Previous Question ordered on the Section. Section passed: 96-0. Motion to reconsider tabled.]

Reading of the Section

Mr. Poynter: Section 18, Appropriations. Section 18, Paragraph A. No money shall be withdrawn from the state treasury except through specific appropriation and no appropriation of money shall be made for contingencies or for longer than two years. Paragraph B. All bills for raising revenue or appropriating money shall originate in the House of Representatives but the Senate may propose or concur in amendments as in other bills. Paragraph C. The general appropriation bill shall be itemized and shall contain only appropriations for the ordinary operating expenses of government, public charities, pensions and the public debt and interest thereon. Paragraph D. All other bills for appropriating money shall either be for a specific purpose and for a specific amount. Paragraph E. Any bill appropriating money in an extraordinary session of the legislature convened after the adjournment of the regular session held in the last year of the term of office of a governor except for expenses of the legislature shall require the approval of three-fourths of the elected members of each house.

Explanation
Mr. Casey. Mr. Chairman and delegates to the convention. The provisions of Article 18 are basically contained in various areas of the constitution today. Paragraph A. specifically indicated that no monies can be withdrawn from the state treasury except through appropriation and that any appropriation...no appropriation shall be made for contingencies or longer than two years. That is in there today. All bills to appropriate money in Paragraph B must originate in the House of Representatives. That is the law today. Paragraph C., the general appropriation bill must be itemized and shall be only for the ordinary operating expenses of government, etc. That is contained in the constitution today. In Paragraph D., that wording is in the constitution today. All other bills for appropriating money shall be for a specific purpose or a specific amount. Paragraph E. is also contained in the constitution and refers only to a specific situation, where during the last year of the term of office of governor after the regular session of the legislature money can only be appropriated by a three-fourths vote of the elected membership of each house. Apparently, there was an unhappy situation in the past, I don't know how many years ago. Twenty, thirty or forty years ago apparently, a governor, shortly before his term expired, knowing he was going to leave office, convened the legislature, appropriated a tremendous amount of money, and left the state broke for the next governor and the next incoming legislature. That was specifically designed to take care of that situation.

Questions

Mr. Triche Mr. Casey, I'm referring to 18 A. where you talk about the appropriation of monies shall...no appropriation of monies shall be made for contingencies. As I appreciate it, the present constitution prohibits contingent appropriations. Isn't there a difference between appropriations for contingencies and contingent appropriations? If there is, what is there, and what's the reason for the change?

Mr. Casey Mr. Triche, all I can say is that I'm not sure what is the difference, if any. It was a wording that was attempted for simplification and if you feel that there is some question about it, I personally, do not have a question, maybe an amendment would be in order, but I don't have any hesitation about it.

Mr. Triche Well, it just appears to me at first blush, Mr. Casey, and I didn't have the benefit of the committee hearing, but it just appears to me at first blush is that you didn't perhaps make that as clear as you could have. The prohibition against contingent appropriations would be a prohibition against making an appropriation if and when a certain event occurred. Whereas, an appropriation for contingencies is entirely different, it seems to me. Because it seems to me that we make appropriations for contingencies all the time. We make appropriation of X number of dollars to an agency, let's say X plus Y number of dollars for an agency, X for budgetary expenses plus Y for certain contingencies which may or may not arise, which is not a contingent appropriation. It seems to me that you are outlawing appropriations for contingencies rather than contingent appropriation. I don't want to be the basic point, I just wanted to hear some explanation from you.

Mr. Casey Mr. Triche, I think that it would be appropriate to examine Article 4, Section 10, which reads in this fashion, "Each appropriation shall be for a specific purpose and for a specific amount, and shall be only for the ordinary operating expenses of government, etc." That's my feeling. That's my reading of the language. Nor shall any officer or department of government receive any amount from the treasury for contingencies or for a contingent fund. I would like very much in the similar area, we would hope we are not complicating things. I don't believe we are, but I think that we have attempted to simplify that wording.

Further Discussion

Mr. De Blieux Mr. Chairman and ladies and gentlemen, I think that Rebecca Triche has raised a very important point, and I think that we ought to revise this particular section. I know what Mr. Casey has reference to, and I know that we in the legislature cannot say no appropriation contingent, or something of that sort...that it must be a definite appropriation. But we do very often make appropriations contingent upon the happening of certain events and I feel that the way that this is presently worded you will not be able to do that. I certainly think that we ought to revise this in the same fashion that is in our present constitution that does permit the making of contingent appropriations but denies the right of the legislature to make appropriations which are labeled contingencies. Contingencies are just unidentified unexpected expenses which may be dreamed up or you might not know about. I certainly think that we ought not to have those type of appropriations, but not for things that we may feel like that may happen that we need the appropriation for if it's definitely for that particular subject matter if it happens.

Questions

Mr. Flory Mr. De Blieux, by the prohibition against the appropriation of funds for contingencies aren't you in effect prohibiting the appropriation of monies to the Board of Liquidation?

Mr. De Blieux Yes, I'd say that Mr. Flory, because that's what the Board of Liquidation is supposed to take care of.

Mr. Roemer Senator, I fail perhaps you can explain it to me, the difference between the contingency appropriation and the appropriation for contingencies. They're both based on something that may or may not happen, is that true?

Mr. De Blieux No, there's a difference in this respect, Mr. Roemer, insofar as making state appropriations. Now, let me read you the exact words that are now our constitution, which I think that this provision is meant for and show you the difference in it. The present constitution says this: "Each appropriation shall be for a specific purpose and for a specific amount, and no appropriation shall be made under the head or title of contingent, nor shall any officer or department of government receive any amount from the treasury for contingencies or for a contingent fund." Now, that's what I think that the provision is supposed to take care of, but you can see the difference in the wording. What they're saying, a contingency appropriation shall be made for contingencies. There is a lot of difference.

Mr. Roemer Maybe my question should have been, and I'll ask it now, your position is in opposition to the proposal as we have it here, is that correct?

Mr. De Blieux As it's presently written, because I think that it's going to...it's certainly going to have the effect that you can't have any Board of Liquidation sun or anything of that sort. In case of any emergency you'd have to have a session of the legislature to take care of it. There's no way around it.

Amendment

Mr. Rayburn Amendment No. 1 [by Mr. Rayburn], on page 6, line 30, after the word "that" delete the word "two years" and punctuation two years and insert in lieu thereof the word "one year". That's just a technical mistake in it. It should be, on page 8, line 30, after the word "than" delete the remainder of the line, and insert in lieu thereof the word "one year", to make it read a little better.

Explanation

Mr. Rayburn Mr. Chairman, fellow delegates, in the present constitution you have the language of

"make appropriations for a period not to exceed two years. That was placed in there in 1921 when the legislature met every two years. I'm merely chang-
ing that and inserting in lieu thereof, in the place of two years, one year. The Revenue and Taxation Committee adopted the one year proposal along with several other proposals that's really not mentioned in this particular bill that we're discussing at this time, but we will have it in our proposal, and this is the only thing that I've seen that is in conflict with our recommendation. Therefore, I move the adoption of the amendment deleting the two years and inserting in lieu thereof, one year.

Questions

Mr. Dennery In the other committee's report, do you provide for the Board of Liquidation similarly to the way that it is now?

Mr. Rayburn We made no change to my knowledge at this time. On the Board of Liquidation, I don't believe that we made any change of it.

Mr. Dennery Do you think that this section, whether it says one year or two years, is not in conflict then, because it provides that you can't appropriate any monies for contingencies? Don't you presently appropriate monies to the Board of Liquidation?

Mr. Rayburn Yes, sir. We do to the Board of Liquidation, but we do it every year.

Mr. Dennery But, it's for a contingency, isn't it?

Mr. Rayburn That's true. But, we've been operat-
ing with that. The present constitution has that language in it, Mr. Dennery, and we've had no con-

Mr. Dennery O.K. Thank you.

Mr. Roemer Just to clear up, Senator, didn't we not, in fact, make a few changes in the Board of Liquidation?

Mr. Rayburn We made some. I'm not familiar with the specific changes. Mr. Roemer, but we made some suggestions, I believe. One of them, I think, was that we tried to tie down where if any requests had been denied by the legislature, the Board of Liquidation couldn't come back in this party, like we've been doing for the last 20 years and approve it.

Mr. Roemer Exactly, didn't we also say that we had to have a vote of the legislature when it was out of session to approve a specific expenditure o' money.

Mr. Rayburn We have to have that now. That has nothing to do with contingency.

Mr. Roemer It does in this respect, because we further went on to say that the legislature met in the next session following the expenditure out of session, appropriate the money necessary then, right?... to cover the deficit.

Mr. Rayburn That's true, to cover the deficit, and that would be considered in their next year's budget as an amount of money that they received in that particular fiscal year, yes sir.

Mr. Roemer So, wouldn't you agree in a very real sense, we did cut out the contingency expenditure of the Board of Liquidation. We certainly attempted to do that.

Mr. Rayburn Well, I guess you could say that we did recommend that they be cut out, if you want to call it cut out. Under the present laws of this state any agency who has an appropriation, at the end of the fiscal year if that's not obligated it comes back to the general fund.... any balance that's left in that fund at that time.

Mr. Roemer Right, but we don't require, we didn't. Senator, at least in our committee, require an approp-

Mr. Rayburn That's exactly right, and that's been the history of the Board of Liquidation since I've been serving on it.

Mr. Roemer Exactly, we tried to eliminate that.

Further Discussion

Mr. Casey It's difficult to oppose Mr. Rayburn's amendment to change the requirement that no money be appropriated for any period in excess of one year rather than two years as contained in the committee proposal.

I would like to point out that that is contained in the constitution today, but that's not any good reason to use it. The reason that the committee stayed with the two-year period is that there may be a time, and I've been in the legislature for six years and I've never seen an appropriation for two years. Every appropriation I have ever seen is for one year. But I could envision that there could be a time particularly in federal funding, that the state may be required to commit itself to an appropriation to designate, to set aside certain monies for a two-year period to possibly benefit. And all I can say is perhaps, maybe, poss-

Mr. Casey But isn't the only real reason that you have it in there is that it was in the other constitution...the 1921 constitution...

Mr. Casey Well, the reason that it was in there, and as I recall historically, the legislature met every other year and had to appropriate funds for a two-year period. And maybe some of the legisla-
tors who have more experience than I can better answer that. But historically, that was the reason for it. But I would like to retain that language as one individual delegate.

Mr. Rayburn Mr Casey, you might not know, but we do have as our recommendation that the legisla-
ture may enact legislation to enable the state, its agencies, boards or commissions, or political sub-
divisions of this state and their agencies to comply with federal laws and regulations and... in order to secure and there are... I placed that language in there in lieu of the two years to be sure that we tied it down where you could keep the money in compliance with federal funds.

Mr. Casey Well, I think that shows a lot of fore-
sight on the part of the revenue committee and I am glad they inserted that provision. I still

would like to retain the two years.

Mr. Denney Mr. Casey, in view of Senator Rayburn's statements both with regard to the Bureau of the Board of Liquidation and the federal funding, don't you think you should insert in here a quote, "Except as may otherwise be provided in this constitution"?

Mr. Casey An amendment to that effect is being prepared, Mr. Denney.

[Previous Question ordered.]

Closing

Mr. Rayburn Mr. Chairman and fellow delegates, I don't know exactly where I am at. I'm almost as confused as I was earlier when I was listening to the lawyers of this august body. I'm certainly not qualified to compete with a lawyer. I've never hired but one in my life and that was to draw a deed on some land I bought and he found out I was in the legislature and didn't charge me. So they can't say they got along too well off of my income. I listen to them talk about court procedure, I'm really not qualified to talk about court procedure. I've never been to court but one day in my life. I went as a character witness for my neighbor. His wife had, so they tell me, eloped with a man, and he was trying to get the children and they got me out there and they swore in to the truth and nothing but the truth, and they asked me about this lady who had been my neighbor and what I knew about her.

I said, well, they tell me she left here with her sweetheart. And that lawyer jumped out of his seat and said, "Your honor, we are not interested in what the witness has heard, we are interested in what he has seen."

The judge said, "Confine your remarks to what you have seen, not what you have heard."

I said, "Fine, she's a fine, honorable lady."

And I left court and haven't back. But I'm really confused. [...] I checked this out with the chairman of the committee, Mr. Blair. I told him what we had placed in our proposal and he said he had no objection to removing the two years and placing therein one year, and my purpose for the one year is because I know this. You've got some department that should like to get appropriation every thirty days, and they'd like to get it doubled every sixty days and tripled every hundred and twenty days. And before you left there they say give me a little more, I could run out before you get back. And I've walked them roads and I know what they'll do. And that's why I think we should be as long as we can possibly tie it down. This two years was placed in the constitution in 1921 when they only met two years.

And just between me and you, we might be a little better off, the people might, if we were meeting about every three years now.

[Amendment adopted without objection.]

Amendment

Mr. Poynter Amendment No. 1 [by Mr. Casey], page 9, delete lines 8 through 13 in their entirety.

Explanation

Mr. Casey Mr. Chairman and delegates of the convention, I know that I will certainly not be too popular with the other members of my committee in the legislature for submitting this requested amendment to you to specifically delete Paragraph E. But this was discussed in committee, and the members of my committee knew that I was against including this particular paragraph in Section 18 on Appropriations. I merely think it's worthy of your discussion. If you are for keeping it, fine. If you are for deleting it, fine.

But my only position in the committee, and I reiterate it here, that I have a great amount of trust in the legislature to do what is the right thing. I am basically against the use of super majorities and in this case, this is a super, super majority. The concept of a three-fourths vote of the elected membership of each house in order to appropriate money during the last year of any administration is ridiculous because there could be a special session of the legislature convened for emergency purposes to take care of flood assistance in certain areas and possibly it could be controversial.

But you could not grant that assistance unless you obtained a three-fourths vote of the elected membership of each house. And I don't think that is the type of provision that should be included in the constitution. And I think that is being somewhat over-protective. I would recommend deletion of Paragraph E.

Further Discussion

Mr. Juneau Mr. Casey, you are not...you and I have gone a long way on the provisions with flexibility, but I am afraid the rubber band broke on this provision.

This, gentlemen, is the provision which is now in the present constitution. The thrust of it is, is not necessarily in the last year of the administration, because it is only activated at the end of the regular session of the last year. The purpose of it, of course, is to preclude the possibility of a complete draining of the funds of this state before a new administration comes in.

I think it's a necessary safeguard and I don't think it does harm to the flexibility doctrine we now have.

Questions

Mr. Roy Mr. Juneau, I hate to ask this, but couldn't you call the special session and then by two-thirds vote go ahead and do what the legislature would want to do with this three-fourths vote?

Mr. Juneau This provision specifically provides, Mr. Roy, that at the end of that regular session of that last year, you could not have an extraordinary session by the governor.

Mr. Roy That would amount to I think point...I mean 6.9% of the total body could negate something being done. Is that right?

Mr. Juneau That's absolutely correct. The only fear I have, Mr. Roy, that if the governor would be so powerful at that time, with...we are talking about an awful lot of money, I'd hate to stick out that temptation.

Mr. Velazquez Basically, isn't the purpose of this particular provision is to prevent another Watermelon Bill at the end of the session, the governor wants to reward all his buddies and take care of everything for reelection and make sure all the boys are going to be in line when it comes time to go around getting sponsorships?

Mr. Juneau I don't know if it would occur like that. [I might be a Waterpatch Bill because it would be bigger than that to drain the state in that period of time. That's correct.

Mr. Velazquez So the key thing of this is to make sure that there isn't a complete raid on the treasury every four years or every eight years?

Mr. Juneau Well, the intent is only for that limited period of time at the end of the regular session to the time the governor goes out. I would refer to it as a short period to preclude the possibility of an extensive appropriation at that time.

Mr. Roemer Delegate Juneau, do you know that we have the two-thirds provision now for such passage, right? We would only raise it to three quarters. Is that correct?

Do you realize that the Revenue, Finance and Taxation Committee will recommend to this body

we put a limit on state debt? Are you familiar with that provision in our proposal?

Mr. Juneau Yes, sir.

Mr. Roemer Don't you think that a two-thirds vote protection and a limit on state debt protection is adequate protection without tying our hands with almost an absolute unanimity vote?

Mr. Juneau Under the circumstances that are presented within this limited time span, I don't think so, Mr. Roemer. I think that the requirement that has been in the constitution is there for a specific purpose and I think it's the safeguard that's needed, personally.

Further Discussion

Mr. Stovall Ladies and gentlemen of the convention, I want to agree with Mr. Casey and support his amendment. It seems to me that on the basis of what Delegate Roemer has just said, and many other considerations that Section E is completely unnecessary. It seems to me that in this general provision we are going into more detail, unnecessary detail, and certainly this is something which is covered by other provisions.

It also, I think, indicates a lack of faith. It is treating the legislature, and I think the government, almost in a childish way. We do need certain checks and balances, but these are provided for in other places, and I encourage you to support Delegate Casey's amendment and delete Section E.

Thank you.

[Previous Question ordered. Amendments rejected: 42-52. Motion to reconsider tabled.]

Amendment

Mr. Paynter Amendment No. 1 [by Mr. De Blieux] on page 8, line 29, after the word "contingencies," delete the word "for" and insert in lieu thereof "under the heading of."

Explanation

Mr. De Blieux Mr. Chairman and ladies and gentlemen of the convention, this is just a technical amendment to be sure that the provision that is there...that they have does what I think the committee intended it to have and that is to prohibit contingency appropriations. It will still allow those appropriations which we have to make sometime, based upon a contingency, but it will not allow headings of contingencies where there is no specific reason for their appropriation and I ask for concurrence in the amendment. It is strictly a technical amendment.

[Amendment adopted without objection.]

Amendments

Mr. Paynter Amendment proposed by Delegate WOMACK.

Committee Proposal No. 3

Amendment No. 1, page 8, line 28 immediately after the word "and" and before the word "no" insert the following: "except as otherwise provided in this constitution."

Amendment No. 2, page 8, line 21 immediately after the word "contingencies" place a comma and delete the word "or" and insert the following "nor shall any appropriation be made."

Explanation

Mr. WOMACK Mr. Chairman and fellow delegates, this amendment is technical to the extent that it only protects the Board of Liquidation Proposal. It's in another section of the constitution to be sure that there is no conflict.

Question

Mr. Casey Mr. Chairman, this is more a point of information. I am just curious how this ties in with the amendment adopted by Senator De Blieux.

Mr. WOMACK There is no problem there because Senator De Blieux's amendment fits in just prior to the position that this one, there is still a word in between it and it doesn't sever it at all.

[Amendments adopted without objection. Previous Question ordered on the Section.]

Question

Mr. TRICHE Mr. Casey, Article 4, Section 1 of the present constitution says that "money shall not be withdrawn from the state treasury except by appropriation made by law." And I notice your Section 18 just simply says that money shall not be withdrawn from the state treasury except by appropriation.

Now I wonder why you left out the language or did you consciously leave out the language "appropriation made by law." There is a distinction in my mind between acts of the legislature which are laws and have to be signed by the governor, and actions taken by the legislature which are not laws and don't have to be signed by the governor and published and follow the other procedure set out in the constitution for enacting laws.

What...the point I want to...the question in my mind I'd like for you to clear up is whether or not what you say money shall not be drawn by appropriation, are you contemplating action of the legislature which does not have to be signed into law by the governor and does not have to be published in order to take money out of the state treasury.

Mr. Casey Mr. TRICHE, I feel we should refer, to another your question properly, refer back to Section 17, Paragraph A where specifically Paragraph A explains the word "general appropriation bill." So I think that would indicate that, well of course the appropriation bill would be a bill which is something that would have to be enacted into law.

And C and D in 18 you might reflect to also, where under C they use the word "general appropriation bill," and D says "all other bills for appropriating money shall be." I think that my interpretation feels...I feel it would be quite clear.

[Section passed: 95-0. Motion to reconsider tabled.]

Reading of the Section

Mr. Paynter Section 19, Paragraph A.

A bill that has been passed by both Houses of the legislature shall be signed by the presiding officers of both Houses and shall be submitted to the governor for his signature or other action.

Delivery to the governor shall be within three days after passage.

8. No joint, concurrent, or other resolution shall require the signature or other action of the governor.

Explanation

Mr. Casey Mr. Chairman and delegates, Section 19 is basically contained in today's constitution with two exceptions. The present constitution requires that the presiding officers of both Houses must sign the particular bills while in open session.

This deletes that requirement because that causes much delay as far as I am personally concerned and as far as the committee was concerned, in the legislative process.

Also, it allows the presiding officers three days within which to deliver these bills to the governor. And of course, as you will see that the governor has adequate time to examine the bills even in spite of these three-day
Questions

Mr. Triche Mr. Casey, I notice in this legislative article which the committee has drafted, there is no reference to the Legislative Bureau. There is no more requirement that bills go to the Legislative Bureau.

In my mind, the Legislative Bureau is sort of like our Committee on Styling and Drafting. If a bill originates in the Senate, for example, when it gets to the House, before it comes up for final passage, it goes to the Legislative Bureau which is a staff with lawyers and technical people who give the legislature advice on the styling and drafting and constitutionality of the bill. You have left out that proposal. I assume that was consciously done and I’d like to know the reason for that.

Mr. Casey Mr. Triche, you are absolutely correct. It was left out. It was consciously left out because it was felt that we can adequately do that by statute and that something of that type, that mechanical process is not absolutely required. And that’s the only reasoning that the committee had that there was the type of thing that is not necessary to be contained in the constitution.

Mr. Triche Apparently then, the committee is of the belief that the legislature would do this regardless and it’s not...

Mr. Casey Yes, this would be a matter for the transitional process.

Mr. Triche Let me ask you another question.

I notice that you left out the language, "requiring that bills be signed in open session by the lieutenant governor and speaker of the house, and I assume that was consciously done. Can you tell us the reason for that."

Mr. Casey That was absolutely consciously done because as you know from practical experience, the crush of business that the legislature has particularly on the last day and the delay that we have in closing down the session, that was the only way we could do that. So I can’t imagine that bills can be properly completed and retyped for signing. It’s strictly a mechanical process.

Mr. Tobias Mr. Casey, I am a little concerned about the words "other action" on line 21. What I am concerned about is suppose the legislature by joint resolution propose a constitutional amendment. Would this allow the governor, when you shall require the signature or in effect shall not require the signature or other action or the governor, could he refuse to call an election on the basis of this provision?

Mr. Casey I don’t think he could, Mr. Tobias, refuse to call an election, and of course, joint resolutions do not require the action of the governor, anyway, as far as I know. Of course you are concerned about him calling an election on those, huh? I don’t know, I don’t think it would eliminate that. I think the attorney general, or the governor, could refuse to call an election. I would assume that requirement would be contained under the executive article, anyway.

Mr. Stinson Mr. Casey, Pappy Triche asked you about the signing in open session. Of course in the past that meant that the presiding officers would have to sign all bills before we adjourned sine die. Now under this, they would not do anything set up as to when they will have to sign them. And also at the end, you say deliver to the governor three days after passage. Is passage when it is signed by the presiding officer or when the last vote in the last House that took action.

Mr. Casey Mr. Stinson, my interpretation of passage would be that passage by both Houses of the legislature, signing by the officers of both house is just a formal stamp and in the constitution. In my interpretation of Section 19, Paragraph A, would be that their signatures would be required within this three-day period after passage.

Mr. Stinson Well isn’t...do you know why it was required to be signed in open session in the past?

Mr. Casey As I had indicated before, it was merely the last minute crush of business, particularly on the last day, that causes great difficulty in the mechanics of preparation of the bills for signature. And it is quite an administrative problem and that’s all we were trying to eliminate.

Mr. Stinson In your service in the legislature, have you ever seen when it was presented to the presiding officer for his signature, and at that late date, an error was found and it was corrected before they adjourned where if you waited and signed it afterwards, the error could not be discovered and it would be too late to do that?

From past experience don’t you know that some of us have had to do that, and it saved some important legislation where you wouldn’t have that opportunity under this.

Mr. Casey I think the only problem is on the last day and on the very last bill as far as I can see...Ford I am sure maybe you have seen that I don’t recall that I have and I would envision a situation where that probably could arise. But of course the governor could then veto it, too, if it is a serious problem.

Mr. Stinson This three-day deal is giving the governor an extension on the period within which he has to veto, too, isn’t it?

Mr. Casey It is, yes, that’s correct, you’re right. That is added to the period of time for his veto because he has ten days to veto from the time he receives it. And in further answer to Mr. Tobias’ question, the governor has no prerogative but to call the constitutional amendments, the joint resolutions automatically come up in the following General Election, Mr. Tobias.

Justice Tate Mr. Casey, unless I missed something Section 198 is new and expresses, though, the law that the joint resolutions concurrent doesn’t require the governor’s signature.

But what I was concerned with, what’s the need of "or other action" in there? The present law just says "it does not require the signature," I thought. Maybe I am wrong.

Mr. Casey Judge Tate, I’d have to refer to Article V, Section 17, which I think contains this language, but I don’t know if it contains, "or other action." But it is in the constitution today, Article V, Section 17.

Further Discussion

Mr. De Bieaux Mr. Chairman and ladies and gentlemen of the convention, I have been at committee meetings and I have heard our Secretary of the Senate, and I am sure that the Clerk of the House can tell you of sometimes the difficulties they have had of trying to get bills enrolled and ready for the signatures of the two officers before the legislature adjourns.

And in fact of the business, if Mr. Roberts’ representations are correct, I’ve even heard him say that they have had to sign bills after the House has adjourned sine die. I don’t think physically possible to get the bills ready and enrolled for them to sign.

This three-day period of time will allow them to prepare the bills properly after they have been passed and enrolled and sent to the governor for his approval.

I know that other action just merely takes care of this provision that you presently have in your con-

It says "every bill which is passed by both houses shall be presented to the governor, he approves it he shall sign it. If not he shall return it with his objection to the House in which it originated which House shall enter the objections as lodged in the Journal and proceed at once to reconsider the bill. If, after such reconsideration three-fourths and so on, this allows for that particular action."

If the other action is whether or not he vetoes the bill, or if he doesn't veto it, he just allows it to become law.

Further down the provision if you approve it, there is a provision that the governor will have ten days during the time the legislature is in session to enter his veto and return it to the legislature. If the legislature has adjourned, he has twenty days from the time it is presented to him.

As those of you who are in the legislature know that the last few days of the legislature are pretty hectic and that's the time that most of the bills are passed. And it's just about physically impossible for the governor during that short period of time, to adequately pass and get the bills that have been submitted to him. I think that this provision allowing three days for them to get the bills in order then present it to him is a good provision in that context.

In the fact of the business, my complaint about it is that it is a little bit too short a period of time, particularly to catch all the errors that we've been committed of we pass legislation as we have done in the past, at such a rapid pace in the last few days.

Questions

Mr. Flory: Senator De Blieux, isn't it a fact that the true purpose of signing the bills in open session was to attest to the actual validity of the actions of the legislature after the Enrolling Room, etc. And is it to be signed as what was actually done by the legislature and if it was not, they had an opportunity to correct it before adjournment, since die. Wasn't that the purpose of it?

Mr. De Blieux: And if I am not mistaken, Mr. Flory, there is a provision in the present constitution that all bills shall be signed if the bills are signed, but you know we don't do that. We don't read the bills in full at one session unless it is absolutely rewritten by somebody...not in the Senate. I don't know about the House.

Mr. Flory: Senator, are you saying to me that you were violating the law intentionally?

Mr. De Blieux: I can't say that we were violating it intentionally, but you know we have violated the law a lot of times. And after we were supposed to reapportion that legislature a long time ago and we had to have a suit to do it. We violated the law in that respect.

Mr. Henry: No sir...Mr. Flory, Senator De Blieux misread the constitution...if five members request it, you would be in full and so forth. We have been complying with the law in the House and I'm sure they have in the Senate.

Reading of the Section

Mr. Payntor: Section 20, par. 96...Signature of Governor on Bills Vetoed. Section 20, Paragraph A

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

Paragraph A: 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 signs or vetoes one or more bills, the governor may 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 third Tuesday in May for the singular purpose of considering all measures vetoed by the governor, except that if such day falls on Sunday, the session shall convene at noon on the next succeeding Monday. No veto session shall extend five calendar days in length, and any veto session may be adjourned sine die prior to the end of the fifth day upon the vote of two-thirds of the elected members of each house. No veto session shall be held if a simple majority of the elected members of either or both houses indicate in writing that a veto session is not necessary. Such written notice must be received by the presiding officer of the respective houses at least two days prior to the day on which the veto session is to convene.

Explanation

Mr. Juzenau: Gentlemen, there are several changes, one of which is a significant change in this provision. In particular, those who are familiar with the contents of the most recent session of the legislature for the purpose of considering all measures vetoed by the governor, except that if such day falls on Sunday, the session shall convene at noon on the next succeeding Monday. No veto session shall extend five calendar days in length, and any veto session may be adjourned sine die prior to the end of the fifth day upon the vote of two-thirds of the elected members of each house. No veto session shall be held if a simple majority of the elected members of either or both houses indicate in writing that a veto session is not necessary. Such written notice must be received by the presiding officer of the respective houses at least two days prior to the day on which the veto session is to convene.

The significant and more important provision relates to the veto session itself. As you know now, unless the majority of elected members of both houses submit in writing to the Secretary of State that they want to have a veto session, or that is to consider one or more specific bills, there is no veto session. What have provided, therefore, in which there will, in fact, be a veto session not to exceed five days on the thirty-fifth day after final adjournment unless a majority of the members of the Houses respond to the respective presiding officer that they do not want a veto session.

What this is the reverse of what you now have. The thinking in that regard was this: Historically, it is my understanding that since 1821 we have never had one veto session. The thinking was, and by the way I might add that Louisiana's provisions as they are now in the present constitution are unique and alone in that respect. I term this provision the stopping or the passing of the buck provision. You know it's very easy for you provisions you pass it on and the governor will veto it.

The legislature, I submit to you, we have extended them a lot of authority and a lot of flexibility in the constitution. This provision, I think, will mandate upon the legislature that they vote their conscience when they vote the bill at the time it comes before the legislature. It won't be so easy anymore to say that well we can put this bill, the governor might veto the bill, because you are going to have it come back up again unless the majority of the delegators say we don't want to have the session.

Some of the arguments in opposition, therefore, was that well you may just be calling a veto session for nothing. Well, I submit to you that that won't occur that

easily if it's the consensus and the issues are such that you want to have a Veto Session, it's not very hard to get a majority of them to say we don't have it. I think this provision is consistent with what we've done in the past nineteen or twenty sections that the responsibility where it belongs. And I think it brings it in line more with what the other states have done with regard to Veto Sessions.

I move for final passage.

Questions

Mr. Anzalone Mr. Juneau, do you feel that absent a provision which is going to require the legislature to submit to the governor a balanced budget, that you are going to have as a matter of course a Veto Session just about every time the legislature meets?

Mr. Juneau I don't think so, Mr. Anzalone. My answer to the question would be that if the legislature by a two-thirds vote during the course of the legislature feels that strong about a particular bill, it would be my thinking that they would vote the same way...as a Veto Session...and require them to have a Veto Session.

Mr. Anzalone Then you don't think that a provision which would require the legislature to submit a balanced budget would help at all.

Mr. Juneau Oh, I think so, Mr. Anzalone, but... I think that you are limiting...your questions are purely financial matters. There are matters other than finances which subject themselves to a Veto Session.

Mr. Tapper In Paragraph B of Section 20, it says "If the governor does not veto a bill, he may veto it and return it to the legislature." My question is, should it not read, "he may veto it and shall return it to the legislature."

Mr. Juneau The way it reads now is it is not true that interpretation would be that he may veto it and he may return it to the legislature. He may not return it to the legislature if he doesn't want to.

Don't you think we should amend it to put skill, to require him to return it to the legislature if he vetoes it?

Mr. Juneau I don't really think that would necessarily be the case, Mr. Tapper, but I wouldn't have any objection to such an amendment because I think that's the intent of it.

Amendment

Mr. Poynter Amendment proposed by Delegate Kilpatrick.

Amendment No. 1, page 10, delete lines 5 through 20 both inclusive in their entirety and insert in lieu, thereof the following: "C. The presiding officers of both Houses shall convene the legislature in Veto Session upon the written request therefor by at least a majority of the members elected to each House on the thirty-fifth day after final adjournment of each session for the sole purpose of reconsidering the bills vetoed by the governor. If the veto session shall not exceed five consecutive days."

Explanation

Mr. Womack Mr. Chairmain and members of the convention, this reverses the situation as taken in this proposal as is and doesn't automatically call a Veto Session if the members of the House and Senate don't want one, it leaves it to them to call a Veto Session if they do want one. I don't know what you would do. I sat in this House some years ago and I believe seen one governor veto a hundred and thirty some odd million dollars worth of appropriation bills. And I don't know if you automatically call a Veto Session down on the last year and you are worried about an appropriation in a special session immediately after you hold the last regular session before an election and then leave it as wide open as this is to go in and override a governor's veto when you didn't even have to call your regular session last, put them there and put the heat on you to vote for those things back home that the people want and throw a budget out of balance...I'd just like to know whose bill it would be on.

I'd call it an irresponsible legislature and to call a five-day Veto Session which I agree under the provisions that proposed here, they could adjourn at the end of one day. They probably wouldn't. They would argue over one or two bills and finally adjourn at midnight the last day. You're taking away about a million dollars of the governor's budget whether anybody wanted one or whether they didn't.

I just think it's much better and in the public interest to let the legislature call themselves in, if they feel justified in having a Veto Session.

Questions

Mr. Roey Mr. Womack, I agree with you. I just want to point out and ask you if you don't agree that if you call line item override, you have to override the governor's veto and they can't go home unless two-thirds of them agree to go home.

Mr. Womack That's what I'm contending all the way through. It looks to me like it is far better if the legislature wants to call a session, let them call it. Let me tell you what happens when legislators quite often get through with one of those hard sessions. The first thing they want to do, if they can as the result of their obligation to their local business, is to go off and hide for a few weeks and rest and try to get over it. Because usually you wake up a little bit, your blood pressure's up a little bit and you're literally beat to death. As the usual rule, you do like the Speaker does if your family comes in and just sits on the front door, waiting with their head kind of down so you can get through and take a little vacation very pleasantly. So it's one that has been well earned and well deserved. So you go and leave and stay two or three or four weeks, a few of them every once and awhile go to Europe, and they don't come back in order to vote against having the veto session. So it just passes on over and the next thing you know they get a notice we're going to have a veto session. What I'm trying to do is avoid that and let the legislators themselves, if they deem that the urgency is sufficient and that there's an item that needs overriding that they can come back and call themselves into session, and go ahead and do business. If they call themselves into session, then you can rest assured that they will have sufficient votes, most likely, to pass one of the veto bills—override it.

Mr. O'Neill Mr. Womack, when we were drafting this section the main objection that we heard from several members of the legislature themselves was that the veto session had to be called on all bills still of one. Don't you have any from the present constitution...this amendment?

Mr. Womack Certainly in the present constitution, if I remember right and I think I do, that you specifically vote for the veto session and you vote for the particular bill that you're interested in. If there's ten or fifteen bills vetoed, you may have as many as seventy-five, eighty or ninety men-
bers of the House and maybe thirty-five members of the Senate that would vote to override the veto on one particular bill that affected his particular area, but when you put the composite down, none of them would get more than a twenty, twenty-five or thirty percent vote.

Further Discussion

Mr. Duval. I rise in support of the committee proposal and against the proposed amendment. I think if this section is carefully read, it can be seen that a majority of the legislature can agree not to have a veto session, but it puts the emphasis on the not at all. If they don’t affirmatively say, we don’t want to have it, then you will have an automatic veto session. I think this is a very good idea for the following reasons: The veto power of the governor is the most awesome power that any state official has. In the history of Louisiana I don’t know of any veto session that has ever occurred. Because under the amendment all the legislators are scattered throughout the state and they have to then affirmatively say we want one. They’re scattered throughout, they’re not going to vote on this. Many of them don’t want to irritate the governor and say, yes, I want a veto session. Under this provision they would have to affirmatively say we don’t want a veto session. If they don’t want it, it won’t occur. But if they don’t affirmatively vote not to have a veto session, then you will have a veto session—an automatic veto session. I think this enhances the viability of the legislature. We’ve been talking about increasing the power of the legislature, and this would give the legislature a veto. If you’re going to do this, you’re going to have to write a strong legislature. You’re going to have to have this automatic veto provision because the governor could very well make a mistake either intentionally or not and veto a bill. I guarantee you unless you have an automatic veto session that veto will never be overridden. Because there’s never been a veto session. Everybody’s scattered throughout the state, nobody can discuss it, and politically they don’t want to disagree with the governor or irritate him. Under this there would automatically be one and I think it is a very good provision. It’s one that really makes the legislature a true and viable body. Right now with the veto power, the governor can kill anything. A bill can be introduced, and it can be killed by the governor. This provision is complimentary to the separation of powers theory where we have equal branches of government. It is a provision that has been around in some form for a long time can certainly work mechanically because, simply by a majority vote the legislature can agree not to have such a veto session. I think that’s a very important provision. It will certainly strengthen everything else we have done to increase the legislative power to be commensurate with that of the executive as it should be. I urge you to defeat this amendment because this amendment puts us right back where we were in 1921.

Further Discussion

Mr. Tauper. Mr. Chairman and fellow delegates, I rise in opposition to the amendment for the support of the proposal of the committee. Mr. Duval has said most of what I wanted to say except one very vital thing. I don’t know whether you can remember if I’m for another two or there years old and I cannot remember when that the last time we had a veto session. I think that the thing that we all should think about here is not the convenience or inconvenience of the members of the legislature, but the interests of the people who will be affected by the legislation that is vetoed. If we don’t have an automatic veto session, I guarantee that you will never have a veto session. Because it is very hard to get a majority of both houses of the legislature to come back into session whether it’s for a veto session or anything else—especially a veto session. They don’t want to go on record but once they get here, they may very well vote to override the veto. I urge the defeat of the amendment and your adoption of the proposal submitted by the committee.

Questions

Mr. Champagn. Mr. Tapper, would it be rather difficult to override the veto? Doesn’t it take a super majority vote or something to override a veto?

Mr. Tapper. I don’t know what you would call a super majority vote but I think it takes a majority vote. Yes, sir, Mr. Champagn. I mean a two-thirds vote, not a majority.

Mr. Champagn. Two-thirds.

[Motion for the Previous Question rejected: 26-60.]

Further Discussion

Mr. Fontenot. Fellow delegates, I’m not speaking too much today and we have had some very controversial issues. I think this is the best way to get over this thing and try to meet here again tomorrow. I rise in support of this amendment. I only regret that Mr. Kilpatrick is not here to defend his own amendment. It seems that something has kept him away the last two or three days. When I looked at his amendment I said well, exactly what is he trying to do? I looked at the present proposal then I looked at the amendment and I studied it. It looked at it very closely and in my interpretation I think the amendment is better than the committee proposal.

Now, concerning what we have just discussed, for the time to make it an automatic veto session, the way I see it, if you can’t get a simple majority to request in writing a veto session, then what makes you think you’re going to get two-thirds to override a veto? I think you ought to have a request in writing by at least a majority to override a veto by the governor. Sitting back and let it be automatic. If a member of the legislature doesn’t have the guts to request in writing a veto session, then he shouldn’t be in the legislature. I don’t think you ought to make it automatic. I think you ought to make him request in writing. Like I said, I’m no expert in the legislative field but I think the present wording of the amendment is a little bit better than the committee proposal. If you don’t like statements such as on line 15 through 17, “No veto session shall be held if the simple majority of the elected members of the other or both houses indicate in writing that a veto session is not necessary.” Why do you put in the constitution negative language? I think we ought to put positive language in there. I understand the reason for it but I don’t think it’s necessary to put it in this constitution in that terminology. I think you ought to make it positive words. For this reason I rise in support of the amendment. I’m no expert in the legislative field but I think it is a little bit better than the committee proposal.

Questions

Mr. Duval. Mr. Fontenot, you just said that you like positive things and negative things. Don’t you realize how negative the law is presently and how negative the amendment is when you understand there’s been no veto session in the last fifty years?

Mr. Fontenot. You’re telling me that. I don’t know from my own personal knowledge but I’ll take your word for it.

Mr. Duval. You further understand that in order for there to be a veto session a two-thirds majority must then affirmatively take the action and it is not automatic. Don’t you?

Mr. Fontenot. Yes, I understand that.

Mr. Duval. You understand automatic is certainly

much more positive than something that is not automatic. You understand that also?

Mr. Fontenot No, I don't understand that.

Further Discussion

Mr. Jenkins Mr. Chairman, delegates to the convention, I think this is a very key proposal. We've been talking a lot about having an independent legislature. We've allowed them to meet longer periods. We've taken off certain restrictions, most of which have nothing to do with creating an independent legislature. You've become more independent just by meeting longer. I'll tell you where the independence is going to come from and that's independence from the executive branch. You all know that without you having a gubernatorial veto, you have an independent legislature. Since 1921 Louisiana governors have vetoed more than two thousand bills. Do you know how many times those vetoes have been overridden? None, not once has a gubernatorial veto been overridden by the legislature. Why? It's not independent. The procedures are not there to facilitate overriding the veto. You can't do it. If you have to come back to the governor, then you have to have an independent legislature. Now let's do have an independent legislature. Let's make it possible and let's facilitate overriding gubernatorial vetoes when the legislature is so inclined. I urge you to defeat the amendment.

Questions

Mr. Fontenot Woody, I will agree that there has not been a veto session since 1921. That's the fact that you just stated. Concerning the reason for not having a veto session, nobody has explained to me exactly why. People have been saying, well, the governor has so much power that nobody wants to override him. I think that if a legislature is an independent body like they should be, they're elected and they serve the people, if they don't have the guts to override the veto, if they don't have the guts to override the veto, then what makes you think they would override the governor when they get here by a two-thirds vote?

Mr. Jenkins There's this difference. In order to require a veto session under this amendment and under the present system, it takes an affirmative act by a legislator contrary generally to the action and the wills of the governor. Whereas under the committee proposal, no act is required by a legislator contrary to the wishes of the governor. If he just remains quiet, if he doesn't act, he doesn't have to do anything contrary to the governor, but a veto session will automatically come up. It just makes it easier and I think we're going to have veto sessions. Remember, not only have we not had veto sessions even during the session we never had a veto overridden, even when the legislature was in session and bills were vetoed during the session. It's not just a question of not coming back.

Mr. Dallinger Delegate Jenkins Delegate Winnack was speaking of the legislator going on vacation when they got out of session. Don't you think that this would make it more difficult to call a veto session than the bill is to an affirmative act to have a session, since many of them would be on vacation and not be in access?

Mr. Jenkins Yes, I do. I think this amendment would make it more difficult, whereas the committee proposals are real steps forward.

Further Discussion

Mr. Jeanon Mr. Chairman, I'll make my remarks very brief. I want to strenuously oppose the amend-

ment and let me just put it in these terms. If you vote for this amendment, you're voting for what we have had already and I think it's going to work. It never will work. The reason for it is because of the balance between the executive and the legislature, that the state that didn't work and I would rather try something that has worked in other states and I am confident will work in this state. I say let's put the burden where the burden belongs—that is on the legislature. I urge your defeat of this amendment.

Further Discussion

Mr. Nunez Mr. Chairman and members of the convention, the provision as provided by the committee, I think is a good provision. The rise against amendment and for the committee proposal. I'll be brief and tell you of a personal experience that our delegation had in the last session. We had a local bill that dealt with the Twenty-fifth Judicial District. It dealt with the state-wide statute that deals with assistant district attorney's pay. But we didn't raise the pay of assistant district attorney's. But we provided that one provision in there that was put in there years ago was deleted. Well evidently when it came up to the fourth floor and the bill was on the floor. It was a local bill which dealt with that statute that deals with the state wide provision—pay for assistant district attorneys. Thinking it was a local bill, none of the delegation took a look on the floor. Later on the bill, but the bill was vetoed. A simple, local bill that took out a provision that dealt with the Twenty-fifth Judicial District which was a limitation by the police jury paying them additional salaries. Now, let me tell you what happened. We met down in the area delegation with about thirty-five or forty legislators, down in Jefferson, Orleans, St. Bernard, St. Tammany, Plaquemines, etc. and we tried to get a determination as to what we would do. Should we seek veto, override some of the vetoes, or vote on the vetoes. The delegation was—was—was—I presented the case and the other legislators did on the local provision or our local bill that was vetoed, which should not have been vetoed. We had disagreement among ourselves whether to call a special session on that particular provision. It was justified, but legislators are not going to vote for a veto session regardless of what kind of bill it is—particularly a local bill that should not have been vetoed. Had this provision been in effect we would have had an automatic veto session. There were a number of times the governors vetoed bills and people would want to call such as on the teachers' pay raise, etc. that they didn't. I think it's a good provision. It's a provision that has provided because you have an automatic veto session. The bill passed, by the way, Mr. Fontenot, you questioned about two-thirds, the bill passed by a hundred percent. The bill that I'm speaking of had no votes against it in the House. No votes against it in the Senate. So here's a bill that passed with a complete majority of both houses and was vetoed. Inadvertently, it was vetoed. It should not have been vetoed. I know that there are probably a number of cases like this and a number of instances where bills have inadvertently been vetoed that should not be vetoed. What the group said when we met, to get back to the problem I'm talking about, well, we wait until next session. I ask you why should we wait until next session? I think it is your duty to strengthen the legislature, if you want to give the legislature the power to just do what they should do, allow them to have this automatic veto session. I think you will be doing nothing that the legislature needs because they're never going to go ahead and call a veto session. They never have and they won't.

If there are no question, I'll sit down. I think I tried to make the case for the veto session against the amendment.

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just wondering, I think the teachers' salary schedule which was going to cost roughly eighteen million dollars passed both houses with a pretty substantial vote. However, when the governor vetoed the bill, I noticed that many people wanted to come back and override his veto. What do you think would have happened if we had had an automatic session on that particular bill?

Mr. Nuñez I'm getting a lot of advice up here. I think, Senator Rayburn, that we would have come back and done the job. The sentiment of the legislature was to give the teachers a pay raise but I just think legislators as such are reluctant, and you know why, Senator Rayburn, there are reluctance on the governor's part. I don't have to tell you that, but they are just reluctant to do it.

Further Discussion

Mr. Jack Mr. Chairman, Members, I rise in support of this amendment. I believe this is about the first amendment I've spoken for. I've been usually opposed to amendments of this language and what you are trying to put in the constitution sounds to me like one of these high-falutin, technical, fast thinking, Harvard combination Oxford grammar or something like that. I can't see an automatic veto session. A five-day session, I don't know what it costs but it's bound to cost fifty to seventy-five thousand dollar minimum. This amendment is proper. If people are going to want a veto session and you expect to get two-thirds, they are going to have to have guts enough to ask for the thing. So I say this is a good amendment.

Further Discussion

Mr. Triche Mr. Chairman and ladies and gentlemen of the delegation, I rise in opposition to this amendment and in favor of the committee's proposal. The only fault I find with the committee's proposal is that it's not liberal enough. If my personal view would obtain here, we'd have an automatic veto session and we'd have to come here and we'd be forced to sit here for five days and face the governor and face the issue of how and why certain bills were vetoed. This veto session will do more to strengthen the independence of the legislature than anything else we do. It will also have the effect of encouraging responsibility on the part of the governor and the legislators in their consideration of bills or vetoes passed by the legislature. Unfortunately, not all governors have acted wisely in the use of their veto powers and not all governors have had the benefit of all of the information available and proper understanding of the bills before they have acted. I think when faced with a real possibility of another legislative hearing over the bill as to whether or not the governor's veto would be overridden, would force the governor to study the bill more closely. Get the information before they enact it, act without gamble, without reservation and without tongue-in-cheek and it would give the legislative action more meaning. Let me suggest to you some things that has happened in our memory since 1921 we never had any opportunity to override the governor's veto until 1966 when Article III, Section 82 was put in the constitution. That's a recent creature. Since 1966 the legislature has never called itself into veto session and why hasn't it? I've led a successful veto session. I don't think it is because the majority overwhelmed the majority of the legislatures have approved what the governors have done in the exercise of the veto power since 1966. I would believe that's the case. I think what's happened is that the mechanics of the Article III, Section 8, the way it's written now, if they are such that it doesn't lend itself to a decision of a group of the legislature, the legislature goes home and the ballots are mailed out and each legislature independently, without the benefit of consultation, without the benefit of discussion, without the benefit of advice makes a separate determination as to whether or not he wants a veto session. I suggest that you take that out. The way bodies act in unity. The only way bodies act in unity is when they are in session, when there is discussion when they get their ballot that would what would happen if it came back in veto session. I predict to you, ladies and gentlemen, that if we have the procedure for a meaningful veto session, the legislature is going to act responsibly. I suspect, seriously, that many members of the legislature voted for the teachers' pay raise with tongue-in-cheek knowing full well that they wouldn't get it, with full realization that the governor had declared publicly and openly and announced to God and the world that he would veto the teachers' pay raise. Many members of the legislature voted for the pay raise, put the heat on the governor, knowing they wouldn't come back in veto session. I predict again that that same legislature if it knew it had to face that teachers' pay raise, a veto session, would act more responsibly the first time. Veto sessions, meaningful veto, lends itself to responsibility in that it gives the governor the responsibility in the governor's mansion. Allowing the governor to veto without meaningful veto sessions gives the governor the authority to write the laws for the people of this state. Now you cannot have an independent, authoritative, meaningful, responsible legislature if you give the governor the right to write the laws. I suggest to you, gentlemen, that we should vote this amendment down and adopt the committee's proposal.

Further Discussion

Mr. Flory Mr. Chairman and delegates, I rise in support of the amendment for two reasons. I must say, that I concur with a great deal of what Mr. Triche has just said, yet I can't arrive at the same conclusions. First, my objection to the proposal by the committee is that it does not restrict the sessions to only veto matters. You've already provided for sixty days annually. I think this is nothing more than to allow an additional five days for a legislative session. I don't think it would cost a hundred thousand dollars to hold a five day session. For all practical purposes, I'm speaking how only practically, whether the legislature call themselves into a veto session or whether you make it automatic, it just ain't gonna happen. If a governor can't get and prevail upon a third of the Senate or a third of the House, then I submit to you, he has no business sitting in the governor's seat as a practical matter. So that the net result is you waste a hundred thousand dollars. Simply that. Therefore, I support the amendment.

Questions

Mr. Tapper Mr. Flory, you know that there are only one hundred and forty-four members of the legislature, don't you?

Mr. Flory Yes, sir. I'm aware of that.

Mr. Tapper And you also know that they get only fifty dollars a day for meeting, don't you?

Mr. Flory That's correct.

Mr. Tapper If you multiply fifty dollars times a hundred and forty-four, what do you come up with?

Mr. Flory Not a hundred thousand dollars, do you?

Mr. Flory The legislators are not the only ones that get paid, Mr. Tapper. As you well know, the
Mr. Tapper: Yes, sir, Mr. Flory, but you're talking about a complete veto session. But if the governor is the powerful person you say he should be if he's governor, which I disagree with, I don't think he should be that powerful, but however, if he is... Mr. Flory: I didn't say he should be. I said as a practical matter.

Mr. Tapper: But don't you believe that if they can't get enough to veto anything that they're only going to be there one day and you're going to pay the staff for one day, and you're going to pay the legislators for one day. Isn't that a fact?

Mr. Flory: No, sir. As I appreciate the practice at the present time in the constitution, it provides for the legislature to meet for sixty days. The legislature is paid, according to the constitution, for sixty days. I presume that if this constitution provided for a fifteen day session, they would be paid accordingly as they should be.

Mr. De Blieux: Mr. Flory, under your reasoning about if the governor can't get a third of the legislature to go with him, well he shouldn't be governor. Under that reasoning, shouldn't we just take out, out of part of the constitution altogether because there will be no need of a legislature ever considering a bill that the governor has vetoed? Isn't that correct?

Mr. Flory: I don't know. I had four in one session he vetoed and sent it to the legislature at the same date. Of course no action was taken before they adjourned.

Further Discussion

Mr. Champagne: This is very brief and I wasn't going to get up here. I just want to tell you that I thought this debate was very informative. I was against all moves here completely, and not because I think there will ever be another veto session anymore than you had before, but simply if anything will make these legislators face up to the facts and say I don't want that and I'm not going to put it on the governor's back or vice versa. We're going to kick this thing around and make them decide what they want to do, and then I'm for it and I see in this thing not more sessions, not the possibility of more sessions, but forcing the legislators to say, I am or am not in favor of this and not passing the buck on to the governor or the governor passing it back to the legislature.

[Previous Question ordered.]

Closing

Mr. Womack: Mr. Chairman, members of the convention, during the last session of the legislature a publication was passed out by a member who spoke about the responsibilities of the legislature and how bad we needed a veto session, and on the back of that he said in these words "your family, your home, nor your property can be safe while the legislature is in session." So, Mr. Jenkins, I am trying to save your family, your home and your property for at least five days and make it a little better. Now, let me tell you now, during this time and I join Gordon Flory in saying that many bills have been submitted back. None of them yet have ever come close to getting enough to be passed. Let us assume that the ten million dollar bill that was passed this year to pay the teachers a raise had been overridden, and it would have been. And Mr. Triche, you say that they would have acted responsibly. They should have responded to the pressure of the teachers, that is right, they would have been very responsible. The net result was that this next year you would have the state, ten million dollars bigger than it is today in recurring revenue... I mean recurring expenses. It is estimated by the brains of this state, some five different agencies that have the figures of this state, that the net growth factor this year over last year is going to be eight million dollars to the general fund. But keep in mind that each year on January 1st you are going to have to start from where you finished this past year but as a result of the bill being vetoed, you are going to start with a new total each year. So if you maintain it, it takes ten million this year, the next year if you maintain the deal it takes twenty million over the previous year, the next year thirty million and consequently you are going to get new taxes. Now with reference to the district attorney bill. If I had a local bill and I thought there was any question about it, I believe I would have checked with the governor and been sure that he understood how he was voting. If he didn't understand it I would have tried to help him understand it. But if it is going to cost us twenty to thirty million dollars a year to save that little local bill that might be just a little bit expensive to the taxpayers. Just a little bit expensive. And I can tell you now I have seen the time when every little individual running for reelection started back with his pet appropriation. And I can remember just a few years ago, when Governor McKethen said I am not going to worry about it, go ahead and pass it I'll red ink it. He decided at the last that he wouldn't red ink it. And what happened, there was a lot of stuff signed into the general appropriation bill that year to save that little local bill that might have been but said let him veto it. I'll protect myself. I am not going to agree. If you want to protect the state treasury you leave the constitution like it is today, require the governor to submit a balanced budget and require him to sign a balanced budget. What protection is the taxpayers going to have if the governor is required to sign a balanced budget, the legislature is turned loose to vote any kind of a deficit spending on the taxpayers they want to and there is no prohibition against it. Just go ahead your last term of office, vote for what will make you look good, if it won't elect me, let the fellow that replaces me. I'm not saying that I know how many votes we are going to get, but I tell you right now this is a very important approach and I think everybody has their mind made up, Mr. Chairman, the only thing I can tell you, as you vote your conscience, I am voting mine, and what I think is in the best interest of the taxpayers and the people of this state is the reason I am supporting this proposal.
Mr. Poynter Amendment No. 1 [by Mr. De Blieux]. On page 10 line 3, after the word "the", delete the word "thirty-fifth" and insert in lieu thereof the word "fortieth".

Explanation

Mr. De Blieux Mr. Chairman, ladies and gentlemen, as you may recall of the previous provision we adopted, the bills can be submitted to the governor three days after the legislature adjourns. He has twenty days after the bills are submitted to him if we have adjourned in order to veto the bills. That gives you a total of twenty-three days. It certainly is going to take at least two days to get the notices out to the legislators, that is twenty-five days. And then if we have to notify five days before the session begins that is thirty days. I just feel like that the time for the legislators to get their notices back to the presiding officers is not going to be sufficient time in thirty-five days. So therefore I just want to extend that period of time to forty days to allow us sufficient time to get the ballots back.

[Introduction adopted without objection.
Previous Question ordered on the Section. Section passed: 91-2. Motion to reconsider tabled. Motion to reconsider tabled.]

Announcements

[4 Journal 219]

Adjournment to 9:00 o'clock a.m., Saturday, July 28, 1973.]
PLEDGE

Explanation

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Section

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[Amendments adopted without objection.]

Previous states in order in the
Section. Section passed: ?-0.
Motion to reconsider tabled.

Reading of the Section

Mr. Poynter  Section 22. Suspension of Laws

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

Explanations

Mr. Casey  Mr. Chairman and delegates, Section 22,
Suspension of Laws is contained in the constitution
at this time in Article 19, Section 5, and is basi-
cally the same today as is proposed in the Section
22 submitted to you at this time, but has been merely
reworded in order to be somewhat more brief and suc-
cinct and I would urge final adoption of Section 22.

Questions

Mr. Abraham  Tom, what is the history of this, or
the necessity of it. Why do they have to have some-
thing like this? Why do laws need to be suspended?
I am ignorant of this fact.

Mr. Casey  Well, now, I think it’s a good process
to have available to the legislature where a law
has been passed which could be detrimental to a
certain industry, and the most recent example of
this was the Lead Paint Law which was passed, I be-
lieve, during the 1972 session of the legislature.
And of course the intention of that law was particu-
larly good. But the way it was worded and the ef-
fact it would have had, would have put many paint
companies out of business.

So, in the interest of being fair with those peo-
ple, it was fortunate that we had a special session
of the legislature shortly after the regular session
in 1972 and that particular law was suspended.

That’s merely an example of one thing.

Mr. Abraham  It has been used...

Mr. Casey  It has not, to my knowledge, been abused.
It’s a good mechanical process to have available.

Mr. Abraham  It has been used then?

Mr. Casey  Oh, yes, definitely.

Mr. Abraham  What happens when you suspend it after
that? What do they do with it then? It just stays
suspended.

Mr. Casey  Well, it could either stay in a state
of limbo, you could suspend it for a period of two
years, and of course the other process that you
have is an outright repeal of the law. So there
are two methods, of procedure.

Mr. Abraham  Well, this is what I was going to
ask. Is it better to suspend it, or better just
to go ahead and repeal it or what?

Mr. Casey  Well, as a legislator, I would prefer

to have the process of suspension available because
in the law as drafted, and in the law as it exists
today, it does not require the approval of the gov-
ernor. He cannot veto the suspension
Mr. Abraham: But if you were to repeal it, the governor would have to approve the repeal?

Mr. Casey: No, under as drafted, he does not now and never has had to approve the repeal... I'm sorry, not the repeal, the suspension. He would have the prerogative of vetoing the repeal.

Mr. Abraham: That's what I meant. If you were to repeal a law, it's the same as passing the law. The governor has to approve the repeal, also.

Mr. Casey: Right. Correct.

Mr. Nunez: Mr. Casey, how long does a suspension remain in effect?

Mr. Casey: There is no period stated at all so I would submit to you my interpretation would be that it could be an indefinite suspension until acted upon at a later time by a legislature.

Mr. Nunez: Well, who would be aware of the suspension in the event that the attorney or the people who used the statute regularly went to check a particular law?

Mr. Casey: Mr. Nunez, I don't know that the publishing companies, whether they do or don't... Mr. Twiche indicates that it apparently... so it's not. O.K.

Mr. Nunez: I don't know if it's reported in the annotations on a particular law or not. I have heard one delegate complain that in a particular instance it was not reported in annotations that the law had been suspended. We will have to call on some legal counsel in...

Mr. Nunez: That's why I'm calling on you. If a law is suspended and a judge in particular, or a lawyer or anyone who was interested in that particular law went to West's or went to the statutes, and they read that law, they would have no knowledge unless they serve in the legislature or were there when it was suspended, that that particular law is suspended and no longer in operation.

Mr. Casey: Mr. Nunez, I was informed by the staff that it is reported in West's and under all circumstances, an attorney checking the statute would have this information reflected during his research.

Mr. Riecke: Mr. Casey, if a law is suspended during a fiscal session by resolution, is it necessary to introduce a suspension in a later, or pass a bill suspending it in a later session?

Mr. Casey: My humble opinion would be that you would not need a later act or resolution if, as long as you had permission of... three-fourths of the elected membership of each House to introduce that suspension, that would be in a fiscal session you could introduce any legislation if you obtain permission of both Houses to do that even though it is a fiscal session.

Mr. Riecke: This was done by resolution. Now...

Mr. Casey: It is done by resolution, that is correct.

Mr. Riecke: Does that have the effect of law or do you have to go into the next regular session.

Mr. Casey: In effect it has the effect of law inasmuch as you are suspending a law, I guess you could say it has the effect of law. But as long as you obtain the required permission to do that, I would submit to you that that would be adequate, regardless of whether it's a fiscal session or not.

But of course under the concept a proposal that we have in our legislative proposal, there is no fiscal session so there is no problem. So that is really a moot question here.

Further Discussion

Mr. Womack: Mr. Chairman and fellow delegates, the real key to this is the suspension. The suspension... that key to it is that if it takes two-thirds to pass an act, then it would require two-thirds to suspend it. It takes a simple majority to pass it, it would require a simple majority, and the same thing about three-fourths. If there would be anything that it took three-fourths to pass, then it would take three-fourths to suspend. That's the real key to this section.

Questions

Mr. Gravel: Mr. Womack, don't you think that that particular provision, however, should incorporate in it some fixed period of time within which the suspension would expire? Otherwise, as it presently reads, the legislature could by suspension, actually affect the repeal of a law by just suspending it without stating the time within which the suspension would expire.

Mr. Womack: Mr. Gravel, if it took 65 members to pass it and 65 members wanted to repeal it, they could. But if they wanted to suspend it for a period of time, then they could suspend it. You've still got the same number of votes and a simple majority would do it... putting a special time on it would change that.

There is one other situation that Tom... only gave one case. I can think of any number of cases where you would have a situation related to federal regulations, or safety and those kind of things where it would be necessary to suspend the law for a given period of time so that you would qualify under other conditions. And this is basically what it is for, but as I said, the key to it is that it would require the same amount to suspend it as it did to pass it which gives a safeguard on the preference on... privileged vote.

Mr. Nunez: Mr. Womack, you say that it takes the same amount to suspend it as it does to pass which I agree with. Would you say that it takes the same amount... It's usually done, a suspension is usually done with a simple resolution or concurrent resolution. Would you say that that resolution would get the same hearing, the same public notice, the same hearing and the same attention in the legislature that the original law took to enact? Especially if it were a controversial law.

And usually to suspend... these laws that have to be suspended are somewhat controversial or that we have done something we shouldn't have done or you wouldn't have to suspend it. Would you say that that resolution to suspend the law would get the same public scrutiny and legislative scrutiny as the original law took... the original attention that it got to pass?

Mr. Womack: Mr. Nunez, under the House rules, any rules that has the effect of law, any resolution that has the effect of law must go through committees, must go through the same readings and everything else as the regular proposed bill. You can't show it any haste or any preferential treatment. It must make the same route.

Mr. Nunez: Is that... you are saying that a suspension... if I had a simple or concurrent resolution to suspend the law and I move to hear it on the same day, the Senate or the House would not... It's mandatory that that go to committee? I'm not quite sure. I don't think it is. That's why I am asking.

Mr. Womack: It's mandatory that it go to committees, yes.

You can't suspend the law to advance it in the same way that you... I mean the rules... just in the same manner that you can suspend the rules to advance any other bill.

But the bill must go to committee and it must be heard in hearings.
Mr. Drew. Mr. Womack, although it's not limited to that, isn't the usual reason for the use of this law to suspend the effective date as we did on the requirement of ninety hours classroom for realtors before they took the examination?

Mr. Womack. Surely it is, Mr. Drew, but I can think of any number of times and this, as Mr. Casey said, it's the guard and something for you to use. I think it's very necessary in there.

Mr. Drew. I'm with you, Mr. Womack. What I am saying is that in this case an injustice was done to a great number of people because the act became effective twenty days after we adjourned. And so at the time we suspend the effective date of the act until the first of the year so that injustice would not be done. Isn't that correct?

Mr. Womack. That is right, that is right.

Mr. Arnette. Mr. Womack, it's my understanding that according to this constitution, we don't require resolutions to be read on three different days, that the rules could be suspended. It wouldn't have to go to a hearing or anything like this, and it could be adopted that same day. Is that true?

Mr. Womack. The House rules that we operate under require that it must go to committee, it must take the same route as the bill, that it is same amount of votes and everything—same majority that it took to put it into effect. And I don't really think that the intent of resolution spelling out in detail that I think it's properly taken care of. It's never been a problem. We have used it any number of times, and there are going to be times it is going to be necessary to use it again...

Amendment

Mr. Poynter. The first set of amendments is set up by Delegate Avant.

Amendment No. 1, page 10, line 30 at the end of the line. add the following:

"Any such suspension shall be approved in writing by the governor before becoming effective."

Explanation

Mr. Avant. Mr. Chairman, fellow delegates: I do not say that this particular provision has ever been abused. I respect the views of those who may disagree with me. But I say this, that this is a provision capable of mischief. It is completely inconsistent and at odds with the theory of checks and balances that is incorporated into the constitution. We have gone at great length to provide a manner by which legislation shall be adopted. We have provided a system of checks and balances between the legislative branch and the executive branch by providing that legislation must be approved by the governor. We have further elaborated on that system of checks and balances by providing that in certain cases after a gubernatorial veto, a manner and procedure by which that veto can be overridden. This provision is completely at odds and inconsistent with everything that we have done. This provision permits the legislature by a simple majority in most cases, because most of the laws of this state require only a simple majority of the legislature for their passage. We have permitted the legislature, by a simple majority to in effect repeal a law. They cannot repeal a law permanently and irrevocably without it being by act, subject to veto by the governor.

But this provision permits the suspension of a law which means that it is no longer the law, for an indefinite period of limitation on it, simply by a concurrent resolution. Now it is a fact that laws have been suspended by concurrent resolution in one day. By concurrent resolution introduced in one House, considered in by the other House in one day, completely outside of the legislative process which requires three separate and distinct readings in each House on three separate and distinct legislative days.

So, I think that this may be a handy device. It may be a device which can be used in certain cases to permit, to prevent injustices or other undesirable consequences. Certainly, certainly no harm can be done by a simple resolution that in certain cases, the chief executive, the governor of the state must suspend the suspension of the law in writing before it shall become effective.

That's all this amendment does. We are not trying to take away the right of the legislature to suspend the law in those severe cases such as were described by the speakers who spoke for this section. The only thing we are doing is we are asking that the right be put subject to the system of checks and balances which we have incorporated into the constitution by the simple requirement that any such suspension shall be approved in writing by the governor before becoming effective.

And I want to point out to you that there is no limitation on the type of law that can be suspended under this provision. Any law, it may have been on the books for fifty years or a hundred years, it may be in the Civil Code, any law, it could be the drivers license law, it could be the financial responsibilities law. The law can be suspended by concurrent resolution concurred in by both Houses of the legislature, can be done in one day with no limit on to how long it shall be effective without any check, without any hearing, without any reading three times as required by this constitution.

I'm that's all I can say on the subject. I think that the amendments will simply subject this process to the system of checks and balances that is traditional in this state and in our system of laws. And certainly no harm can be done by subjecting this procedure to that system of checks and balances.

While that is being passed out, though, for the benefit of the delegates, I will tell you what it does. It simply adds at the end of this section, after the last word in the section as it has been submitted by the committee, the following sentence: "Any such suspension shall be approved in writing by the governor before becoming effective."

Questions

Mr. Champagne. Do you think, Mr. Avant, that it would be also advisable that a limitation on this thing might be possible?

Mr. Champagne. I have a question for you. I was informed in my Committee on Revenue, Finance and Taxation, that in that Committee, in that section at one time in the past, a tax, for instance, had been passed by two-thirds majority and remitted or put off by a simple majority. Now I don't know if that existed or not. Are you aware of that, sir?

Mr. Avant. I don't know whether that's true or not.

Mr. Champagne. But this as written would abolish that. In other words it would be the same for both cases?

Mr. Avant. Oh, yes, this section provides that it takes the same vote to suspend as it takes to enact the law. But it doesn't take any approval by the governor and there's no time limit on how long it shall be suspended or if it is subjected to the ordinary legislative process.

Mr. Rayburn. Mr. Avant, I just, I'm seeking information only. I would this this amendment, if the governor...if the legislature so desires to suspend the law for six months and the governor didn't concur, would we have any recourse or would the legislature have any recourse?

Mr. Avant. Mr. Rayburn, I'll be honest with you.
I don't know. I would not object to that. I think the suspension should be subjected to the same process that it takes to repeal or to enact legislation, except as to the fact that it can be done by concurrent resolution.

Mr. Rayburn: I don't believe, Mr. Avant, your amendment provides for any recourse to the legislature.

Mr. Henry: The gentleman has exceeded his time.

Further Discussion

Mr. Asseff: Mr. Chairman, delegates, though I rise to object to the amendment simply because I do not feel that it puts sufficient limitations on the suspension of the congress, I guess the worst reason I could give you for rejection is the fact that it may be sent to committee under the rules, which it normally is, does not alter the fact that it need not be sent to a committee and such suspension may be passed on in the same state introduced.

I, therefore, urge that you reject this amendment.

Mr. Perez: I'm in agreement with you, Mr. Kelly, I must apologize that the amendment is not artistically drafted and unfortunately I prepared it hurriedly. But the purpose of the amendment and I'm sure we can take care of it with Style and Drafting, if necessary. Unless someone has an amendment to it, the purpose of the amendment was to limit the effective period of time of a suspension which could only extend until the end of the next regular session of the legislature.

Mr. Asseff: Mr. Perez, I have no objections to your amendment. However, I am concerned about this under your amendment, would it be possible for the legislature at the expiration of the time, following the same procedure to continue the suspension?

Mr. Perez: Yes, sir, that could be done, there is no question about it. But at least each year you would have to go back and get both Houses to agree to suspend year after year. And I must not believe they will continue to do it. But I do think we have to leave the way open for suspensions to the legislature.

Point of Information

Mr. Stagg: Mr. Chairman, my remarks are directed to the chair in a point of parliamentary inquiry. I think that Mr. Perez has an effective amendment for the purpose to which it is introduced except the words need to be transposed.

Is there any way, by leave of the chair, Mr. Perez's amendment could be perfected while he is at the microphone simply by saying "no suspension of laws," rather than no law suspended. A mere changing of the words.

Mr. Henry: Well, he would have to withdraw the amendment and we could accomplish that right quick like if he wanted to withdraw the amendment. But that...

Mr. Stagg: Can I direct a question to...

Point of Information

Mr. Perez: Can I ask for a unanimous consent to amend the resolution to read, "no resolution suspending a law after the effective date and so forth."

Mr. Henry: Mr. Perez, you can't ask for them to vote...we can withdraw it and put it right back in if nobody objects to that.

Mr. Perez: The purpose is to give the legislature the opportunity, or a member of the legislature the opportunity at the next session to be able to offer a bill which would either repeal the law or amend them, but that would give the legislature the authority during that interim period, the authority to suspend...
Amendment

Mr. Poynter From the same place [by Mr. O'Keefe], page 10, line 30, after the word "suspended," and before the insertion, no resolution suspending a law or part of a law after the effective date of this constitution, etc. No resolution suspending a law or part of the law after the effective date, etc.

Explanation

Mr. Perez I believe that we've...I've cleaned the language up, hopefully, and if there are any other questions I'll be glad to yield.

Further Discussion

Mr. Riecke Mr. Chairman and ladies and gentlemen, I speak in opposition to this amendment. You've heard Mr. Casey say earlier that there was a law passed affecting the paint industry which would have put the paint industry out of business had it not been suspended.

I have another specific case that happened in the construction industry in which Senator O'Keefe introduced a safety regulation affecting glass doors. And the intent of the regulation was good, but it was so broad that it made it impossible for the retail lumber dealers and the millwork manufacturers and the construction industry to comply with the law because the type of glass specified was not available.

Senator O'Keefe very kindly agreed to amend or withdraw certain portions of his bill. It received the unanimous consent of both Houses, and it was immediately suspended.

Now in that case, in that case, if it had been necessary to bring it up again, you would have tied up the legislation, both Houses to reenact or to suspend it again or to kill it which was absolutely unnecessary because everybody in both Houses recognized that they had made a mistake, and I think Judge Perez does not realize some of the things that can happen. All legislators are not familiar with all the problems in connection with every item. Actually, Senator O'Keefe was not familiar with this problem in the building industry and he recognized immediately he had made an error and he was the big enough man to introduce a resolution correcting it.

Questions

Mr. Willis Mr. Riecke, isn't rectification for a bad statute...the best rectification would be its repeal? Isn't the best rectification for a bad statute its repeal?

Mr. Riecke Yes, but in this case the new law we're talking about now you don't have a fiscal session but in this case there was a fiscal session and we had to have action immediately.

Mr. Willis Well, I understand your hypothesis, but we're changing that. We have sessions every year. Why should you suspend something that's no good? You're just holding the public in suspense.

Mr. Champagne Mr. Riecke, do you understand that this amendment does not do away with that right? It simply says that it does away with the right indefinitely. All the amendment is doing is saying that you can still do this but you can't do it forever, only for one year at a time.

Mr. Riecke Well, I fail to see the purpose in suspending it if you have to suspend it and go back to the next session of the legislature to repeal it. Why not repeal it in the very first instance?

Further Discussion

Mr. Smith Mr. Chairman and fellow delegates, I rise in support of this amendment. I served in the legislature four terms. I think this is a good amendment and it's needed. We have emergencies. I remember one time we had an act that had a section that was unconstitutional. We used this suspension and it's necessary. Just like a board of liquidation. You've got emergencies you've got to provide for.

So, I say let's adopt this amendment and have a good well-rounded legislative function proposal here.

Questions

Mr. Weiss Couldn't this particular section, sir, be included in statutory laws. Is it necessary to constitutionalize suspension of the laws that the legislature passes?

Mr. Smith No sir, I think it should be a safeguard and I think that it should be in the constitution.

Mr. Rayburn Mr. Smith, I concur with your thoughts that the suspension provision is needed and has in my opinion served very useful purposes. However, I'm a little concerned over the cost. I have seen the time when the legislature made a mistake, constitutionally, legally and otherwise, and maybe suspended one brief section of an act, and suspended it indefinitely. Under this provision, if I read it correctly, in the event we've done that, at the next session we would have to right repeal this act and reenact it, go through all the expenses of reprinting it, repealing it, reenacting it, and so forth, and I just wonder, have you thought of that factor?

Mr. Smith No, sir. I don't think that would be necessary.

Further Discussion

Mr. Asseff Mr. Chairman, delegates, I see the need for a suspension of the law. I can see where it can serve a useful purpose. However, I am unwilling to vote for Section 22 as it now stands. However, I feel that Mr. Perez has submitted a reasonable compromise which will meet the requirements in my opinion of both sides, and I therefore urge the adoption of the amendment.

[Previous question ordered. Amendment adopted: 44-16. Motion to recommit tabled.]

Amendment

Mr. Poynter Amendment No. 1 [by Mr. De Blieux], page 10, line 29, immediately after the word "same" and before the word "vote" insert the following: Committee hearing and:

Explanation

Mr. De Blieux Mr. Chairman and ladies and gentlemen of the convention. I just feel like that because of some of the objections that were raised here before, that you should have a public hearing on any resolution to suspend the law. You know as a general rule, since we would have annual sessions, if the bill could be introduced, if you could do it at a time that you could go ahead and repeal the law or amend it or change it or whatever you wanted to do. But suppose it's close to the end of the session and you find out that some error has been made, you don't have time to correct it, that particular session by repealing or amending the law, you want to do it by resolution. This would permit a public hearing on the resolution before it could become effective suspending the law. I think that's what we need for protection before we can do something like that. I think that it's necessary sometimes that we suspend laws, but certainly we should do it at that public hearing and not just by a vote on the floor of the House or the Senate.

Questions

Mr. Casey Senator De Blieux, whether or not I'm in favor of your amendment, I think it was errone
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nously prepared. Where the words "committee hearing" and "are inserted between the words on line 29 "same" and "vote," I think it's somewhat disconnected and has little meaning and is really not properly worded if those words were added at that point.

Mr. De Blieux—Well, Mr. Casey, where would you add them to ensure that you had a public hearing on it? That's the only place—the only thing...I just want to be sure that we have a public hearing on an amendment through committee action before we pass it. I thought that was where you would do it. You'd have your hearing before your vote.

Mr. Henry—I think that Mr. Powter is trying to draw it where it will sound like what you, I believe, meant. Senator De Blieux because there is some confusion on the thing.

Mr. Womack—Senator De Blieux, under your proposal here you want to guarantee the hearing, and you're going really to put it in the constitution now that the public is going to be protected to the nth degree. Assuming that you're going to adjourn sine die at midnight under the constitution on the final day and at 11 o'clock you find a flaw and you want to correct it and you guarantee a public hearing and between 11 and 12 you can do every bit of that. You can hold two public hearings. You can recess, call a one minute public hearing and there's nothing to keep the committee that you assigned it to from having a public hearing, and then pass it out real quick, go right back, send it to the Senate and they can hold a one minute public hearing. So, in effect, in this what you have done to safeguard the public other that what's already in it.

Mr. De Blieux—Well, Representative Womack, we have done this this being be somebody on the floor of the Senate or the floor of the House that would like to put in their say about the law before it's passed. It would give them their chance to do that. I don't care whether it's a one minute or a ten day hearing. At least, you've accorded the public the right to be heard on it before you do it.

[Amendment withdrawn and resubmitted with correction.]

Further Discussion

Mr. Casey—Mr. Chairman and delegates, I would like to urge you to consider the possibility of not adopting this amendment in preference to a subsequent amendment to be submitted by Mr. Flory, which I think is there. There may be somebody around on the floor of the Senate or the floor of the House that would like to put in their say about the law before it's passed. It would give them their chance to do that. I don't care whether it's a one minute or a ten day hearing. At least, you've accorded the public the right to be heard on it before you do it.

Questions

Mr. De Blieux—Mr. Casey, if you went through that procedure you'd still be able to appeal the repeal or amend the law, because if you say the same procedure, then you would have to introduce the resolution in the time limit for the introduction of bills. You would have your three days reading on the floor and so forth and so on. Therefore there would be no need for this law if we'd do it that way. No need for that provision in the constitution. Now, of course, as the amendment that we have proposed to it, it would allow a resolution to be passed through possibly both houses in maybe two days time. Otherwise, it would take at least five days to get a bill through the House and Senate and if you might find out that it's not possible to do that, I say that if we're going to follow the same procedure as outlined here in Mr. Flory's amendment, we could repeal the law or amend the law and it would not be necessary to pass a resolution for suspension. That's the difference. Now, you can take your choice.

Mr. Casey—Senator, you make a very good point. I understand the position you're taking.

[Previous question ordered. Amendment rejected: 41-52. Motion to reconsider tabled.]

Amendment

Mr. Powter—[By Mr. Flory]. Page 10, line 30, at the end of the line add the following: "any measure to suspend a law or portion thereof shall be adopted by the same process as for a bill."

'Ve already passed it. Mr. Flory has added another sentence that reads as follows: "however, such measures shall not be subject to gubernatorial veto nor time limitations with respect to introduction." Read that last sentence again.

He's added this sentence at the end of it. "However, such measures shall not be subject to gubernatorial veto nor time limitations with respect to introduction."

Explanations

Mr. Flory—Mr. Chairman and delegates, what the amendment purports to do is to require the same procedure for the suspension of the law that it requires in order to pass it. However, there was some question as to whether or not the language would be interpreted as requiring at least the submitted or subjected to the possible veto of the governor, and also, the ten day limitation for the introduction of bills. It was not my intent, not do I think it was to put it in that light. Consequently, what I think we have done here is to require the same process for the adoption of a measure suspending a portion of a bill, a date set forth in the act, or the act itself for a specified period of time and require that same process through the legislature which guarantees a public hearing. If a public hearing is necessary in order to adopt a law, certainly a public hearing ought to be required for the suspension of that law or any portion thereof, and I would ask for the adoption of this amendment.

Point of Order

Mr. Conroy—I don't understand the procedure we're following now, where whole sentences are being added to amendments which have been passed out. In the past, I think by common practice we would have an occasion allowed one or two words to be changed, but I'm not familiar with the procedure we're following now where a great deal of material can be added without distribution or without...

Mr. Henry—Well, Mr. Conroy, what we're trying to do is save time, really, and it's been a long and complicated section and we didn't feel that you could have followed it or anybody could have followed it. We would have pulled it out and passed it out, but since there was no objection and it was a sentence, to save time that's the reason we've done that sir.

Point of Information

Mr. Willis—A point of information, Mr. Chairman.

Mr. Powter's amendment passed and his comments on line 30. Now, so does Mr. Flory's. Which precedes?

Mr. Henry—Well, if these amendments are adopted and they eliminate the other amendments, these would take precedence.

Mr. Willis—Well, they are not inconsistent as I view them. Mr. Perez has an amendment commencing after...

Mr. Henry—Look there, Mr. Clerk. You've got the Perez amendments?
Mr. Poynter  His amendments were added after the portion of a sentence on line 30 that says "be suspended", and the sentence and then this one is to go at the end of line 30 and it would be after the words "the vote thereon shall be by record vote". So, I think that we're straight, and I believe you're correct. There are not in conflict in terms of substances, at least.

Mr. Willis  Which sentence would precede?

Mr. Poynter  It would read...Yes, the Perez would go first and then you would have the sentence "the vote thereon shall be by record vote". Then you would have the two sentences added by Mr. Flory's amendment if it is adopted by the convention.

Mr. Willis  Much obliged.

Questions

Mr. Tobias  This particular provision would require the governor's signature?

Mr. Flory  No, sir. The added language specifically states that it would not be subject to the governor's veto.

Mr. Tobias  Now, that's the veto, but...O.K.

Mr. Kean  Mr. Flory, with the additional sentence that you've now put on your proposal, what is the difference between your proposal and the one that Mr. De Blieux just had up before the delegates?

Mr. Flory  Well, the difference between my proposal and the one that Senator De Blieux had was that this requires the same readings, the same requirement for possession of both houses and a public hearing and a committee report. His did not.

Mr. De Blieux  Mr. Flory, one of the main differences is that under your proposal it would take at least five days at the very minimum in order to get a resolution suspending a law through the legislature. Is that correct?

Mr. Flory  That is correct. It is in the same posture that a bill that would have the effect of law takes now. Under our proposal, in order to pass that law in order to suspend it would take the same process.

Further Discussion

Mr. Arnette  I'm in favor of this amendment and the reason that I'm in favor of it is for two basic reasons. If we didn't put this in, for one thing, anything of a suspending a law would be virtually secret, and I'm against secret laws. It's not reported by any official journal. It doesn't have to be put in the official state journal. The only way that you would have to know about it is if West Publishing Company, a company from out of state, would decide that they were going to put it in their annotations, and West can make mistakes, and they have done so in the past. So, therefore, it might be that there is a law on the books that is suspended and no one would know about it unless you happened to be at that legislative session. I don't see how we can have laws that are suspended in this manner. The second point is if we don't put it subject to any time limitations, like the five days required for the passage of a bill, then this could be done in a very short amount of time. It's been pointed out to me by a legislator that one particular law was suspended in less than an hour, and I think that we need these hearings. Besides needing the hearings, I think we need this five day time so that everyone knows that it's coming up so that they can talk either for it or against it. So definitely I think that we need to adopt Mr. Flory's amendment.

Question

Mr. De Blieux  Mr. Arnette, with reference to the knowledge of it, don't you know that all resolutions are printed in the Journal of the respective houses at this particular time?

Mr. Arnette  Yes, but they aren't printed in the official journal of the state. So you would have to look up that particular day's proceedings to know whether a resolution had been passed. But it becomes effective without any printing whatsoever in the official journal, whereas a bill is required to be printed in the state journal before it can become effective.

[Previous Question ordered. Amendment adopted: 66-30. Motion to reconsider tabled.]

Reading of the Section as Amended

Mr. Poynter  Bear with me a second, Mr. Jenkins, so that I can make sure that I'm getting all of these in the right spot.

It will read as follows: "No power suspending laws of this state shall be exercised except by the legislature and then only by the same vote required for final passage of the law proposed to be suspended. No resolution suspending a law or part of a law after the effective date of this constitution shall remain in effect beyond the time of adjournment sine die of the next succeeding regular session of the legislature. The vote thereon shall be recorded. Any measure to suspend a law or portion thereof shall be adopted by the same procedure as for a bill." Last sentence...provided...and I don't have the copies...there we go..."However, such measures shall not be subject to gubernatorial veto nor time limitations with respect to introduction."

Motion

Mr. Jenkins  Mr. Chairman, I think we now have the section like we want it analytically, but we've got about three sentences too many, and some of it is repetitious. So I move that we pass over this section, go to the next one, and give the committee the opportunity to shorten this down and include all this information in about two sentences, because it can be done easily.

Mr. Henry  Well, of course, your motion is in order, but is not that the purpose of Style and Drafting, Mr. Jenkins?

Mr. Jenkins  Well, I thought that their purpose was with regard to punctuation, spelling, capitalization and things of that nature, rather than elimination of complete sentences and such. I may be wrong.

Mr. Henry  You're moving then that we pass over the section...

Mr. Jenkins  Yes, and I think at the end of the next section, by then we'll have the committee come up with something that would be sufficient.

Point of Information

Mr. Weiss  A point of information. Isn't it the purpose of Style and Drafting to revamp and shorten the constitution that we provide without changing the content? So this is one place where we may vote on the subject matter and allow Style and Drafting to go about its necessary changes.

Mr. Henry  That was my understanding, but still... Mr. Weiss  We will revote on the matter again, and if there is any displeasure the convention can so decide.

Point of Information

Mr. Tapper  Point of information, Mr. Chairman. Dr. Weiss made the statement that we will revote on it after, but my question is will we have an opportunity as the convention as a whole to redo
these sections if we disagree with the Style and Drafting?

Further Discussion

Mr. Triche, Mr. Chairman and ladies and gentlemen of the convention, I rise in opposition to Section 22, and I would urge that you seriously consider rejecting the entire section. If you will look at the present laws in this state which you are considering of laws you will find that that section is not contained in Article III of the constitution which deals with the power and authority of the legislature. And somewhere or other, in Sections 16 and 19 of the constitution in Section 5, I would suggest to you that the original intent of that Article was not to grant the legislature any specific authority to suspend laws, but the original intent of that section was quite the contrary. It was a prohibition and a limitation on what the government could do. The section originally intended to suspend laws in this state shall be exercised except by the legislature. I think that what the people in the convention of 1921 were trying to tell us is that laws should not be suspended, and they were trying to guarantee, I believe, the people of this state against rule by executive edict, to prevent the governor from declaring emergency or martial law, to prevent the executive from suspending laws by executive order and rule by edict, and I think that’s all it meant. As time progressed and we wound up with the disaster in our recent history and the legislative was called into special session, it could only consider matters limited in the call. The legislature used this procedure to suspend laws that were enforced, were written at the time, and they could do it by resolution because they couldn’t otherwise do it by act of repeal, because the call didn’t contain that specific reference to repeal. I think that under the rules that we will have a reengrossed bill when it comes back from Style and Drafting, I think the way it is worded, Style and Drafting will have to do something with it. I don’t believe that under the rules that we will have to do something with it. I don’t believe that there is a misconception on the part of some of the delegates as to what authority Style and Drafting has. I believe that Mr. Jenkins pointed it out clearly, and that is that when there is a lapse or a period or to begin a paragraph or to end a paragraph, this is basically what their function is, in my opinion, according to the rules. If we’re going to give them a mono-jumbo of words and let them redraft them to bring back to us as some have said, well then I believe, that we’re wasting time here. I believe that we should pass over this measure because the length of it and the number of sentences, as Mr. Jenkins said, does not lend itself to proper interpretation. I would hope that since you’ve already decided to go ahead with the consideration of this matter that you do not adopt this section. I don’t think it’s necessary. I think that it’s much too important to hit it in an off-hand fashion the way that we’re doing it now and turn it over to Style and Drafting. We’re giving them the authority to decide how these things are going to be done.

Further Discussion

Mr. Tapper, Mr. Chairman and fellow delegates, I rise in opposition to this section. Mr. Triche has ably pointed out that we have added too much to what he has said, however, I would like to go into this business of the style and drafting. I think the way it is worded, Style and Drafting will have to do something with it. I don’t believe that under the rules that we will have a reengrossed bill when it comes back from Style and Drafting. I’m not certain about that. However, I believe that there is a misconception on the part of some of the delegates as to what authority Style and Drafting has. I believe that Mr. Jenkins pointed it out clearly, and that is that when there is a lapse or a period or to begin a paragraph or to end a paragraph, this is basically what their function is, in my opinion, according to the rules. If we’re going to give them a mono-jumbo of words and let them redraft them to bring back to us as some have said, well then I believe, that we’re wasting time here. I believe that we should pass over this measure because the length of it and the number of sentences, as Mr. Jenkins said, does not lend itself to proper interpretation. I would hope that since you’ve already decided to go ahead with the consideration of this matter that you do not adopt this section. I don’t think it’s necessary. I think that it’s much too important to hit it in an off-hand fashion the way that we’re doing it now and turn it over to Style and Drafting. We’re giving them the authority to decide how these things are going to be done.

Questions

Mr. Lanier, Mr. Tapper, would you agree that under the type of government that we have in the United States that the residual grant of power under the tenth amendment to the United States Constitution gives all powers not given to the United States to the states?

Mr. Tapper, I would think that’s correct, yes.

Mr. Lanier And would you also agree that specifically this power is vested in the legislature of the state except as limited by the constitution of that state?

Mr. Tapper, Yes.

Mr. Lanier, Now, that means that the state legislature can do anything not prohibited by the United States Constitution unless it is limited in its own constitution. Is that correct?

Mr. Tapper, Well, I’m not so certain that it is.
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Mr. Lanier. That is a question of contention. I believe that we're going to get to that somewhere down the road with this convention. There's been some thought on the part of many delegates to provide that the legislature can do anything that is not prohibited, and there's a thought that if you don't put any prohibition that the legislature then can do it. I'm not so sure that is a fact...that it's true. I can't answer your question because I'm not certain about that and there's a big question about it.

Mr. Lanier. Well, let me ask you this. If we knock out this section that provides limitations on the powers by which the legislature can suspend laws, would that not, in effect, mean that the legislature can do anything that it wishes?

Mr. Tapper. Just answered that with the last question. I don't think that's necessarily true. Mr. Lanier. If I did, I wouldn't be up here opposing this proposal.

Mr. Lanier. Is it your position that in order for the legislature to suspend a law, it has to have a grant of authority to do so in the constitution?

Mr. Tapper. I believe that the constitution, yes, is the basic law of the state...of this particular land, Louisiana, and if we don't provide something in this constitution, my opinion of the theory is that we don't give the facility...and I do agree that if we don't put it in there they're entitled to do it. I think that if we don't grant the authority to the legislature, they won't be able to do it.

Mr. O'Neill. For those people who are not lawyers let me ask the question point blank and you can answer it again, what will the effect be of not placing this in the constitution?

Mr. Tapper. What will be the effect of not placing it in the constitution?

Mr. O'Neill. I know you've answered once, but I want the question understood more than the answer.

Mr. Tapper. The effect of not placing it in this part of the constitution in the present terminology will be that the legislature will have no mandate as to the procedure to be followed. I think that's the answer that you want.

Mr. Tobias. Mr. Tapper, is it not your understanding that this provision is not in any other state constitution?

Mr. Tapper. I don't know that it is. Mr. Tobias. I don't think it is.

Mr. Tobias. Are you also aware that this provision is not in the model state constitution?

Mr. Tapper. I was not aware of that, but if you say so, I agree with you.

Further Discussion

Mr. Drew. Mr. Chairman, ladies and gentleman of the convention, I rise in support of this section as amended. I must confess to you that I do not have the legislative experience of Mr. Triche or Mr. Tapper. I have been in the legislature since the session of 1972 and in these two sessions, one 60-day session, one 90-day session and one extraordinary session, I have seen this power to suspend laws used to the advantage of the public. To the advantage of the public and not to the detriment of the public. One of the questions that I asked Mr. Womack was in 1972 the legislature passed an act, and as I recall with my poor memory, it required 90 days after the legislature adjourned. It was found after that law was passed, that there were many people who had already filed applications to take those tests, were ready to take those tests and a great injustice would have been done to them. And in the extraordinary session in August, if my memory serves me correct and I could stand corrected, there was a request made for the abrogation of that statute until January 1 of 1973 which protected the rights of those individuals at that time. You heard the paint law discussed. It was found, as I recall on, that particular act that was passed for the benefit of the protection of the children at that time, that it would have possibly put most of the paint in the contraband category and it was suspended. There was one act used except in the manner in which it would protect the people, not hurt the people. And in these three sessions of my short tenure in the legislature we have not seen it abused and I do not expect to see it abused. As far as the safeguards, I think with Mr. Flory's amendment, with the other amendments that have been put on this section, the public has ample safeguards. No one is going to be surprised by something. As far as the question of whether the public and whether the lawyers and whether the judge know of this, the same, it may be published in a copy may make a mistake. Certainly they may make a mistake, they are human too. But let me tell you, gentlemen, they take their time now and not just on resolutions. There are other mistakes. This is something that serves the benefit of the people. I trust that it will never be abused. I have not seen it abused to this date and I urge your adoption of the section as amended.

Questions

Mr. Burns. My question is more in the nature of obtaining information. In view of the Flory amendment which I believe provides that the passage to suspend a law has to go through practically the same legislative process as the passage of a bill. As I understand the purpose of suspension of this law is to take care of some situation that develops between sessions of the legislature. But in view of the Flory amendment, which I say is just as time consuming, is there any real necessity for this section being in the constitution anymore?

Mr. Drew. I think it's necessary for this reason. Mr. Burns, you take with the Flory amendment, more time to study the bills, more time in which to digest them, that in all probability, if we didn't have this, it would encourage the legislature to make a better, to take a better look at the bills and possibly have fewer errors in passing it?

Mr. Drew. Mr. Champagne, your inference is that we do not look at the bills as we should. We have not been able to. I can assure you that the legislature has done everything it could to look at the bills as much time as they've had. I'm sure we will have more time, but it does not take us out of the category of being human.

Mr. Champagne. I understand and I didn't intend that as a criticism but what I'm trying to say, sir, if we're going to provide all of these safeguards with all of these amendments, I think, and I'm just asking you, I think this is a repetition of the same question but really and truly don't you think possibly that since we have been through almost the same procedure we might just as well have a procedure by which we can repeal those laws which were made wrong? You don't agree with that?

Mr. Drew. The point there, Mr. Champagne, is that most of the laws do not need repealing. They may need suspension for a definite period of time, but
Further Discussion

Mr. Rayburn Mr. Chairman and fellow delegates, I believe there is a dire need for some provision to allay the anxiety that we have over parts of what we had to change a period of or a comma or maybe take out one particular part of or one sentence to make the law constitutional. We have suspended that particular section indefinitely. If I read this would be done by a commission in the future. If we suspend any portion of a law, we have got to come back at the next regular session, reenact, re-establish, reheat, and re-pass that entire subject matter. Now, maybe you want to do that, I don't know. I really see no need for it. I do want to read one provision that I think the people who put this in the constitution, even I believe, before '21. "No power of suspending laws of this state shall be exercised except by the legislature." If you did not have that language there, I'm of the opinion that the governor thinks he could, under his power, executive order granted to the chief executive of this state, he could suspend the law. Executive orders have broad powers. We've got many a commission in this state today that is now a state agency that was created by executive order many years ago. Later they came back and got a $5,000 appropriation, next year, $25,000, today they are up to a half a million dollars. They were created not by the legislature, but by executive order. And I'm of the opinion if you don't like the language under the Executive Department or the Legislative Branch, to spell out who has the right of suspension, we might be doing something we might regret. That's the only reason that I do hope to preserve that language as who would have the power, and the legislature only, somewhere in this constitution. Other than that I think we've got nothing. I think we're doing nothing but wasting a lot of paper and a lot of time.

Further Discussion

Mr. Stovall Ladies and gentlemen, I'd like to emphasize the point that Mr. Champagne made here in a question a moment ago. That we are granting the legislature more time to study bills, to consider them and it seems to me if they have this greater period of time to consider them they can eliminate some of these inadequacies in some of the bills which need to be corrected. It will encourage them to be more careful in their study of whatever is passed and will eliminate some of these years. This provision is not in other constitutions, it is not in the model constitution and I encourage you to eliminate this from the constitution.

[Quorum Call: 10 delegates present and a quorum. Previous question ordered on the section.]

Closing

Mr. Casey Mr. Chairman and delegates, Section 22 is so different now from when we started off that it's very difficult to be enthusiastic about it. However, I think we do need some provision some

would relative to suspension of laws. My personal preference was that Section 22 be adopted as proposed, I think it was a good reasonable power given to the legislature that they would be considered immediately in certain areas on certain laws. It's very watered down from the way that it was originally submitted. It's the amendments were adopted, I think there is an indication on the part of the delegates of their hesitation to have a great amount of faith in the legislature and I'm surprised that some of the delegates have advanced opposition to this particular effort on the part of the legislature to retain the power of suspension of laws. I would leave the final decision up to the delegates themselves as to whether they will adopt this provision as amended or not.

Questions

Mr. Nunez Mr. Casey, in lieu of the fact that we now have 85 day continual sessions, five day automatic veto sessions, committees in session at any time to consider bills, to hear bills, to all but act on bills, a simple majority of the legislature to call us into special session, do you really believe this is needed?

Mr. Casey Mr. Nunez, I would say in nine hundred and ninety-nine out of a thousand, you probably don't need this, but there's that one small, little minute instance where it would certainly be helpful to have available.

Mr. Keen Mr. Casey, if this section is deleted, would it not be necessary that we come back and place somewhere in another section a bar against suspension of laws in order to insure against the contingency that Senator mentioned a moment ago of the governor suspending a law...

Mr. Casey That's absolutely, you're absolutely correct. Mr. Keen, that if this is rejected the Legislative Committee would certainly have to advance some proposal to require that laws could only be actually suspended by the legislature in order to prevent the possibility of the Executive Department itself attempting to suspend laws, let's say, if martial law is declared, something like that. So if this is rejected by the convention, some positive action would certainly be in order on the part of the Committee on the Legislative and on the part of the convention.

Mr. E. J. Landry I don't know whether I'm correct in the question that I'm going to ask Mr. Casey, but Mr. Casey, would you have any power at this time to make it possible for me and the other delegates to have the meetings put together before a determination is made? You see I've spent a lot of time listening, Mr. Chairman, to all of these people and I think all of them have had something valid to say. But at this particular time I'm left without the complete summarized expression of what these people tried to say and I know a lot of people have had experience and they know what they are going to do, but it is unfair to me as a delegate not to have that material put together in order for me to make a determination. I'm appealing both to the Chairman and to the leader of that subsection. Can you help me?

Mr. Casey Mr. Landry, various avenues are certainly available and I share your problem. I can understand your problem, there are several places that are available to you. First of all, initially, you could request the Clerk, just from a point of information, to read thoroughly the entire proposal as it has been amended. Secondly, once those methods would be available. I know the previous question has been called, but I think it would be in order for you or for someone to request a sus-
Mr. Poynter Section 23. The legislature may authorize the organization of corporations for perpetual or indefinite duration. However, every corporation shall be subject to dissolution or forfeiture of its charter or franchise, as provided by law. Neither the state nor any political subdivision shall grant a perpetual franchise or privilege to any person or corporation.

**Explanation**

Mr. Juneau Fellow delegates, this provision is substantially the same provision that we now have in the present constitution. There is some rewording. It's the committee's position that the rewording was not substantive in nature. It was the feeling, we correspond with the Law Institute on this matter, and they thought it was necessary to change the constitution a provision that the legislature may authorize a corporation for perpetual or indefinite duration. The balance of the language, of course, relates to franchises which may not be granted the privilege to any one given individual. We respectfully submit that there is no substantive change in the law and we would move for its adoption.

Vice Chairman Alexander in the Chair

**Questions**

Mr. Gravel Mr. Juneau, what was the reason given why this provision, and I'm talking about the first 4 lines of Section 23, would be required to be placed in the constitution? This seems to make just to be simple language authorizing the legislature to do something that it certainly can do if it's not prohibited from doing it. Please explain it a little bit more to me.

Mr. Juneau Yes sir. This was the initial thinking of the committee, Mr. Gravel, but as an abundance of caution we corresponded with the Law Institute, and as I understand their position, in substance they said that if we did not have such a provision that conceivably they could come into the Corporation Act and enact legislation which would preclude the possibility of having what we did before the Corporation Act was amended. As you might recall, I think there was a provision of 99 years and they couldn't go beyond that. They thought as an abundance of caution that it should be put in the constitution and retained. There was just a feeling of concern in that regard and I want to reiterate that the committee shares your thought in that respect. We deferred to the Law Institute comments in that regard.

Mr. Gravel Well isn't it true, though, that if we're going to adopt that policy then we've got to do a lot of things in this constitution to take precautionary measures that are just going to tend to enlarge it and make it probably as cumbersome as the constitution that we presently have?

Mr. Juneau I share your remarks in that regard. Mr. Gravel. The only statement I can make, there was a tremendous concern by a great many lawyers in the state that the effect it could have. And for that reason we left it in.

Mr. Gravel Was there any particular concern that you know of among the lawyers who are delegates to this convention?

Mr. Juneau My answer would be I don't know, Mr. Gravel.

Mr. Kelly Mr. Juneau, I understand your explanation to Mr. Gravel concerning the first 4 lines of this section. Would you explain why it is necessary to have any of it in the constitution to me?

Mr. Juneau Well I would definitely construe the last portion, Mr. Kelly, that it's an absolute prohibition on the part as to the legislature that neither they nor any political subdivision thereof shall grant a perpetual franchise or privilege to
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any person or corporation. I think that that's a very specific limitation in the constitution. I would deem that absolutely necessary, I would think so.

Mr. Kelly. Would you give me an example of where, if that is not there, it is not precluded or what we do not prevent the legislature from enacting under the preliminary plan they could enact. The word that neither the state nor political subdivisions shall grant a perpetual franchise to me is a limitation on the preliminary power of the legislature to enact such a provision. It precludes them from doing, if we do not say it in that fashion, they could obviously, to me, enact such a privilege or franchise.

Further Discussion

Mr. Gravel. Mr. Chairman, ladies and gentlemen of the convention, the only point that I would like to have the record reflect is that I do not see the necessity whatsoever for lines 1 through 4 that are contained in Section 23. To permit this kind of language to go into the constitution would suggest that similar language relating to other areas in which we might act should also be incorporated in the constitution. This adds nothing to our basic document. As a result of that, the legislature clearly would have the authority to act in this regard after we adopt the constitution without this language. I would oppose the adoption of Section 23 insofar as it contains the first four lines.

Chairman Henry in the Chair

Questions

Mr. Champagne. Mr. Gravel, as far as the last part, it says you cannot issue a perpetual franchise.

Mr. Gravel. I'm not...

Mr. Champagne. Well, I have a question on that. They could issue one for 999 years, though.

Mr. Gravel. Under the first 4 sentences, the constitution is authorizing the legislature to do that, that the legislature would have that authority unless this constitution would prohibit the legislature from exercising that authority.

Mr. Champagne. What I'm saying now, in reference to the last two lines which you said, you know, you'd allow. I'm wondering about those lines. In other words, a perpetual corporation would be a questionable thing. Ninety-nine years or maybe 999 years they could do that. So you're not really limiting them that much, is my question.

Mr. Gravel. That's correct, but the sentence at lines 5 and 6 say something else to me, as an attorney, and might be a prohibition that this convention may want to put into the constitution. That possibly has some merit. My whole problem is with the first four lines that I don't think belong in the constitution. I have an amendment prepared where I request that those four lines be deleted.

Mr. Abraham. If I understand you correctly, what you're saying is that you do not need to be any prohibition against an organization or corporation being organized for a perpetual duration. Is that correct? And that's what lines 5 and 6 mean, does it not?

Mr. Gravel. That's not what I'm saying but that's the result. In other words, I think lines 5 and 6 address themselves to consideration by this convention as to whether we should or should not have such a prohibition in the constitution. I have no problem with that being a legitimate matter for consideration by this convention.

Mr. Abraham. But the prohibition you're talking about is granting any franchise say to a bus line within a city, or something like that and not prohibition against a corporation being organized indefinitely.

Mr. Gravel. That's correct, Mr. Abraham. All lines 1 to 4 do are to say that the legislature may do something and the legislature can do that whether we have such a provision in this constitution or not.

Mr. Jenkins. Mr. Gravel, though, wouldn't your amendment really bring us back to the old law with regard to the existence of corporations because if you, if the state can't grant a perpetual privilege to anyone as they would be allowed to do under lines 5 and 6, which you retain, then how could they allow perpetual corporations?

Mr. Gravel. Mr. Jenkins, you misunderstand me. I'm not retaining anything at this time. I'm just deleting the permission for the same reason. I think I will then consider under the provision that's set forth in lines 5 and 6, whether or not we would have that particular prohibition in the constitution. All I want to do is to delete lines 1 through 4.

Mr. Jenkins. Well isn't it true that under the 1921 constitution before the amendments passed in 1968 the language read "perpetual franchises or privileges shall not be granted to any person or corporation by the state or any political subdivision thereof"? It was on the basis of that language that perpetual duration of corporations was not allowed. Isn't that true?

Mr. Gravel. That may be the reason for it...

Mr. Jenkins. And if we adopted this amendment, then, wouldn't that be the effect again?

Mr. Gravel. We're talking about a new constitution, not the old one.

Further Discussion

Mr. Conroy. The questions which Mr. Gravel had asked have been asked by other delegates and I think that the confusion occurs here simply by the organization of this particular section by its content. Mr. Jenkins has touched on the problem and referred to it and I want to make sure that everybody understands what the problem is. The prohibition contained in lines 5 and 6 says that neither the state nor any political subdivision shall grant a perpetual franchise or privilege. This was construed to mean that the state of Louisiana could not authorize a corporation to organize on a perpetual basis, and the state law so provided. It was not until the constitution was amended to authorize the organization of a corporation on a perpetual basis as an exception to the prohibition contained in 5 and 6 that this was possible. A corporation charter is a franchise as witness by the fact that we have a Louisiana franchise tax imposed on corporations for the right to exercise this franchise, which granted by the state. I have no objection to the deletion of this entire section, but please don't delete lines 1 through 4 which have enabled this state to come forward in the corporation field and enact a general prohibition modern corporation law in it could not do with lines 5 and 6 still in existence.

Amendment

Mr. Poynter. Amendment No. 1 [By Mr. Keen], page 11, delete lines 1 through 6, both inclusive in their entirety and insert in lieu thereof the fol-
Section 23. Neither the state nor any political subdivision shall grant a perpetual franchise or privilege to any person or corporation; however, the legislature today authorizes the organization of corporations for perpetual or indefinite duration. Every corporation shall be subject to dissolution forfeiture of its charter or franchise as provided by general law.

Explanation

Mr. Reeves: Mr. Chairman, fellow delegates, my dad worked for the railroad at one time which I was growing up and I was always told to get off. As I was growing up, one of the main things he told me was to get out from in front of trains and off the railroad track or you will get run over but I sometimes don't follow that advice, but in all honesty, this does not belong in the constitution. I feel that it is not necessary. I feel that is on a personal basis, I feel that the attorneys, a number of attorneys and I respect them very much but I didn't come here as an elected delegate to represent attorneys. I beat one pretty bad and I feel rather strongly that we should not have a portion representing special interest groups and this particularly does. I think this represents a portion thereof that really is to a large extent oriented around special interest legislation and I'm not for it. I realize that it was a compromise piece of legislation and I understand this but I would appreciate you voting with me and voting this down. Thank you.

[Previous Amendment Rejected: Amendment rejected—Mr. Reeves. Previous point of order in the Senate Pension package. Aqui. Was it in written form?]

Reading of the Section

Mr. Poynter: Section 24. State and district officials, impeachment, conviction; affect Section 24 A. All state and district officials whether elected or appointed shall be liable to impeachment for felony, incompetence, corruption, extortion, oppression in office, gross misconduct or habitual drunkenness. All impeachments shall be by the House of Representatives and shall require the favorable vote at least a majority of the elected members thereof. Impeachment shall be tried by the Senate. Two-thirds of the members elected to the Senate shall be necessary to convict. The Senate shall next consider the questions whether or not the House is in session and may adjourn as it thinks proper. C. Judgment of conviction in impeachment cases removed and debarred the person, those office under the state, but neither conviction nor acquittal shall prevent prosecution and punishment otherwise according to law. Impeachment shall suspend any official except the governor acting Governor and the appointing authority and shall make an interim appointment until a decision of impeachment.

Explanation

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Explanation

Mr. Poynter: Mr. Chairman and fellow delegates, this is not anything other than a matter of abiding by the rules. If you will look in your volume of the rules in Rule 90, it is set up in Section 24 A, a committee on the executive department which shall consider the offices comprising the executive department, reorganization, term of the governor and other elected officials and impeachment. The rules as I read it therefore can clearly be understood to place the impeachment article in the executive department committee. The executive department committee has prepared an impeachment article which will be taken up at the time that the bill on the executive department is before the House and I move a favorable adoption of this amendment in order to keep within the rules of the convention.

Further Discussion

Mr. O'Neill: Ladie and gentlemen of the convention, I rise in strenuous opposition to this amendment. Also a coordinating meeting of the executive committee in New Orleans, the minutes show that Mr. Stagg had no objection to the legislative committee approving this. This follows this model state constitution and almost every other state constitution had the power of impeachment in the legislative article, not in the executive article, and I submit to you that the executive article

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...it doesn't belong there. This is the power of the legislature. I believe that our committee has proper jurisdiction, as we have been given to it by the Coordinating Committee and I feel you will sustain us in our work. I think that by a valid effort on our part to write the impeachment article that you sustain us, and I feel that delusions of grandeur have no place in this convention and that by obstructing our work, we're keeping ourselves here longer today than is absolutely necessary. I ask you to let us pass this impeachment article and move on to the final sections of our draft and continue our work as we're supposed to be doing today.

Mr. Roy It makes me no difference personally whether we take this up in this legislative section or the executive but I think that allowing us to go ahead and start arguing who's going to take it ... rather than arguing the merits of Mr. Stagg's amendment is dodging the issue. I think the convention as a whole ought to determine whether today we want to take it up right now under this section or whether we just want to booth it out and take it up when the executive thing comes up. I'm not for a lot of back and forth discussion on it.

Mr. Henry Your point is well taken but Mr. Roy I would remind you that is exactly what we are doing is determining whether or not they are going to take it up in the legislative proposal or in the executive proposal.

Mr. Roy It appears to me that by allowing Mr. Stagg to amend this particular section is going into the merits of the section itself and not the issue of who should take it up, whether the legislative section or the executive.

Mr. Roy Mr. Roy, it appears to the chair that it is six of one and half a dozen of the other. Mr. Roy, I'm not going to argue with you on the thing now.

Mr. Roy I don't want to argue. I want to make a motion because I want a joint issue on it and get it over with one way or the other. Can't I move that we, move that this matter be passed over and taken up in the executive session?

Mr. Henry You're going to have to delete it one way or the other because it's in the proposal Mr. Roy and that's where we're at the moment. If you adopt the amendment then in effect you're saying we're going to pass it over because we're deleting it and then we'll take it up somewhere else Mr. Arnette, why do you rise?

Mr. Arnette I was just wondering if it would be required for the Legislative Committee to move for suspension of the rules to allow us to consider this since it is against our rules.

Mr. Henry It is not against the rules Mr. Arnette. The rules say that the Executive Committee shall consider impeachment but the rules don't say that no other committee can resolve it and we have tried to resolve this problem between the Executive and Legislative Committee for about three months and we're going to have to do it by a vote of the convention.

Mr. Roemer Mr. Blair Point of Information Mr. Chairman. Is it your opinion from the chair that the Legislative Committee had the right to examine impeachment?

Mr. Henry You're asking for an opinion. Under the rules I would think they did have the right to because we met in New Orleans and attempted to resolve the problem of impeachment and it was my impression at that time that the Legislative Committee was going to take it up.
the 1921 constitution and provided that the grounds for impeachment shall be the conviction of felony or malfeasance during the term of office of any public officer for gross misconduct, and frankly that could cover I think every degree of culpability on the part of any public official. Yes, I yield to Mr. Drew.

Questions

Mr. Drew Mr. Gravel, as written, would this apply to judges? There is no exclusion.

Mr. Gravel As written, it would unless there is some modification in the disciplinary article that would be applicable to judges.

Mr. Drew The Executive Committee has provided means of removal of judges. Do you not think it would be advisable to exclude judges from this impeachment proceedings?

Mr. Gravel I think that probably there is going to have to be some provision made depending upon what other provisions are adopted in the constitution. Incidentally they might specifically relate to certain public officials.

Mr. Drew But I mean as your article is written it does not provide for any exceptions, does it?

Mr. Gravel Not at this point.

Mr. Kelly Mr. Gravel, in the third line of Section 24 A in your amendment, it says impeachment for commission or conviction of felonies. Would you give me your interpretation as to the distinction between commission or conviction?

Mr. Gravel That was one of the problems that we had in the committee. Some persons in the committee thought if a valid case could be made, even though there had not been any conviction of a felony but if a valid case could be made that a felony had been actually committed by the official, that it was not absolutely essential to await the possibility of a court conviction which might not be obtained for a long period of time or might not be obtained at any time. In other words, if a charge could be made that a felony had actually been committed and if the felony was committed, that could form the basis for impeachment even though there had been a judicial conviction of the public official.

Mr. Kelly Let me ask you this. In other words, assuming a man was under indictment and yet the legislature decided he hasn't been convicted but we're going on with impeachment proceedings, they in essence would be in a position more or less to determine, they would be doing the judging instead of a court. Is that correct?

Mr. Gravel That would be correct and one of the reasons for that Mr. Kelly, would be that if you didn't have that provision then you could permit perhaps a public official to be indicted and that indictment could be held for a long period of time so it could prevent the impeachment process from being undertaken, and this was a deliberate judgment and I think a good one made by the committee because the committee should be able to make that determination if otherwise the wheels of justice are not moving fast enough so as to accomplish...

Mr. Roener Delegate Gravel. I notice, perhaps I'm incorrect, but it seems to me in the original committee proposal, Paragraph lines 23 to 26, they address themselves in the following manner to impeachment: "shall suspend any officer except the governor, acting governor, and the appointing authority shall make an interim appointment until conviction of impeachment." Your amendment does not address itself to that problem. Could you explain why not?

Mr. Gravel It does not address itself to that problem because we felt that no one should be judged guilty simply because a charge had been filed against him. Consequently that's why it was deleted from the article as we prepared it.

Mr. Asseff Mr. Chairman, I simply wanted to call to the attention of the convention that we had eliminated that though I do agree with Mr. Gravel.

Mrs. Warren My question is real brief. I noticed in the proposal for the legislative branch, they mentioned drunkenness, habitual drunkenness, and in this one you left out. I would just like to know why, for the record.

Mr. Gravel Well, for the record, we left that out.

Mrs. Warren I mean why?

Mr. Gravel Frankly because we didn't think that it was easily ascertained whether or not a person might be drunk or whether or not that might interfere with the proper discharge of the duties of his office and so forth. I would think that habitual drunkenness in such a way as it would prevent a public official from performing the duties of this office would be covered generally under the malicious article of the code of criminal code.

Mrs. Warren Thank you, I just wanted some information.

Mr. Conroy Mr. Gravel, as you know I had amendments proposed to the legislative article dealing with the problem of disbarment of impeached officials. I had disbarment from practice of law. There was considerable concern in the Bar Association. I had received letters requesting that these amendments be made. Now I understand that it is the intention of this section with the reference to action as well as prosecution and punishment that an impeached judge for example, could be disbarred by proper disciplinary proceedings being brought against him by the Bar Association under this proposal. Is that correct?

Mr. Gravel That's correct Mr. Conroy. That's the reason we put in the word "action" in the second to last sentence.

Mr. Burns Mr. Gravel, inasmuch as impeachment is such a serious type...affects the person's whole life and so forth, especially an official...this would be commission in my respect. I suppose an official was impeached and he was later brought to trial and acquitted and exonerated by a jury. What position would he be in there?

Mr. Gravel I think those are two separate concepts completely. In other words I think there is that possibility Mr. Burns. I think that has always existed and always will exist whenever you have the impeachment process as part of the basic law. It's always possible that...

Mr. Burns I could, and this is not an assumption, I could very easily foresee this a lot of times in trial of a criminal case, defense as an alibi. He wasn't even there. He didn't commit the crime. What would you do in that case, where the official that you have impeached and thrown out of office and disbarred, ruled on the trial of the case that he wasn't even the man that committed the offense? I mean, you've ruined his life.

Mr. Gravel Your contention there is just against any concept of impeachment.

Mr. Conroy Mr. Gravel, I mean that a technical matter in the first paragraph in the first line you have "any state or district official." I ask permission to make that technical change. Should be "any state or district official" rather than "any state and". If there's no objection, I would like permission to make that technical change.

Further Discussion

Mr. O'Neill Ladies and gentlemen of the convention, I rise in support of the amendment and stress to you
that our objections in the previous discussion was to placement of the section and not on the merits of the section itself. This amendment corresponds very nearly with what we had done and if I offended
the Chairman or the members of the Executive Depart-
ment Committee with my comments, let me assure
you that our committee felt so strongly about the placement that we felt like we had to arg-
ue strongly, and it was not on the merits of im-
peachment or the demerits. Thank you.

Questions

Mr. Grier: Mr. O'Neill, the term malfeasance here,

does this not include both misfeasance and non-
feasance in office?

Mr. O'Neill: Let me ask my legal advisor, Mr. Grier.

I assume that it does but let me check. I retract
that statement, I'm advised it does not. It's mal-
feasance as stated.

Mr. Grier: Could we have a definition of malfe-
asance. Exactly what does it include?

Mr. O'Neill: Let me find my Black's Law Dictionary

and I'll give you one. Mr. Grier, malfeasance is

where an officer or official has committed a wrong

in office. A malfeasance is interpreted as not doing

something or not performing his duties.

Mr. Grier: That's nonfeasance, nonperformance.

Mr. O'Neill: I would say that nonfeasance and mis-
feasance are about the same, sir.

Mr. Gravel: Mr. O'Neill, is it correct that under the provisions of Article 134 of the criminal code

that nonfeasance and misfeasance are incorporated in the statutory offense of malfeasance in Louisiana?

Malfeasance covers nonfeasance and misfeasance under our law, does it not?

Mr. O'Neill: Yes, sir, and I can answer that truth-
fully because I just studied that in law school.

Further Discussion

Mr. Landrum: Mr. Chairman, delegates, I'm concerned about this impeachment proceedings. I really wonder just what power does the Senate have or the House of Representatives or the combined houses to really do anything other than expulsion. Many things that the felonies, malfeasance...it would appear to

me that if a person goes to court, if a charge of this nature is committed, a crime rather of this nature is committed and the charge is filed in the courts, then the court would automatically find him guilty. I would like to have it automatically be removed from office. It just disturbed me to see something with many names of people are brought out unnecessarily. Now, I am very much concerned about whether or not we do the thing right. Maybe the impeachment proceeding is the correct way but I certainly wish I could be convinced more than I am now.

Questions

Mr. O'Neill: Reverend Landrum, is it your under-
standing that an impeachment in the Senate is ap-
pealable to an appellate court? Appellate juris-
diction?

Mr. Landrum: Mr. O'Neill, it would be appealable
but the idea, you have exposed yourself before the entire public in an impeachment proceeding. I won-
der whether or not the evidence could be used in a court of law. You are a student of law, I am not and

maybe you can answer me on this.

Mr. [J.] Jackson: Rev. Landrum, would you agree that the possibility does exist whereby a person is indi-
dicted, that you could have impeachment proceedings whereby the Senate and House confirms impeachment but that through the court process and due to the judicial process that this man is not guilty of the

alleged offense which would be grounds for impeach-
ment, so in effect what happens is you have a body of people trying someone before the court has actu-
ally found him guilty. Could you see even with the present situation that exists within the State rela-
tive to some state officials that you know we could have basically started some impeachment proceedings without the court determining a decision. Further, would you also agree that the method of indictment which is primarily by grand juries have, in some cases, been abused and that grand juries have been utilized with some D.A.'s as a matter sometimes bringing some political pressures on candidates who were maybe in opposition political views. Would you agree? And the method of the present partment written suggests that maybe we all have in mind the things we feel that we ought to do, but maybe the way it is written is not the proper way or proper method in going about this. Would you agree?

Mr. Landrum: Mr. Jackson, I certainly agree in part with what you are saying. It just seemed to me that if we have three branches of government then we should use those three branches of government. That's all I'm saying.

Mr. Schnitt: Assuming that someone, as an example, a judge has been caught in the act of committing some type of a crime but through some type of legal technicality he should be found guilty of guilt. I understand that in a criminal law you have to prove beyond a reasonable doubt and that certain evidence in certain situations can be excluded. As an example, in a narcotics case, it might be possible to exclude the hypodermic needle which is being used to be injected into a person's arm and in certain possession of heroin cases that the actual heroin itself can be excluded so that you don't have any-
thing to go to trial with even though an individual might be caught with these things on him, and they have witnesses that this person had them on him for purposes of criminal law he might not be able to be convicted. Would you feel that this person should have the right to decide the guilt or innocence of other people who are charged with these types of crimes?

Mr. Landrum: Well, are you saying to me then that in an impeachment proceeding you don't have to be found guilty beyond a reasonable doubt.

Further Discussion

Mrs. Warren: Mr. Chairman, and fellow delegates, I'm hear and I listen to what you are saying. But I do feel that the time is beginning to come through. I am against this amendment because I don't believe that the legisla-
ture should have the right to impeach its fellow members if they make mistakes. I think you should then go before the bar of justice. I asked one of our fellow delegates concerning this, and he said it did not mean that this person would be imprisoned. I am sure that most of you will agree that one does not have to be behind bars to be imprisoned. As I listened to many of the legislators speak and talk about the disadvantages of being legislators and the hardships that they go through and on the other hand there are some of them that are still delegates here and seem to be dedicated and love their jobs very much. I think to give this into the hands of the legislators to do such damage to each other be-
cause on some instances legislators don't trust each other and then again they do. I don't trust them, I am not one. I don't trust them to hold in their hands the balance of someone else's political future. I am going to ask you to vote against this amendment.

[Previous Question ordered: Amendment adopted: 88-9. Motion to reconsider tabled.]

Amendment

Mr. Poynter: Amendment proposed by Delegate Drew is as follows:

Amendment No. 1. In Floor Amendment No. 1 pro-
posed by Delegate Gravel, et al.
Mr. Drew. Mr. Chairman, ladies and gentlemen of the convention, I believe that if Mr. Drew’s proposed amendment is adopted we may as well just now have an indication of how serious it is if there is anybody in this convention that feels more strongly than I do about the protection of the rights of persons who are charged with offenses. But if we do not leave in the impeachment article the word “commission of a felony,” then for all practical purposes we are not going to be able to make this article effective for two reasons primarily. Number one, a person could not be removed from office even though he might have admitted his guilt and admitted that he committed a felony unless and until he was actually convicted of the offense. Now the span of time between even an admission of guilt and an ultimate final conviction in the event there is a court contest or a prosecution may be 1, 2, 3, or years. I had a case one time for a public official that was indicted every time the grand jury met and he stayed in office for over four years. And under the question of the time it would take Mr. Drew’s amendment could have been impeached in the event the legislature had seen fit to do so. Also the courts of the state have held on many occasions that where you have the word “commission of” instead of the word “conviction as it is contained both in our present constitution and in this proposal here exists... where that word is used that means a final conviction. And you may very well have the serious question as to whether or not any impeachment proceedings to be instituted until every appellate course had been run by the person charged with a criminal offense. All I am trying to say, if you don’t use the word “commission” then you are not going to have an effective article. Impeachment, the concept of impeachment means only the charge that is made after due deliberation by the House of Representatives. After that charge has been made there has got to be a full hearing by the Senate, an open hearing in public hearing in the Senate and two-thirds of the Senators are going to have to agree that grounds for impeachment exist. And I submit to you that all of the safeguards that are necessary to protect the rights of a person so charged are ingrained in and made part of this proposal. So I simply close by saying, either this provision should be adopted as it is contained in the amendment that was agreed upon by all of those who proposed amendments except Mr. Drew or we are not going to have any effective impeachment procedure in the constitution. That to me ladies and gentlemen is the choice we have got to make.

Mr. Weiss. Delegate Drew, could you envision some trumped up charges against the legislator that might be made so perfected that they would be then tried before a legislative hearing such as the Senate and not a judicial body whereby decisions are made that might exclude that party and make him impeachable?

Mr. Gravel. Mr. Chair, I do not conceive of that possibility. This has gone about in the state of Louisiana. As a matter of fact when you refer to these cases I can’t recall where we have ever had any impeachment proceedings anyway. And this really is more of a threat, a sort of a smoke signal that is going ahead of the public officials rather than it is a reality. And that is really I think all it is worth in the new constitution. But I think it is important to have this provision in the constitution so that that threat does exist.
Mr. Lambert. Mr. Gravel, let me ask you this, under your amendment, I want to read it right quick under Section 24-A. Any state and district office 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. If the commission would be removed not "or for gross misconduct" still serve the same purpose, possibly?

Mr. Gravel. It would serve no purpose, because you can't be convicted of gross misconduct. There is no such offense.

Mr. Lambert. It says "or".

Mr. Gravel. Well, if I understand your question correctly. I don't believe you could have any conviction... oh, I see what you mean, yes.

Mr. Lambert. Your answer is yes.

Mr. Gravel. Yes, that is correct.

Further Discussion

Mr. Burson. I am against this amendment for two practical reasons, and one historical reason. Historically, the power of impeachment has resided with the legislature in this country and that is set out in the United States Constitution. The power of impeachment resides with the Congress. And remember when we produce the process of impeachment just because you are impeached does not mean that you are successfully ousted from office. Impeachment procedure is simply a method of trial as it were. Where the House decides whether or not the trial should be held and the Senate holds the trial. Now this is a historic procedure in the United States and I think it is historically justified and vindicated. There are two practical reasons why I would be against this amendment first of all, practically speaking, if you look at Section 4 of Article I of the present State Constitution. It provides for impeachment for high crimes and misdemeanors in office, it does not say for conviction of high crimes and misdemeanors. So we have had a situation since 1931 at least which would have permitted the abuse by the proponents of this amendment fear and they have not happened. And as a practical matter I cannot conceive of a watered-down charge against a member of the legislature which would successfully pass the House and get a two-thirds vote of his fellow legislators in the Senate to have him ousted from office. That is just very difficult if not impossible for me to conceive. The final practical matter is that the process of conviction involves not only the prosecution of the district attorney to prosecute the case in the first place. I don't know whether you people who are not lawyers in here realize the power the district attorney's office has in determining such matters. It is entirely possible that a person could be indicted by a grand jury and the district attorney for one reason or another decide not to prosecute that indictment and just let it sit there in his files forever. Even if it involved a manslaughter or murder of another person. So that you might not ever get to trial in the first place and I think that is a practical consideration that you simply can't ignore in this instance.

Questions

Mr. Drew. Mr. Burson, could you tell me this body any rules of evidence or protection of a defendant's rights that are applicable to an impeachment proceeding?

Mr. Burson. No, Mr. Drew, I can't no more than I could that the president of the United States would be protected by rules of evidence if he were tried by the Senate. I think that that is a historic exception to the rules of evidence and we know that the rules of evidence change all the time too. The federal courts have just come out with a sweeping change or all federal, civil and criminal rules of evidence.

Mr. Drew. And hearsay evidence would be admissible to no end?

Mr. Burson. Well in federal court now, hearsay evidence will be admissible if I understand the new rules correctly.

Mr. Drew. I am not talking about the federal courts, I am talking about the state of Louisiana. I wanted to ask this question to Mr. Gravel because he is a defense attorney and you are an assistant district attorney I understand.

Mr. Burson. Yes, sir.

Mr. Drew. But if a man was impeached, because of a pending bill of information or indictment on a serious crime the indictment was on, what chance do you think you would have of getting a fair trial which may subject him to life or twenty years in the penitentiary if after he had been impeached?

Mr. Burson. Well, I think certainly the justice in the question of the president's possible impeachment, now that impeachment would definitely have an effect on a trial. I am not sure that a trial might not be precluded because he would not be able to get a fair trial, but that would be a problem for the criminal prosecutor to worry about, not for the legislature.

Mr. Roy. Mr. Burson, there is nothing in this provision that prohibits the Senate from setting up or the House from setting up rules of evidence and procedure and what have you which would guarantee to the person charged with the gross misconduct or what have you, due process of law, or both with respect to substantive and procedural, is that right?

Mr. Burson. That is correct, Mr. Roy. And I can't conceive of the members of the Senate or the House denying to one of their fellow legislators, let's say or any public officials due process of law on the subject.

Mr. Roy. And if they did, don't you think that a federal court could step right in and quash the whole matter because the substantive and procedural due process of law was denied to the person?

Mr. Burson. I personally have no doubt about that.

Mr. LeBlanc. Mr. Burson, if a public official were impeached by the legislature, before his trial came up in court he would be out of office, is that correct?

Mr. Burson. Yes, sir.

Mr. LeBlanc. If his trial in court came up he was found to be not guilty of what the legislature impeached him on, would he be reinstated in office or would he be out for the rest of his life as this paragraph suggests?

Mr. Burson. I don't see where the finding of the jury in the criminal case that he was not guilty would abrogate the legislative action. I think he would be out.

Further Discussion

Mr. Hayes. Mr. Chairman, ladies and gentlemen of the convention, reluctantly I voted for the immunity of the delegates to come to and from the convention for the only reason I thought maybe somebody might be picked up and couldn't be able to vote on certain issues. The history is ok, but it appears to me that every crime committed would be committed and settled in the district in the state where you would have a district attorney. I can't see any need for impeachment at all. It appears that we are trying to take over the judicial process and turn it over to the legislature to have trials. People would
have a right to appeal all of this to a court of law in the first place. And if a trial is committed in a district, looks like the person to get rid of would be the district attorney, if he didn't prosecute. He said he already thinks you all have a problem for that being handled by the state attorney general's office. So I think the person to remove there would be the D.A., if he didn’t prosecute a crime that was committed in his district. We have investigations going on now in some malfeasance, they claim in the agriculture department which is being handled by the district attorney. So if you convict a man of a crime, he is going to be serving an sentence. He doesn't need the time in the legislature, I think the entire section should be wiped out.

[Previous Question ordered. Amendment rejected: 38-56. Motion to reconsider tabled.]

Amendments

Mr. Poynter The next amendment is offered up by Delegate Roy

Amendment No. 1. On page 11 delete lines 7 through 26 in their entirety and insert in lieu thereof the following: 'Article 24. Impeachment.

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

B. All impeachments shall be by the House of Representatives and shall be tried by the Senate. When an impeachment shall be up for trial it shall be necessary to convict. The Senate may determine for such purposes whether the House be in session or not, and may adjourn as it shall determine.

Conviction upon impeachment shall result in immediate removal from office. Nothing herein shall prevent any other action, prosecution or punishment authorized by statute.

And with your leave Mr. Roy, I have added Amendment No. 2 to strike out the Gravel amendment.

Explanations

Mr. Roy Well, Mr. Chairmen and ladies and gentlemen of the convention, I of course supported Mr. Gravel's amendment but I feel that it is just much too stringent in what the effects of it are. I simply am the feel amendment of the notion that one who is convicted or impeached rather, one who is impeached would be forever barred from holding any public office thereafter. Now I am for holding any district official immediately and if he has been holding upon conviction of impeachment. But let me tell you what this amounts to. You could have a judge who would, let's say, hit the bottle a little too much and ultimately get impeached for being essentially an alcoholic and then take the cure or any public official take the cure. And that man could never hold public office again, appointed or elected. Now, I just and I have said it before, I just happen to be a Jacksonian Democrat and I believe the people in their wisdom have the right to elect who their leaders will be. Good or bad or whether I agree with it or don't agree with it. But that is how I must stand because philosophically that is what I believe in. That is what I think has made this country great. That a person may be run for office and be elected by the people and certainly a person may be rehabilitated for any particular crime. Now for illustration, if Huey Long had been convicted of the impeachment proceedings brought against him, he would have been forever barred from holding any public or appointive office thereafter unless an amendment passed. It is not necessary to further by me. I just cannot accept that as a human being who believes in the right of people to choose their own leaders nor can I believe in it as a person who believes that people may rehabilitate themselves. For that reason I offer up this amendment.

Questions

Mr. Vick Mr. Roy, what if the governor granted a full pardon?

Mr. Roy Apparently he still couldn't hold office again, it is not excluded in this matter and I just don't...and in Gravel's it is not at all so I really don't know whether that would help out or not.

Mr. Vick Are you sure?

Mr. Roy Well, I am not sure, but I don't want to take a chance because it says the conviction of impeachment forever precludes. That is what it says. I don't think the governor's pardon could do any good for the guy.

Mr. Vick Well, basically it would have to be resolved by the courts though, would it not?

Mr. Roy Well, it may be, but I want mine to go further than that. I don't want a man to have to get a pardon. I want the man if he has been impeached for some reason and is later a citizen and earning his pay and doing his work, I don't see why the people can't elect him if they choose to.

Mr. Avant Mr. Roy, let's suppose in the heat of political passion the Senate or the House or the legislature felt the man had committed a crime, at the same time some district attorney somewhere thought he had committed a crime, he was indicted, he was impeached and he was removed from office and then say a year or a year and a half elapsed the man was tried, he was completely exonerated, he was found not guilty and then the public, everybody in the state of Louisiana, case you know that man really didn't do those things that the House and the Senate said he did. Would that man ever again be able to hold public office in this state?

Mr. Roy Not under Gravel's amendment, but under mine, he would.

Mr. Chatelain Mr. Roy, would this...the amendment as if it stands, the Gravel amendment, if an attorney or any public was convicted by the legislature, could he go back home and practice as an attorney or a public official?

Mr. Roy I don't think Mr. Gravel's precludes him from practicing law, all it does, is that it says he may never hold office again.

Mr. Chatelain All right. Thank you.

Mr. Stovall Mr. Roy, in the case of the extreme case, if Mr. Gravel did not accept my amendment, Jack Avant just raised, that situation could be corrected could it not by a constitutional amendment?

Mr. Roy Yes, Reverend Stovall, if you could get enough people to amend the constitution for a specific individual but I would think you would be in favor of rehabilitation Reverend...you know, the sinners coming back to the fold.

Further Discussion

Mr. Abraham Mr. Chairmen and fellow delegates, the question was just asked that suppose a person in the heat of political passion were convicted or impeached by the Senate and then the courts exonerated him, so you are prohibiting him from holding an office. Well, let's look at the other side of the coin. Where there is no doubt but that rather there is very little doubt that the man has committed an offense. And the Senate did deliberate carefully but through some technicality he may have been acquitted or if it is amended under another vote. I just cannot accept that as a human being who believes in the right of people to choose their own leaders nor can I believe in it as a person who believes that people may rehabilitate themselves. For that reason I offer up this amendment.

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impeached. And then simply being reappointed the next day, right back into an office or a similar office. You have got this to consider too, that this could work against it. I think that the amendment as originally written, and as submitted by Mr. Gravel is correct. That we must have some threat to hold over all public officials in order to make them perform properly in office which includes conduct, drinking or committing any kind of an offense that would say that you can be removed from office. And I would be against the Roy amendment and I think we should leave the Gravel amendment as it is.

Questions

Mrs. Warren Senator, wouldn't you say that it would be better...

Mr. Abraham Thank you Mrs. Warren but I am not a Senator.

Mrs. Warren Well, I am sorry, I apologete. I still would like to get to this point, wouldn't you think that it would be better to have one guilty man go free than to have an innocent man convicted?

Mr. Abraham Say that again, now.

Mrs. Warren What do you believe would be worse to have one innocent man convicted or one guilty man go free?

Mr. Abraham Well, I would hate to see any person who is innocent convicted. But this is a double-edged sword too. It works both ways you see.

Mrs. Warren Which one...

Mr. Abraham Which would you rather see, ten guilty people go free...

Mrs. Warren I would rather see ten guilty people go free than to see one innocent man suffer.

Mr. Abraham It is a double-edged sword, Mrs. Warren.

Mrs. Warren If you asked me my opinion, I would rather see twenty guilty people go free than to see one innocent man...

Mr. Tapper Mr. Abraham, isn't it a fact that if a person commits murder, that... and he is convicted, and sentenced to life imprisonment, that he can be pardoned by the Pardon Board?

Mr. Abraham Yes, I think so.

Mr. Tapper And in that instance could he not run for public office?

Mr. Abraham If I understand the law, when you are pardoned you are completely exonerated.

Mr. Tapper And he is restored to his citizenship and he can run and be elected to public office. Where as here a man may be guilty of misconduct in office of public drunkenness or what have you and then he could never again run for public office, isn't that a fact?

Mr. Abraham I think you are missing the point though, the intent of this is a threat over the man to make him toe the line in office.

Mr. Aertker Mr. Abraham, you actually believe that we ought to have laws that once a man does something that destroys his political life, that he never has an opportunity to hold public office anymore, is that correct?

Mr. Abraham Say that again, Bob.

Mr. Aertker That once a man does something that causes him to be impeached, that he never has another opportunity in his life to ever represent or be in public life again.

Mr. Abraham I think under the impeachment proceedings that is as it should be. If he is impeached, then he should not run for public office again.

Mr. Aertker Even though the majority of the people that he represents think that he should be given that opportunity, you still think that he should be denied that?

Mr. Abraham I think we should consider that fact that we have already said previously in this article that public office is a trust and it is not to be violated. And I think when that man violates that trust he should not be allowed to hold office.

Mr. [A.] Jackson In response to Mr. Avant's question, Reverend Stovall says that possibly to correct that kind of situation is to institute a constitutional amendment. Now it would seem to me and would you agree that if the House and Senate impeached him, and that any amendments to the constitution must be enacted by joint resolution in the House and Senate that it would be almost impossible to get a constitutional amendment to correct that problem?

Mr. Abraham That I couldn't answer.

Mr. Juneau Mr. Abraham, I don't often agree with Mr. Roy but I think his point is well taken. Are you aware of the provision in the executive proposal with regard to pardon and so forth where it says, "Exemptions in the case of misconduct upon impeachment, the governor may reprieve"? Which would mean that if you would have an impeachment proceeding you couldn't pardon, commute the sentence or anything of that nature?

Mr. Abraham Yes, that is right.

Mr. Juneau Well, then would you still favor your proposal, what you are advocating in view of the provision that is going to be advocated by the Executive Committee?

Mr. Abraham If I remember the language that it says that except in cases of impeachment you can have pardon.

Mr. Juneau That is right, because in other words, if you have an impeachment proceeding, you will never be pardoned, you will never have a commutation of sentence no matter what the circumstances may be.

Mr. Abraham You will not be able to hold office again.

Further Discussion

Mr. Jack Mr. Chairman, and members, I was one of the co-authors of Mr. Gravel's amendment and I am for leaving it like that and I am against Mr. Roy's amendment. Now I want to correct one thing, and that is why I couldn't ask the question, different things came up. Now Mr. Roy is talking about the drunkard or alcoholic. Now that is not in Mr. Gravel's. In the original material for this you had a number of things for impeachment. You had for felonies, incompetency, we took out incompetency because that is too hard to define. We took out corruption, we took out extortion, we took out oppression in office, we used gross misconduct and we used a new one we put in malfeasance, that is not in the regular material. Now the reason... and we came down here as a group to discuss it, I suggested they take out this habitual drunkenness, that is recognized in most instances as an illness and we have other ways of removing those people. We are leaving here three very serious types of things commissions or conviction of felonies, malfeasance during the term of office and gross misconduct. Now we have got to try to keep public office as good and as clean as possible. And if a person is the felon he should not be there, if he is guilty of malfeasance in office he should not be there. If he is guilty of gross misconduct he shouldn't be
Mr. Newton. I rise in support of the Ro amendment primarily because I believe in the right of the people to decide for themselves who they want to represent them. And I would like to point out just very briefly, that impeachment could be totally and completely politically motivated, as I believe was the impeachment efforts in the case of Huey Long. And most such impeachments did not involve any crimes but somebody was impeached, say my district attorney and the people in my district still wanted him to be the district attorney, I think it is the right of the people to have whom they want to represent them. And I don't think we ought to deny the people this right, for all times. And I urge you to accept the Roy amendment.

Further Discussion

Mr. Gravel. Mr. Chairman, ladies and gentlemen of the convention, I just want to make one point clear and I am authorized to say that the position that I am stating also is that of Reverend Stovall's. I think that in view of the fact that we do have a provision in the proposed Executive Department Article that deals with pardon to the effect that there shall be no pardon to an offender of any kind in cases where there has been conviction upon impeachment. That the concept that Mr. Roy has in his proposed amendment of course is a valid one and one that we should either accept now or that we are going to have to consider further on it during the convention as to whether we want to eliminate the language that I have just stated as in the pardoning article. In other words, I want to make it clear that some of us definitely do have the view that there should be some method by which a person convicted upon impeachment is granted pardon or release if proper rehabilitation of course has been made.

Questions

Mr. Schmitt. I've prepared an amendment to this section which would limit the period of time the person would be prevented from holding office either by appointment or election to a period of ten years from the date of removal. Do you think that this would satisfy some of those problems?

Mr. Gravel. Well, I really think that the best way to handle it would be under the pardoning authority that the Mr. Roy very properly opposes. My position is that the effect the conviction upon impeachment is in the nature of the conviction of a crime, in my judgment.

Mr. Schmitt. In other words, after they had a conviction by the Senate, then the governor would have the right to come back and release the man, and let him go back and hold office again. Is that what you're saying?

Mr. Gravel. Just like he could do right now in the case of conviction of crime Absolutely.

Mr. Schmitt. Do you think that this is correct that the governor should have the right to override the two-thirds vote of the Senate in this particular case even though a person might have been convicted of say, a murder or some other type of serious crime, that the governor could then come back and allow this man to hold office and that the next day that he would have the right to go ahead and appoint this man to office? That's what Roy's amendment would do.

Mr. Gravel. Well, I don't think that Roy's amendment has anything to do with the governor.

Mr. Schmitt. Roy's amendment would allow this man to remain in office.

Mr. Gravel. No, Roy's amendment requires that he be removed from office.

Mr. Schmitt. But, that the next day the governor could appoint this man to another position of public trust. There's no prevention here from the quivi
Mr. Schmitt: I rise in opposition to Mr. Roy's amendment. I feel that Mr. Roy's amendment takes the entire guts out of everything that we've done this morning. The one important effect which we had before, and which I thought to be a modification of the article on pardoning, I think that every person convicted of an offense or convicted upon impeachment should have the right to rehabilitate himself and to be pardoned.

Mr. Schmitt: But doesn't the Roy amendment allow him to rehabilitate himself overnight? Like let the governor appoint the person to another position, maybe even making more money than he was making the day before.

Mr. Gravel: The Roy amendment would permit that to be done, but I don't think the governor would ever do that without committing political suicide. I think that we need to deal in realities and not speculation of that kind.

Mr. Arnette: Mr. Gravel, are you aware that the present constitution prevents someone forever from holding office once they're impeached?

Mr. Gravel: I am aware of that.

Mr. Arnette: So in other words, this amendment would change the present status. Is that correct?

Mr. Gravel: That is correct. It also changes the grounds for impeachment.

Mr. Nunez: In your opinion, Mr. Gravel, would it minimize the present stipulation in the constitution that he shall not hold office any longer? It would be a lesser degree...

Mr. Gravel: Well, as I understand it, the proposal by Mr. Roy would result...would mean that a person convicted upon impeachment would be immediately removed from office, and it does not say that he shall, thereafter be prohibited from holding office, except of course, that the Roy amendment does not remove from the language that has been adopted the authority of the legislature to prescribe punishment or other actions that might be visited upon the public officials, so it still leaves other possibilities with the legislature.

Mr. Nunez: Can you recall how many impeachments we've had in this state since 1927?

Mr. Gravel: I can't recall any. I don't believe there have been any.

Further Discussion

Mr. Stagg: Mr. Chairman and delegates, I rise in opposition to the Roy amendment. Impeachment is a serious charge. It is such a serious nature that it is rarely used. But it is a remedy possessed by the people of Louisiana against misgovernment and against possible crooked public officials. Do you believe that a public official owes to the people of this state a higher order of trust than the man on the street? Do you for instance believe that a public official who quietly and surreptitiously steals from the public treasury has been guilty of a higher degree than the man who robs the grocery store? Normally, in the grocery store you can accurately obtain an estimate of what was taken. From the public treasury you rarely ever find out what was taken. The state constitution says loudly and clearly, "If you violate the public trust you will not thereafter hold public office again." That is as it should be.
Mr. Schmitt Mr. Roy, I want to bring up just three points with respect to this public trust notion to Mr. Stagg and others. There's nothing in Mr. Gravel's amendment or Stagg's amendment, whatever have you, that says that the person impeached and found guilty of violating his public trust can ever hold office again. That is if he stole out of the Treasury. The fact of the matter is that the person better make damned sure he doesn't in any way ever commit a crime negligently, for instance, negligent homicide. Now, that has something to do with public trust. A man is driving his car and accidentally runs into another car and somebody is killed. That has something to do with the public trust that he may have as a legislator or senator. He hasn't stolen anything out of the till, and it kind of goes against my grain to think that we can be so sanctimonious that we would say that an impeachment conviction means never, never any court looking into it and saying he was innocent, and you can come back and undo what you've done, that is, he may never serve the public again. Notwithstanding, it's the choice of the public to make and not the choice of this convention as far as I'm concerned. I just want to say one other thing. There is nothing in my amendment that prohibits the legislature, nothing that prohibits the legislature from then imposing any other restrictions on holding office as it presently does. All my amendment does is to take out of the constitution the notion that the legislature may never deal with this issue because we have decided in our own little self secure way that a person who does a wrong even if it's not connected with his job and he happens to be impeached, erroneously or not, may never serve office again against the wishes of the people who have the choice to make.

Questions

Mr. Abraham Mr. Roy, I'm sure that you recognize that impeachment is a very serious thing and do you really believe that a person would be impeached for accidentally committing a wrong?

Mr. Roy It can very well be if he's politically unpopular at the time.

Mr. Abraham Do you think that it would actually happen? Has it happened?

Mr. Roy Well, Andrew Johnson who became President of the United States was almost impeached, convicted of impeachment by one vote because of political reasons, because of the radical Republicans in Congress. Like some of the others, I know.

Mr. Jenkins Mr. Roy, if a politician was stealing from the public and was caught and convicted in a court of law, would he be allowed to continue serving in office?

Mr. Roy No, he would be impeached...he could be removed from office for that particular reason.

Mr. Jenkins No, but the mere fact that he was convicted and sentenced, and a felon would prevent him from being in office, wouldn't it?

Mr. Roy That's right. That's the inconsistency in this whole thing. He could be convicted in a court of law for stealing from his own office and still serve the rest of his term.

Mr. Jenkins No, what I'm saying is that once you're a felon, you can't hold office. Isn't that correct?

Mr. Roy Well, yes...

Mr. Jenkins Well, all right, well what the point seems to me people keep saying that if you're impeached you can continue serving in office at some later time. But if you are also convicted of a felony you cannot, isn't that correct?

Mr. Roy That's true.

Mr. Jenkins So there is no reason to give this permanent bar against serving in office simply for impeachment when if you are convicted of a felony that will happen anyway.

Mr. Roy That's right.

Mr. Schmitt His point was that once a person committed a felony he couldn't run for office. Can't the governor pardon this individual whether he's a public official or not?

Mr. Roy Yes, the governor has the right to pardon anybody but someone who's been impeached.

Mr. Schmitt And then he would be an elected once again and have the right to run for office, wouldn't he?

Mr. Roy If he's been pardoned. Yes. But if you convict him of impeachment he may never run again whether he's guilty or not. That's the whole point.

Amendment

Mr. PoynTER. [By Mr. Bergeron and Mr. Champagne.] In Floor Amendment No. 1, proposed by Delegate Roy and others and adopted by the convention on July 28, 1973, delete lines one through five and insert in lieu thereof the following: "Section 24, Paragraph A. Any state or district official, whether elected or appointed, shall be liable to impeachment for commission or conviction of felonies, malfeasance or for gross misconduct during his term of office."

Explanation

Mr. Bergeron Mr. Chairman, fellow delegates, I've talked to Mr. Roy about this amendment, and simply what it does it clarifies the matter. It just cuts gross misconduct before during his term of office. So, therefore, if a public official at the time of 18 may have committed acts which might be considered gross misconduct, he would not be held liable for those acts while he was a public official. So, it's just, more or less, a matter of clarification and I would urge your adoption. Thank you.

Question

Mr. Arnette Mr. Bergeron, maybe you could answer a question for me. I seem to be having a problem understanding. Does this imply that if a person is convicted or committed a felony before his term of office, because the language seems to say that?

Mr. Henry Mr. Arnette, he's going to read it again. Maybe that'll help you.

[Amendment rejected.]

Further Discussion

Mr. Champagne I can't see why there would be any questions on it. It's just putting it in the proper form. It's saying exactly what you mean. That this would have had to have been during his term of office.
office, and the other way it could be misconstrued, and Mr. Bergeron and I noticed it, and we brought it to the attention of Mr. Roy and for that reason we have it as an amendment.

Questions

Mr. Arnette Well, it seems like the clause "during his term of office" only modifies gross misconduct and does not modify felonies or malfeasance. It seems like you've got a problem there because you're now saying that a felony before he entered office would be grounds for impeachment.

Mr. Champagne That's not the intention and really or not, I think it's clearer this way, in my mind, than it was before.

Mr. Deshotels Mr. Champagne, suppose it was found out that the attorney general had embezzled a million dollars immediately prior to his going into office. Do you think this ought to be grounds for impeachment?

Mr. Champagne No, I don't think so. Because you could go on other grounds, but it had not been done during his term of office, and this is the point. In other words, the people elected him and they honestly brought him to office, and that's why.

Mr. Deshotels But sir, possibly, don't you see the situation where this might not be known until after he's elected?

Mr. Champagne I realize that. The question in my mind is could he have been done for something he did 20 years before in the case of the last time which had nothing to do during his term of office?

Mr. Kelly Mr. Champagne, in return though, if you place it in the proper order as Mr. Bergeron is trying to do, let's assume that the attorney general did embezzle before he went into office. We'd have to assume that he had not been convicted before he went into office, and yet, under the very language, if he was later convicted during his term of office he could be impeached under that provision. Is that correct?

Mr. Champagne I would imagine so.

Mr. Gravel Mr. Champagne, if I understand your amendment correctly, and it was a little confusing when you did read it, you have a problem after the word "for" on the third line in Mr. Roy's amendment is to insert there the words "gross misconduct" and delete it from the end of the paragraph so that the provision would be as follows: "any state or district official, whether elected or appointed, shall be liable to impeachment for gross misconduct, commission or conviction of felonies, or malfeasance during his term of office." Is that the way it reads?

Mr. Champagne That's correct. That's the way it reads.

Mr. Poynter No, sir.

Mr. Gravel Well, if it doesn't read that way are you willing for it to read that way? Because I think that's what everybody had intended

Mr. Poynter It reads: "shall be liable to impeachment for commission or conviction of felonies, malfeasance or gross misconduct." It does place the gross misconduct in order, but the order is after malfeasance and not in front of...
many times. I do know it has been used in the past. I couldn't tell you how many times.

Mr. Fontenot Do you have some idea what...

Mr. Casey Mr. Blair indicated that it was some-
time around 1960 was the last time, or between 60 and
and it is something I couldn't tell you from my own ex-
ience as to when it was used or how many times or how
long ago or...and I might mention this, we have some
distinguished delegates to this convention that
this was attempted to be used against and I
think that it was wrongfully used at that time.
There's no doubt about that, and so I'm sure those
gentlemen have very strong feelings on this provi-
sion also.

Mr. Fontenot Do you have any idea of what... on
line 26.. for any reasonable cause...what would
be a reasonable cause?

Mr. Casey Mr. Fontenot, that's within the discre-
tion of the legislature. It's up to their inter-
pretation.

Mr. Fontenot In other words, suppose you could
not impeach a person on the grounds of the previous
section that we just adopted, then you could rely
on this to get a man out of office?

Mr. Casey This has nothing to do basically with
the impeachment proceeding insofar as the basis or
the cause of action. I would say if you go into
the interpretation for any reasonable cause it would
be a much, much less serious offense and possibly
no offense at all except that the person charged
might, for instance, be politically on the opposite
side of the fence, or philosophically may have some
different views. It could be even something as
frivolous as that and I think that probably those
were the situations that were most publicized where
it was wrongfully used.

Amendments

Mr. Poynter Amendment No. 1 [by Mr. Poyard, et
al.], on page 11, strike out lines 27 through 32 in
their entirety and on page 12, strike out lines 1
through 4 in their entirety. Amendment No. 2, page
12, beginning on line 5 and at the beginning of line
7, strike out Section 26 and insert in lieu thereof
Section 25. Amendment No. 3, changes Section 27 to
Section 26.

Explanation

Mr. Zervigon Ladies and gentlemen of the conven-
tion, I think that Mr. Casey is probably right.
Mr. Casey if you have your minds made up, but for any who
may be wavering I'd just like to make a few points.
I think Mr. Fontenot's questions are well taken.
What is reasonable cause? Why should the legisla-
ture remove someone from appointive or elective of-
ice for cause that's not sufficient for impeachment?
This section as it's drawn, in addition, could ap-
ply to any officer in the state. Aside from the
fact that that's unclear, it might apply to police
officers or something like that. In addition to
that, it's very sweeping so that representatives of
Caddo Parish might be asked to vote on whether to
remove for a cause less than an impeachable cause
the officer of a municipality in St. Landry Parish.
The other think that I would really like to bring
to the attention of the delegates is that this section
with this section is that there are many other remedies
for an elective or appointive person not doing the job
right. If you adopt the impeachment section that was
worked on for a considerable amount of time, there
will be a recall procedure if we adopt Section 26,
and that's also covered in the local government
and ethics chapter. If the impeachment section that was
the present section 27 will ask the legislature to estab-
lish a procedure for removal by suit. There's al-
ways, if a person is not doing his job and is
an elective person, defeat at the following election.
In addition to that, in the executive article for
elected officials there is the declaration of in-
ability to serve and for appointed officials there is
removal by the governor. If the governor can
appoint unilaterally, he may remove unilaterally.
It seems to me that that remedies the present
section that it is not well drawn and could be
abused. I ask your favorable consideration on the
amendments.

Further Discussion

Mr. De Blieux Mr. Chairman and ladies and gentle-
men of the convention, I have been in the legisla-
ture on two occasions when this particular provision
for removal from office was first adopted. I might say
this. It was one of the hardest votes I've ever
had to cast since I've been in that legislature.
I think that we have adequately taken care of re-
moving people who shouldn't be in office by the im-
peachment process or through the other two provi-
sions which come below this section. I certainly
feel like that in the previous occasions that it
has been used for political purposes more than for
anything else and therefore I support this amend-
ment and hope that you will delete it from the con-
tent. I just don't feel like that this is a
proper way to take care of the affair of the state.
Whether it's a state officer or whether it is a dis-
trict officer or whoever it may be, we've got other
methods by which we can remove a conductor
other than bringing a resolution before the legisla-
ture to do that. I feel like this is a politi-
cal resolution and we should not use it.

Questions

Mr. Newton Senator De Blieux, wasn't it your ex-
perience during your tenure in the legislature that the
only time this provision was used it was, in
fact, abused?

Mr. De Blieux That's correct, absolutely.

Mr. Flory Senator, explain to me, if you take this
out, what happens in a situation where a person is
confirmed by the Senate after appointment by the
governor and let's say he has a responsibility as a
member of a board, welfare board, who has a respon-
sibility for making rules of eligibility which cost
the state money, which could, in effect, bankrupt
this department, how could he then be removed if he
refused to resign?

Mr. De Blieux We can remove him under the provi-
sion of impeachment, conduct, but I feel that would be gross misconduct as far as I'm
concerned.

Further Discussion

Mr. Assay Mr. Chairman, delegates, there has been
much question when the first address was prepared.
It was my most unfortunate duty to be the first per-
son to prepare two addresses for a governor of the
state of Louisiana, and there were several threats
used also. We have a method. I see no reason to
include an address. It is a powerful political
weapon and it has been used exactly as that. I
was asked by the governor, since I directed the
council, to prepare the address. The governor gave
him the mandate. Therefore, those members of the highway department
were appointed. They were not there with a mandate
from the people and consequently we were addressed
out of office on the same day, the same day. The
same thing was tried in 1960, and it was used sev-
eral times as a threat, and the members resigned
rather than face an address out of office for which
there was no reason and have their character and
everything else smeared. This would have no little
penalty for removing it, but there are other methods
including impeachment, and I urge you to support
the amendment to delete this from the constitution.
Reading of the Section

Mr. Poynter    Section 26 which has just been amended by the previous amendment to now read, of course, Section 25.

Mr. Casey    Mr. Chairman and delegates to the convention, Section 25 pertains to removal of public officers by suit. At the present time, Article IX, Section 6 and 7 of our present constitution itemize in great detail the removal by suit. The intention of Section 25 as proposed to you sets forth that there will be a method for removal by suit, but the mechanics and the detail and the itemization is left strictly to the legislature to provide this by law where the true detail really belongs and I would request that Section 25 be adopted.

Question

Mr. Anzalone    Mr. Casey, in the Executive Department Article that's going to reach this floor sometime next week, hopefully, there are provisions in there for the appointment of certain department heads by the governor.

Also, in that article it provides that the governor may remove them at his pleasure. And of course all of this is speculative, but my question to you is that do you think that under this particular article the legislature could enact legislation whereby if they wanted to remove an appointed department head, they could under this article institute action to do so and they would not have to rely upon the wishes of the governor to keep him?

Mr. Casey    Well, I would certainly hope that the legislature under this provision could provide for removal by suit for any public officer in that that sole discretion would not be left to the governor under the executive article to do it himself. The mere fact that he has made the appointment does not mean that he should be the only one to effect the removal.

So I would think that whether a person is elected or appointed that he could be properly removed by suit in our judicial process. And I would think he would read both of those articles together. This and the article under the executive.

Amendment

Mr. Poynter    Amendment No. 1 [by Mr. Casey], on page 12 at the end of line 5 immediately after the word "subject" delete the "semicolon; commence;" At the beginning of line 6 delete the portion of the word "ment of suit," deletes commencement of suit in the title.

Explanation

Mr. Casey    Mr. Chairman and delegates, this is strictly a technical amendment. The staff felt that inasmuch as the legislature shall provide for the removal by suit, they technically did not need the words in the title "commencement of suit."

That's all this amendment does.

[Amendment adopted without objection.]

Questions

Mr. Stinson    Mr. Casey, I noticed you limit what the legislature shall do, and in the present constitution it provides for appeal. Now you don't say that the legislature...you are just saying for removal, and don't you think we should put in there and for appeal from such decision?

Mr. Casey    Mr. Stinson, the fact that appeal is not specifically contained in Section 25 does not mean that we have eliminated it as far as my humble interpretation would be I think under the judicial process, the appeal certainly does rest or remain with the defendant, whoever might be accused.

Mr. Stinson    But if you provide for suit for removal, are you sure that takes care of the appeal of the person that's being removed?

Mr. Casey    Mr. Stinson, the best answer I can give you is that I am sure. If you are not sure, I would certainly respect your opinion if you submitted an amendment.

Mr. Kelly    Mr. Casey, is this provision in the present constitution?

Mr. Casey    It is contained but not in these words. The present constitution has removal by suit. But it is quite lengthy and very much itemized as to the procedure and the number of days and things such as that.

Mr. Kelly    Was any research done to see if this type of provision is made available in other state constitutions?

Mr. Casey    I cannot honestly answer that, but I would think most states would have this procedure. I feel that any public official ought to be removed through some judicial process and that should be available to the people of whatever state it is that this public official would be serving.

[Previous question referred to on the Section. Section passed. 26-0. Notion to reconsider tab. ed.]

Reading of the Section

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

Explanation

Mr. Casey    Mr. Chairman and delegates, Section 26 proposes a recall of elected officials there...this provision is contained in Article IX, Section 9 of today's constitution. There's a change of only two words from today's constitution. One is the word "may", was changed to "shall", and the word "parish" was changed to "parochial."

Request adoption of Section 26.

Questions

Mr. Fontenot    Mr. Casey, I don't want to appear ignorant. I was not on the committee. I have a question.

Why in the previous Section we excluded "judges of the Court of Record," and this particular time, we are excluding "judges of the Court of Record" again? I mean, could you explain to me why? I'm an attorney and maybe other delegates around here that don't understand exactly why the judges of the Court of Record cannot be recalled.

Do you follow my question?

Mr. Casey    Wait, I'm trying to tie the two together. Would you repeat that?

Mr. Fontenot    O.K. The present language in Section 27, excuse me, Section 26 now:
"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 Court of Record."

Now in subsection of the previous section, we excluded the governor, lieutenant governor and judges of the Court of Record.

Mr. Casey: In Section 26, it was felt that in a suit by removal, the Judges of Record theoretically could be hearing not really their own case, but cases of judges of the same court. Also in 27, judges were excepted because it was felt that this matter would be handled under the judicial article and that was my under...the intent of this that the committee on judiciary would specifically handle this problem.

Mr. Henry: Justice Tate has a question and I believe he can resolve this. He's an expert on judicial recall, I understand.

Further Discussion

Mr. Tate: Well, you don't want to recall judges because they are good. But aside from that, I think the reason it's in the present constitution is that when you amended Article IX of the present constitution, you provided for a removal procedure for judges under the judiciary commission. And in fact, as you may remember, at least one judge has been removed and one may have resigned because charges were about to be brought, and so on...

Mr. Henry: Isn't that right?

Mr. Fontenot: That's absolutely correct, sir.

Questions

Mr. Drew: Mr. Casey, if judges were subject to recall, wouldn't we be subjected to decisions based on political expediency rather than the law, quite often?

Mr. Casey: Does that require an answer, Mr. Drew?

Mr. Drew: I would think so.

Mr. Dennis: Mr. Casey, are you aware that the Judiciary Committee has already adopted provisions continuing the Judiciary Commission?...a method for removing judges, and we think that this will be adopted by the convention.

Mr. Casey: Judge Dennis, I understand that has been very well handled by your committee and that the Judicial Commission is being continued.

Mr. Henry: We have some amendments that would add sections to this proposal which we will dispose of in the order that they are up here, sir.

Point of Order

Mr. Perez: I've had some serious questions as to whether or not a delegate could offer on the floor an amendment, an additional or new section and I'd like to have it clarified at this time. I'm not particularly objecting because I have no idea what the content of the particular provision is, but the question is can a delegate introduce an additional Section as an amendment?

Mr. Henry: Yes, sir, Mr. Perez, and in the opinion of the chair a delegate could but it's going to take 67 votes to adopt that because it's in effect a new section to the provision and the amendment cannot be adopted as in the course of normal amendments by a majority of those voting.

Amendment

Mr. Poynter: Amendment No. 1 by Mr. Drew, on page 12, line 18, insert the following:

"Section 28. Members of the legislature shall take office on the same day as the governor and other officials elected statewide.

B. A person elected to fill the remainder of an unexpired term shall take office within thirty days after the Secretary of State promulgates the election returns."

Explanation

Mr. Drew: Mr. Chairman, members of the convention, it's just an amendment as was read to fix the time in which the legislature would take office. I found that when I was elected the duties began immediately and I think you will find that if the legislature can take office at the same time the governor takes office, which will be prior to the convening of the legislature, you will have a much better session...initial session of the legislature.

The Section B of it would provide that if a person is elected to fill a vacancy, they would take office within, which means they could take it immediately upon promulgation of the returns.

And I move adoption of the amendment.

Questions

Mr. Stinson: Mr. Drew, unless you have changed it, how are you going to take the Oath of Office unless you are in session? You going to each one to take it before a Notary Public back in your respective districts?

Mr. Drew: I think that could be worked out, Mr. Stinson. That was raised and discussed when I proposed this amendment.

Mr. Stinson: Well, with reference to Subparagraph B: When it's an unexpired term, why make a man wait thirty days?

Mr. Drew: It doesn't. It says "within." It doesn't make him wait thirty days. In other words, he can take it immediately so he might not have to miss the thirty days in a session or any period of time.

Mr. Avant: Mr. Drew, I don't mean to be argumentative, but the piece of paper which was given to me says, "B. A person elected to fill an unexpired term...legislative term, shall take office thirty days after the Secretary of State promulgates the election returns."

Mr. Drew: That is the wrong amendment, Mr. Avant, that was withdrawn.

Mr. Abraham: Mr. Drew, would it be advisable to put an hour in here, at exactly which hour he would take office rather than just saying the same day.

Mr. Drew: I think the provision for the governor provides an hour and I am sure that would be a detail that would not cause any controversy. Mr. Abraham, I mean I would have no objections, but I don't see that it presents a problem there.

Mr. Jack: This gives me pleasures. I've been hearing this mispronunciation of technical amendment. I notice here in Section 28, we killed one section. Shouldn't this be 27?

Mr. Drew: You are correct, Mr. Jack, I think.

Mr. Jack: Make the technical amendment.

Mr. Henry: Thank you, Mr. Jack. We have done it up here.

Further Discussion

Mr. Casey: Mr. Chairman and delegates to the con-
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vention, I rise to oppose the amendment at this time. I'm not against the concept and something like this probably has to be done somewhere in our constitution.

The only point that I would like to make here, I would hope or would think that this might be better handled through a delegate proposal, properly heard in committee, to determine if this is the correct time when the legislature should take office. And I think it would be fine if Mr. Drew himself, submitted that delegate proposal so that we can properly and intelligently handle this subject matter in committee. And if any change is necessary after a proper consideration and hearing in committee, I think we can make whatever changes are necessary.

The other concern I have is, that it's something that is sort of stuck in at the end of our Legislative Article and probably properly belongs under maybe, Section 3, 4 or 5. So I am not against this per se, but I think we should delay consideration of it at this time and I would urge rejection.

Questions

Mr. Willis Mr. Casey, wouldn't Mr. Drew's additional Section be antagonistic to Act II of last year convening this convention? Wouldn't that shorten somebody's term?

Mr. Casey Mr. Willis, I have heard that argument advanced in connection with the time of office and you may be certainly correct. That's something that I think would better address itself to a committee hearing and consideration of a proposal of this...

Mr. Willis Yes, sir, I am in complete adherence.

Point of Information

Mr. Roy Are we now dealing with essentially delegate proposals to the...

Mr. Henry We are dealing with delegate amendments to the Section, Mr. Roy.

Mr. Roy Well, is it out of order to ask whether that should not go to the committee itself, first, and get a ruling...

Mr. Henry No amendments go to committee, sir. These are amendments to the Section, Mr. Roy.

Mr. Roy I thought this was a total new section.

Mr. Henry It's an amendment to the proposal, I beg your pardon. I said the section. But it's an amendment to the proposal adding a section to the proposal and it will take 67 votes to adopt it, sir.

Point of Order

Mr. Conroy Point of order. How would we proceed? Previously when we were dealing with amendments to particular sections, if we adopted an amendment to that section, we could then further amend that amendment to get it in line before we passed on the final vote on that section. What will we do here if we adopt a section, we can't then vote on amending the adopted section? What...

Mr. Henry Yes, sir, the same procedure would follow. Mr. Conroy, if, suppose this amendment adding a section were adopted. Then you could come up with an amendment to amend the new section, you see.

Mr. Conroy Then there would have to be another vote on the section before it was adopted.

Mr. Henry That's right. It could go on and on and on, yes, sir.

Point of Order

Mr. Draws If this amendment is withdrawn, and the section, the entire article is adopted, then what is the procedure for amending it?

Mr. Henry We would have adopted the proposal. And if there was a motion made to reconsider the vote by which the proposal was adopted, then that motion to reconsider was laid on the table, it would take a two-thirds vote of the convention to call from the table the motion to reconsider so that you could get in and amend, add to the proposal itself, sir.

But, if, when we get through with this proposal there was no motion to reconsider the vote and lay the motion to reconsider on the table, then you could come back and amended by a majority vote, is my appreciation of the proposal.

Mr. Drew The reason I am asking that, Mr. Chairman, the reason this was offered in this matter, I was trying to expedite matters.

Mr. Henry Well, now we have several...two or three amendments up here that would do just exactly what yours are doing. It would be my opinion, and if I were...I don't believe your amendment is going to get 67 votes, quite frankly, I don't believe any of these amendments are. You gentlemen, and I am sure you are, genuinely are sincere in adding sections to this, then the thing to do is when we get through adopting this proposal, is to not lay the motion to reconsider on the table.

Mr. Drew With that, I withdraw the amendment, Mr. Chairman.

Mr. Henry Well, I'm just saying that would be my suggestion, but we are still going to go by majority rule.

Point of Order

Mr. Arnette ...and when we adopt each section, we are not going to go over and adopt the whole proposal, are we?

Mr. Henry Mr. Arnette, if somebody moves to adopt the entire legislative committee proposal and this body adopts it, then we would have adopted it, yes sir.

Mr. Arnette Well, this isn't absolutely necessary, though, is it?

Mr. Henry No, sir, it's not. And I doubt that's what is going to happen. That's what I am saying.

Mr. Arnette So in other words, we can probably go back and add sections later on if we want to.

Mr. Henry Yes, sir. Yes, sir.

Point of Order

Mr. Perez A point of order, Mr. Chairman. I am still trying to clarify the matter. As I would understand it, what we will be doing only is adopting a proposal. There would be nothing to preclude a delegate from offering another proposal which may properly eventually belong in the legislative article because I do know that, for instance, we may in local government have some provisions which eventually may be adopted and we may determine should belong in legislation.

Mr. Henry You are absolutely correct, sir.

Mr. Perez So I just wanted to make the point of order that even though we adopt this article, it will not preclude the offering of additional articles on the subject matter of legislation.

Mr. Henry Not at all, no, sir.

Personal Privilege

Mr. Blair Mr. Chairman and ladies and gentlemen, it is the consensus of our committee that we will
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not try today to lay this motion on the table. So if that will not sit at ease.

[Amendment withdrawn.]

Point of Order

Mr. Burson  Point of Order. Mr. Chairman, I believe it would be correct, would it not, for us to finish the articles proposed by the committee before considering any possible new articles. I raise that point because I would like to suggest that we return to Section 22, which we have passed previously since the committee did propose a Section 12 and the subject matter, thereof.

Mr. Henry  But let...you are in order. We are just trying to get some idea what these people want to do who have proposed sections.

Reverend Landrum had offered an amendment which would add an additional section.

Reverend Landrum, are you willing to forego introducing that at this time?

Sir? You are not willing to forego it? Then your motion would be in order, Mr. Burson.

[Motion to take up Section 1, previously passed over. Substitute Motion to take up Section 22 previously passed over adopted without objection.]

Reading of the Section

Mr. Poynter  This is as the section presently stands with the previously adopted floor amendments.

Section 22. No power of suspending laws of this state shall be exercised except by the legislature and then only by the above vote required for final passage of the law proposed to be suspended. No resolution suspending a law or part of a law after the effective date of this constitution shall remain in effect beyond the time of adjournment sine die the next session of the regular session of the legislature. The vote thereon shall be by record vote. Any measure to suspend a law or portion thereof shall be adopted by the same procedure as for a bill. However, such measure shall not be subject to gubernatorial veto nor time limitations with respect to introduction.

Mr. Poynter  Amendment No. 1 [by Mr. Triche]. Page 10, line 26, at the end of the line, delete the word "laws" and insert in lieu thereof the words "law; prohibition." Amendment No. 2. Page 10, line 27, at the beginning of the line, immediately after Section 22, delete lines 15 through 20, both inclusive, and insert in lieu thereof the following: "Subsequent to the effective date of this constitution no law shall be suspended." We need to add a technical amendment there at the end deleting previous floor amendments, Mr. Triche.

Explanation

Mr. Triche  Mr. Chairman and ladies and gentlemen of the Committee. If you will follow on page 11, excuse me, page 10 at line 26, we changed the title of Section 22 to read this way. Section 22. Suspension of Laws; Prohibition, and that makes it very close to Section 22, dealing with the prohibition of suspending laws. Then starting with line 27, Section 22. "Subsequent to the effective date of this constitution no law shall be suspended." That makes it a prohibition against suspension of laws. Thereafter, any law that needs to be changed or suspended will have to be amended by legislative procedures. The legislative procedure then require then, the introduction of a bill for publication in your journal, the reading on three separate day in the legislature, hearing by committee, final passage, record vote, signature by the governor, then publication and then effective date after the effective date stipulated in the act. And as we said when the matter was first discovered, that prohibition against suspension of law, it was first in the constitution of 1921 just simply said that no laws of the state shall be suspended except by the legislature. I think the whole intent of that article as originally written and what the people of this state wanted was for the legislature to adopt it and adopt the constitution was that they made the laws by the legislature should not be suspended by anyone else. I don't think it was meant to allow the legislature to suspend the law in any other way than by the procedure outlined in the constitution for the enactment of a bill. With the passage of Section 22, and, again, the section we have now come to accept it as a grant of authority to the legislature to suspend laws without following the procedure prescribed in the constitution for the enactment of a bill which would repeal or amend and modify the laws. I think there is no necessity anymore to act in the fashion that we have in the past. I don't know of any law that was suspended by way of abuse or misuse but I have seen the suspension used as threat. I have seen it used in political maneuvering. I don't think it's proper. I don't think that's what the people of this state ever intended. The legislature, hereafter, is going to be a continuous body. We're going to meet in plenary session every year and therefore it is just the beginning. We've discussed all of this before, Mr. Chairman, and I don't wish to belabor the point any longer. The choice is clear. Whether you are on the law or not to suspend laws or you're going to prohibit anyone from suspending laws. With this amendment of mine it prohibits the suspension of laws altogether. Now the amendments that have been previously adopted by this convention, I must confess to you, the amendments as adopted and are now promulgated or done again in another amendment which was advanced by, I think Delegate Perez, really doesn't make much difference between my amendment and what we've already adopted. The amendment to come after this one says that laws are to be suspended by the legislature but they must follow the same procedure. The only difference is that under my amendment there shall be no suspension of laws except by an act of the legislature. Under the new amendment, laws can be suspended but they would have to follow the same procedure. The only difference is there would be no limitation on the bills could be introduced and they wouldn't require the signature of the governor and publication as required for the enactment of laws. I think this is a safer method of getting more legislation constitutional law to affirm the proposition that law is a solemn expression of the legislative will and shall not be changed except by another solemn expression of the legislative will. Thank you.

Further Discussion

Mr. Jenkins  Mr. Chairman, the right to suspend laws plays an important part in the system of checks and balances among our various branches of government. If we take away from the legislature the right to suspend laws, then what we will do is even to a greater extent give the executive complete control over the ultimate legislative product. Remember we've already talked about the fact that no veto has ever been overridden under the 1921 constitution. But there has been a way whereby the legislature could circumvent the governor's will and that is by suspension of laws. In the last 52 years, no law has been enacted unless the governor either actually or tacitly approved it. It is a state of suspension of laws. That is one area that the governor has no authority. And it's important that the legislature have the power. Now I don't know whether that's the way we have to have it or not. I certainly hope because of the new procedure which the legislative Committee very wisely put into this new constitution that we have some means whereby the legislature can act independently of the governor. The main defect with regard to suspension of laws has been cured by the present law in that we have a provision that is that there must be a definite duration as to any
suspension of the law, namely one year. Now Mr. Perez will offer an amendment a little later to simply take the four years that we've already adopted, take those various amendments and make them much more concise. You have that in the amendment by Mr. Perez, Mr. Flory, and myself on your desk. That takes all the words put together this year with regard to suspending the effect of the SuperBoard Bill. And while we did not act on that, certainly should be a prerogative that we might want to have to delay the final going into effect of something of that nature. We need this authority. Let us have this check over the Executive Branch. So I urge the rejection of the Triche amendment.

Questions

Mr. Nunez Mr. Jenkins, I tried to follow your argument that the right to suspend laws gives additional power to the legislature. Naturally it's in the hands of the legislature and so is the repeal or amending process. Do you agree with the suggestion where we passed, I think it was the Severance Tax or the gas rebate and subsequent to that or consequence of suspending the law because of several provisions affecting several companies? That cost the state about four or five million dollars. They are still in suspension. Now those were executive suspensions. Naturally the legislature did it, so I don't quite follow your arguments that this gives the power to the legislature and not to the Executive Department because those were the suspensions were at the request of the executive.

Mr. Jenkins But the executive has no power to suspend laws, as such. Only the legislature now has that authority.

Mr. Nunez I realize that and I think you do also, but I know you also realize when it's much easier if the administration wants to suspend a law to get the votes to do it than possibly the legislature itself acting through the legislature.

Mr. Jenkins But he still must, of course, have the votes to do the legislature once it would have enacted the law initially. But the point is that suspension of laws allows you to do something in the legislature even though the governor may not approve of it, but only on a temporary basis.

Further Discussion

Mr. Perez Mr. Chairman and fellow delegates, I was just about to begin my remarks by saying I know that we are awfully tired and we want to go home as soon as we can. I just wanted, one more time, to put the issue clearly before the delegation. With the Triche proposal would there be an absolute prohibition and suspension of the authority to do something which would include the amendments which have already been adopted would give the legislature, with very strict provisions and in a very limited way, the right by concurrent resolution to do so? I think the choice is very obvious, and Mr. Chairman, how many other speakers do we have on the list? Again I might ask if they're willing to waive. I think we understand the issue... Then we understand the issue if you vote for the Triche amendment under no circumstances would you want a law to be suspended and if you vote against the amendment that under any limited circumstances, have the right to suspend a law, then you would vote against the Triche amendment and for the amendments that have already been adopted. Have we reached an understanding that will clear up and to state in much better terms that which has already been passed. Thank you.

Amendment

Mr. Poynter Mr. De Blieuw wants to add his name as a co-author.

Amendment No. 1 [by Mr. Perez, et al.] Page 10, delete lines 27 through 30, both inclusive in their entirety and insert in lieu thereof the following:

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

Mr. Perez, if it's all right with you to tag on an amendment deleting previous floor amendments?

Mr. Poynter Yes.

Explanation

Mr. Perez This is simply a recodification and a rephrasing of the amendments which have previously been adopted. It would give the limited authority for the suspension not to exceed one year. It would not have a retroactive effect nor the suggestion of the fear that some have that it may affect some laws which have already been suspended by the legislature and would require the same procedure for the passage of laws. The only exception would be the time limitation for the introduction of bills and the veto by the Governor. I move the adoption of the amendment.

[Amendment adopted without objection. Previous Question ordered on reading of section. Section passed 74-4. Motion to reconsider tabled. Motion to take up section 12 adopted without objection.]

Reading of the Section

Mr. Poynter Section 12: Local or Special Laws. Section 12: The legislature shall pass no local or special law when a general law is or can be made applicable.

Explanation

Mr. Nuneau Fellow delegates, I thought it would be better to give you just a general idea of what a lot of the controversy about this specific section is. We discussed this matter at length and it's very difficult to determine whether or not you have achieved the ultimate. As you know, in the present constitution in Article IV, Section 4, there is a very detailed and specific list which states that the legislature shall not pass any local or special law on the following specified subjects. It goes on for about almost two pages itemizing what those are. In an attempt to put this constitution in brief, concise terms we came up with the language which appears on page 6, which says that "the legislature shall pass no local or special law when a general law is or can be made applicable." This is the provision which is in the model state constitution. It is a provision which has been enacted by some states. We took a great deal of testimony, this is a very important subject, on this particular subject. It was the consensus of a lot of people who had legislative experience and in particular, Mr. Roberts, in the Senate, who expressed to us great concern over the necessity as we have it in the present committee proposal. He said that brevity for the sake of brevity was not necessarily good. He said that the provision which we now have in the present law which we have worked well. It was his recommendation that we retain the provision as we now have it. On the other
hand, there is a large consensus among a lot of delegates and a lot of people that that language can be put in more generalized terms. We came up with what you have before you. There will be an amendment here that just wants to give you this background, that was prepared by Mr. Burson and several others to expand the general language that we now have, and Burson will present that to you and you can take it for your consideration. I thought that I would give you that background so that you could understand what the divergent views were on this particular subject. For purposes of procedure I would move for the adoption, Mr. Chairman.

Amendment

Mr. Poyneter Amendment proposed by Delegates Burson, Kean, Perez, Tate, Casey and Lanier. Amendment No. 1. Page 6, strike out in their entirety lines 23, 24, and 25 and insert in lieu thereof the following:

Section 12. Local or Special Laws.

Section 12. The legislature may pass local or special laws, but no such law shall be valid if its effect is to exempt a particular person from a general law or if its effect is to grant to a particular person any personal or real right uniformly limited or denied to all persons by general law or if its effect is to limit or deny to a particular person any personal or real right uniformly granted to all persons by general law. As used herein the word "person" includes an individual, partnership, unincorporated association of individuals, joint stock company, or corporation not including any political subdivision of the state."

Explanation

Mr. Burson Ladies and gentlemen of the convention, the problem was well delineated by Mr. Juneau. Mr. Tate. This is an area of constitutional law with regard to state government that plagues people in trying to define what you're talking about. But generally, the idea is, just as the committee proposal said, that if a subject is capable of being defined in a general law you should do it that way. If you will all look in your books at Article IV, Section 4 of the present constitution it will help you a lot to understand what we're talking about. The present constitution Article IV, Section 4, prohibits the legislature from doing a whole lot of things by special law. Like changing the law of wills or successions and so on and so forth. The reason for that, I think, is obvious. The feeling is that those areas should certainly be governed by a general law and that everybody ought to be treated the same way, and just because someone might have the political clout to come along and get a special law favoring them passed, he shouldn't be permitted to do it. Now the problem we had with the committee language was a lot of us felt that it was a little bit too general and might leave some loopholes that would not cover all of these specific prohibitions in Article IV, Section 4. So what we did was work for two or three days, a number of people, on trying to come up with language that would be broad enough to cover all of these specific prohibitions in Article IV, Section 4, but would be specific enough to be limited to those fields of private law and criminal law that would not get into public law in the sense of the many special laws that you need to come to the legislature to get for specific local problems. We don't want to prohibit that and that is why you will notice in the last sentence of this amendment we say "as used herein the word person includes..." and we go on to say everything it includes under the present code. For example, that is, organizations, partnerships, go on and so forth. But shall not include a political subdivision of the state." The reason we have excluded the political subdivisions of the state is because the Local and Parochial Government Committee has come rather detailed provisions which set out how that committee feels the legislation due to the local area or a limited political subdivision but now is not really the time to get into all that because we may have a lot of disagreement on that point. I think the intent of this amendment is primarily to cover the area of prohibition of special criminal laws, special laws regarding taxation, local law, and so on. The other specific provisions contained in Article IV, Section 4. Now I can see where individuals might feel that our language for some reason or another is not broad enough. If you feel that way, I hope that you will pass this amendment and then if you want to add specific words or clauses to it we can consider those at that time. That is the way I would work better that way. I'm asking you to vote favorably on this amendment. Not because it's mine because I had really very little to do with the phraseology. But it is the joint effort of a lot of people that have thought about this problem a whole lot. I'm not saying that it's foolproof, I'm not real sure on this topic that you can come up with something that's foolproof, but it's the best effort that we can make on it and it's the opinion of Judge Tate, who is the only Supreme Court Justice here, that it does cover the specific prohibitions that are set out in Article IV, Section 4. It's the opinion of all of the coauthors that it does this.

Questions

Mr. Avant Mr. Burson, I just want to be sure about one thing. As Mr. statue mentioned in the article on criminal trespass, the law as to what constitutes a criminal trespass varies from parish to parish in this state. I think that there are at least a half dozen parishes where the law on criminal trespass is defined differently from what it is in some other parish. Now what I want to ask you is what language in this amendment that you have, I'm not against your amendment I mean just want to be sure, can you point to me any specific language that would, in effect, say this? That any law enacted by the legislature defining a crime shall be of uniform application throughout the state.

Mr. Burson No, Mr. Avant, we have no specific language. However, I think that certainly the language in the first sentence which says that. But no such law shall be valid if its effect is to exempt a particular person from a general law, this could be subject to that interpretation. Now I admit that would be straining it some though, and you probably need the additional language that you're talking about. I have no objection to it, sir.

Mr. Avant I'm afraid that it would be straining it and I will offer an amendment.

Mr. Angalone Mr. Burson, Article IV, Section 4 at the present time prohibits the legislature from changing the law of succession. Do you feel that the proposition that you have proposed here does that?

Mr. Burson This is why, one of the main reasons why, Mr. Angalone, we used the term personal or real rights. We tried to use civil law terminology feeling that personal or real rights ought to cover just about any right established by the Civil Code.

Further Discussion

Mr. Tate Mr. Speaker, I just learned a lesson, is not to sit in one of these little groups and say it looks all right to me because you'll end up as a coauthor. But General I would exclude the Local and Parochial Government Committee's language on the last sentence which is, as used here, and the word "person", it incorporates this local definition about individual, partnership, unincorporated association, etc. etc. but shall not include a political subdivision. Well, the intent of the amendment as it is coming here is, I will probably, if this does pass, prepare a little floor amendment on the last sentence which is, as used here, and the word "person", it incorporates the local definition about individual, partnership, unincorporated association, etc. etc. but shall not include a political subdivision. Well, the intent of the amendment as it is coming here is, I will probably, if this does pass, prepare a little floor amendment on the last sentence.
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I'm just saying this as long as my name appears there, I want to say that in connection with that I think there would rise questions to this sort of a detailed definition which does not, for instance, include trusts. It doesn't include a number of other entities that are considered persons for purposes of local and special laws. Now I'm open for questions because I can... Okay, Mr. O'Neill...

Mr. Henry: Wait now, Justice Tate. I'm the one who recognizes the people for questions and Mr. Tobias, I'd promised, would be number one.

Questions

Mr. Tobias: Judge Tate, in other words you do not believe the definition of person is needed? In other words the last sentence is not needed in this section?

Mr. Tate: I would think it is not needed unless, as I understand Mr. Perez has substantial reasons or substantive reasons to say that it shouldn't include a political subdivision. If that is the intent of the local and special law provision, I think it should be included to say that the person does not include a political subdivision of the state.

Mr. Tobias: Do you know of any case or law that says that a political subdivision would be a person?

Mr. Tate: I really didn't think there were any, but there are, apparently Mr. Anzalone told me there were.

Mr. E. J. Landry: Judge Tate, since your name is on the proposal or the amendment, does a sentence have to be that long to explain something? Does it really have to be that long?

Mr. Tate: It probably does not, Professor Landry, and possibly it could be broken into shorter sentences as a matter of style and drafting. This proposal resulted from a great deal of informed input adding and subtracting things and trying to get away from what is it, two pages in the present constitution, a listing of kinds of local and special laws that may not be only one page.

Mr. E. J. Landry: There is so much included...

Mr. Tate: Two pages.

Mr. E. J. Landry: There is so much included in that sentence. By the time you get through with it you... Really and truly, I just wonder if a sentence has to be that long to make the meaning understood?

Mr. Tate: I have to agree with you that any sentence longer than 17 words, someone said, the mind boggles before you get to the end of it.

Mr. E. J. Landry: I mean that's what it did to me.

Mr. Tate: On the other hand, we're substituting this for two pages of detailed details, if the convention wishes. We're substituting this for two pages of very detailed illustrations.

Mr. E. J. Landry: I'm wondering about the people who have to try to understand this. I mean I know the lawyers will understand it, but how about people like me and others who can hardly read?

Point of Information

Mr. Flory: Wouldn't it be much wiser if we delayed the consideration of this section until Wednesday in view of a short House, and the real seriousness of the provision that we have under consideration? We're talking about the vital functions of the whole state in this one section, really, and I just think with a short House we ought to at least delay it and have time to read what was presented here and to study it. They've had time to study it and its ramifications, but the other delegates have not.

Mr. Henry: Mr. Flory, in all probability, of course you're just asking me what I think, yes sir. I think probably you're right. Because while everybody wants to serve in the convention, everybody doesn't want to work on Saturday afternoon and we've got a short House. Since they have imposed the imposition on us, perhaps it would be better if we took it up next week, but I would hope that in the future when we have to work here on Saturdays or Sundays or whatever the case might be, that those delegates who wanted to serve will continue to work with us.

Personal Privilege

Mr. Perez: I wanted to suggest at the proper time, that it might be a better procedure to reject this entire article and request the Committee on Legislative to reconsider the matter so we could go ahead and adopt the entire proposal other than this article. At a later time we could take up and consider this particular section under a new proposal which it may submit, or some other committee may submit.

Mr. Henry: Well, Mr. Perez, of course you can make whatever motion that you desire and we'll dispose of it with the people that we have here. But in view of the short House that we have, we're going to have to do something one way or the other.

Personal Privilege

Mr. Abraham: Well, while I'm not disagreeing with what's been said and deferring action on this and things like this, but for the sake of the record and for the future, I think that, by golly, whether we have a short House or not if these people don't want to stay here and work and there are some of them who are wanting to work and can get some things passed, I think we ought to go ahead and pass them and don't worry about whether these people who aren't here have had time to read what is being presented. I agree with doing what we're doing today, but I think that in the future and for the record, we ought to consider this.

Mr. Henry: Mr. Abraham, I want you to know that the Chair agrees completely with what you're saying, but I'm afraid we're to the point now where it would be difficult, if not impossible, to get 67 votes if there are some people who are not in favor of this to even adopt the section.

[Motion to adjourn to 9:30 o'clock a.m., Wednesday, August 1, 1973. Record vote ordered. Motion adopted: 78-4. Adjournment to 9:30 o'clock a.m., Wednesday, August 1, 1973.]
Wednesday, August 1, 1973

ROLL CALL

[el delegates present and a quorum.]

PRAYER

Mrs. Warren. Let us all bow our heads and let us all pray each in our own way. Heavenly Father, we thank thee for this assembly this morning. We thank thee for the leaders of this convention, we pray that you will guide our feet, our hands, our heart that we might deliberate in the interest of this state, these and other blessings we ask in the name of Jesus and for his sake. Amen.

PLEDGE OF ALLEGIANCE

READING AND ADOPTION OF THE JOURNAL

INTRODUCTION OF PROPOSALS

[1 Journal 230]

UNFINISHED BUSINESS

PROPOSALS ON THIRD READING AND FINAL PASSAGE

Mr. Poynter. Committee Proposal No. 3, introduced by Delegate Blair, Chairman on behalf of the Committee on Legislative Powers.

A proposal making an exception for the Legislative Branch of Government, impeachment and removal of officials and necessary provisions with respect thereto.

The status of the proposal is that the committee has adopted the entire proposal except for Section 12 thereof as amended.

Section 12 is before the convention at this time, the time of adjournment.

Delegates Burson, Kean, Perez, Tate, Casey and Lenier had introduced amendments to the proposal which are now pending.

Amendment

Mr. Poynter. [Amendment by Mr. Burson, et al.].

Section 12. On page 6, strike out in their entirety lines 23, 24 and 25 and insert in lieu thereof the following:

"Section 12. Local or Special Laws.

The legislature may pass local or special laws but no such law shall be valid if its effect is to exempt a particular person from the general law or if its effect is to grant to a particular person any personal or real right uniformly limited or denied to all persons by general law; provided, however, that a local law which is very often required in the legislative process and the Committee on Local and Parochial Government has a rather detailed provision dealing with how and under what condition it is proposed that a local law shall become effective. If you will refer to your committee proposal there you can find that and you will find that primarily it purports to limit the application of such local laws to less than six local political subdivisions. However, that is not the aspect of the local or special law problem that the amendment which is proposed deals with. The amendment which is proposed deals with the problem primarily of the special law. In the constitution of 1879, the convention proposed a rather detailed

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an explanation that satisfies me as to exactly what the effect of this new provision would be. It reverses what the committee proposal was in that it really generally prohibits local and special laws in broad areas that may be far too broad. I think that the best way to tackle this problem is the way the present constitution does which is also in line with what the project of the constitution read some years back, what they proposed. For these reasons which I want to read to you briefly, 'Prohibitions against special legislation and state constitutions have generally been motivated by the attempt to secure uniform legislation wherever possible. And also by the attempt to prevent legislation for private purposes.' This comment goes on and runs now in a number of states there are similar lists of specific prohibitions against special laws. California's constitution of 1879 had thirty-three, Pennsylvania of 1873 had twenty-eight, forty-two constitutions contained at the time this was written, some restrictions, a Missouri constitution contained thirty. The Louisiana Law Institute that worked on this project considered that the limitations in the present constitution represent attempts to correct abuses that had actually occurred in Louisiana and therefore, considered it wise to retain this position. That is my position too. There has been distributed a proposed amendment by Delegates Fayard and Juneau which I think best tackles this problem. I urge you to vote against the Juneau amendment and vote favorable for the Fayard and Juneau amendment when it comes up. Thank you.

[Previous question ordered.]

Closing

Mr. Burson I would not really contest anything that Mr. Conroy had to say insofar as he set out the purposes of the list of specific prohibitions in the present constitution and many other state constitutions. I would only make the point that if it is possible to do something with general language, and accomplish the same purpose, then certainly this would be better constitutional drafting. I feel that the general language that we have here is certainly sufficiently broad to accomplish the same purposes as that long list of prohibitions similar to the one of the amendment that has been passed out. And if we can do it with brevity even if it might be necessary in subsequent amendments to clarify the language or to restyle it, and I think that that is the way we ought to proceed. And I have had a number of suggestions on restyling the amendment which unfortunately have not been able to come to a vote. I find in effect in some form that I do suggest to you, that the general ideas and the general scope of the ideas in this amendment is sufficient to cover the problem and I think it would be poor constitutional drafting to again repeat that long list of specific prohibitions when it is not necessary.

Questions

Mr. Lanier Mr. Burson, looking at the Fayard and Juneau proposal it has the same language as the committee proposal in that it says 'the legislature shall pass no local or special law when a general law is or can be made applicable.' Is that correct?

Mr. Burson Yes, sir.

Mr. Lanier In your opinion, in view of this language, would it be your opinion that this type of language would generate a lawsuit every time the legislature passes a local law or a special law to determine whether or not a general law could have been passed in its place?

Mr. Burson Mr. Lanier, I don't think there is any question about that. In other words, that phrase is so broad and general in my view just to say that the legislature shall pass no special law where a general law is, or could be made applicable it seems to me leaves open and almost every law that the legislature would pass, the question of whether or not a general law is or could have been applicable to the situation. It seems to me that the possibilities for litigation there are multitudinous and obvious. I don't think that the amendment that proposed has such possibilities, although I will confess that this has been a much litigated topic.

Mr. Derbes Mr. Burson, isn't it a false assumption to assume that the Fayard and Juneau proposal indeed defines all the special categories which indeed define local and special laws? It seems to me that it does not, that it merely sets forth categories but it doesn't really reach the problem of defining what a local and special law is.

Mr. Burson This, I would think be an additional objection. As I read this amendment it does much what Article 4, Section 4 does at the present time. That is, it simply prohibits you from doing certain specified things. But really doesn't get to the problem of defining what in general terms a prohibited special law would be. Which I think our amendment does. If there are no further questions, I urge you to adopt...

Mr. Avant Mr. Burson, this provision that you referred to in the Article on Local Government begins by saying "except as otherwise provided in this constitution," does it not, sir?

Mr. Burson Yes, sir.

Mr. Avant The one that says that the legislature may classify municipalities in parishes on any reasonable basis and they pass laws applicable to a class, but it begins by saying except as otherwise provided in this constitution.

Mr. Burson Well of course the problem we had there at the time that thing was drafted, Mr. Burson, was we had no idea what the Legislative Committee or maybe some other committee might propose. I understand Revenue and Taxation has some articles which will deal with this question.

Mr. Avant All right, now, my next question is this would be one of those exceptions that that article is referring to.

Mr. Burson Yes, sir.

Mr. Avant Now, when the word "person" is defined so as to not include a political subdivision then this article in effect in a legislative subdivision certain laws may pass any kind of local or special law it chooses with respect to political subdivisions, does it not, sir?

Mr. Burson Under the conditions hopefully that would be adopted in the Local Government Articles and of course with the Article...Section 12 that we have already adopted here which sets out the way in which it has to be advertised and so on.

Mr. Avant All right. Now, isn't it a fact then that if you put this in there, this last sentence that you in effect negate all the rest of the language that precedes it because if you give to a particular political subdivision the power to pass local laws or duties or immunities or privileges that other political subdivisions in the state do not have then those exceptions will be transferred upon the people who happen to live in that particular area or who happen to be there even temporarily, just passing through, isn't that so?

Mr. Burson No, sir, that is not the intent here. The intent here is simply to refer this question to where we thought it properly belonged, the discussion of how local or special laws applied to a particular municipality or parish in the Local Government Article.

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Mr. Avant: So, I take it you do not agree with me then that when you put this last sentence in there you have in effect negated everything that goes before it.

Mr. Burson: No, not at all. Because the prohibition here is for the legislature and end of course in the Local Government Article we also discuss in setting forth the general powers of local government or legislature of things that the local government cannot do, such as pass criminal laws, general criminal laws defining a felony, so on and so forth.

Mr. Avant: But you do agree that under this section as written, the legislature may pass any type of local or special law that it wants and limit it to one municipality or any parish under the language contained in this section.

Mr. Burson: As I understand it, Mr. Avant, it is necessary in many special situations for the legislature to do just that and therefore, that problem has to be dealt with, it is our contention, the people that are sponsoring this amendment, properly in defining the relationship between local government and state government, which is really all covered in the Local Government Article. And the attempt here is not made by any kind of indirection to permit local, political subdivisions to do anything in derogation of the general law of the state. The attempt is simply made to exclude that topic from this Article. And that is the only intent of that 'but' clause at the end.

Mr. Drew: Mr. Burson, the general effect of this amendment is to grant authority rather than prohibit its authority to pass them with exceptions, whereas, the committee proposal has a prohibition with the general exceptions.

Mr. Burson: I would say that would be correct.

Mr. Drew: Well, don't you think that under the way this amendment is worded and particularly where you go down to any real or personal right uniformly granted by general law, aren't you saying go ahead and pass the laws and then the courts will decide whether they are valid or invalid?

Mr. Burson: No, that is certainly not the intent. The thought there is that in the areas that it dealt with, in the classic prohibitions that we have had in our law such as divorce law, succession law, that the rights of the general citizenry are well set out in the Civil Code or in the Statutes.

Mr. Drew: The point I am making, Mr. Burson, you are giving the legislature a blanket authority to pass any law they see fit but it would possibly be invalid rather than the prohibition against passing this type law, you are changing it from a prohibition to authorization to do something that may be invalid.

Mr. Burson: I see, I think that is a legitimate distinction and the wording probably could be better there.

[Amendment rejected: 27-73. Motion to reconsider was tabled.]

Amendment

Mr. Eyester: Mr. Conroy and Mr. Newton are going to offer these amendments with this change: Delete (A) which has one sentence in, which is the sentence: The legislature shall pass no local or special law with a general law law is or can be made applicable. Delete that sentence and delete then the (8) and it would read:

Section 12. Local and Special Laws; Prohibition Against Election

Section 12. The legislature shall 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 emancipating 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 content, 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 judgements, or prescribing the effects of judicial sales. (4) Authorizing the laying out, opening, closing, altering, or maintaining of roads, highways, streets, or alleys; relating to ferries and bridges, or incorporating bridge or ferry companies, except for the erection of bridges crossing streams which form boundaries between this and any other state; authorizing the construction of street passenger railroads in any incorporated town or city. (5) Exempting property from taxation; extending the time for the assessment or collection of taxes; for the relief of any assessor or collector of taxes from the performance of his official duties or of his sureties from liability; remitting fines, penalties, or forfeitures; or providing that any money derived from the treasury; (6) Regulating labor, trade, manufacturing, or agriculture; fixing the rate of interest. (7) Creating corporations for the purposes of carrying on any lawful business, and for the purpose of explaining the charters thereof; granting to any corporation, association, or individual any special or exclusive right, privilege, or immunity. (8) Regulating the conditions of the operation of public schools, the building or repairing of schoolhouses and the raising of money for such purposes, except as otherwise provided in this constitution.

Explanation

Mr. Conroy: These amendments simply regroup what is presently in the constitution and carry forward the same provision essentially that is in Article 4, Section 4. The only thing deleted is what I understand is the last sentence of Article 4, Section 4 which dealt with legalizing unauthorized or invalid acts of an officer, servant or agent of the state or any parish or municipality thereof. That was omitted. What would that be an illegal act anyway, or an unconstitutional act as an ex post facto law. So except for that one omission, this is the exact same language as the states the present prohibitions in the constitution. I think there has been a genuine concerted effort on the part of those on the committee, on the part of the number of times we have to get into the appropriate general language to cope with this problem. We have been unable to do so. Despite every effort and the amendment that you will see each of them opens new problems, causes new concerns, and we, those of us who have worked on this, really feel that the wisdom of the constitution in this case that we have is correct, is regrettable that it is so long, but we think that it shows what has happened historically in this state. This enumeration was placed in the constitution prior to 1923 goes back to the local constitutional convention of enumeration. It was even before that in the present long list goes back to 1898. And we recommend the adoption of this amendment as proposed.

Question

Mr. Duval: Mr. Conroy, I realize this is basically the same thing we have been having for a good many years, but what worries me is that when you specifically attempt to enumerate situations where limitations not specifically enumerated would then ...would not then the legislature have the right to pass local or special laws?

Mr. Conroy: Yes, the protection there is in the next section which we have approved on the Notice and Advertising on Local and Special Laws. I think
that generally, at least my feeling would be, that you should not restrict the legislature anymore than is necessary to correct or prevent abuses that may have happened. And these are ones that apparently the legislature was faced with problems on over the years and that this particular listing was felt dealt with the problem.

Mr. Duval Don't you think that there are an infinite number of situations that you could put here that I can think of several right now that are not listed here that are special or local in nature involving the whole spectrum of what can come up in...what the legislature can do, the whole spectrum of human relationship.

Mr. Conroy If you think of any that are serious enough that ought to be added to this list, then I suggest that you propose adding them by amendment.

Mr. Duval.

Mr. Singleterry Mr. Conroy, in Paragraph 5, why do you use the words "assessor or collector of taxes" why not...why shouldn't that section apply to all public officials?

Mr. Conroy The only answer I can give you to that Mr. Singleterry, is that those are the phrases used in the present constitution.

Mr. Singleterry I would like to ask you one other question then, the very last sentence, except as otherwise provided in this constitution. Does that just modify Paragraph B or does that...

Mr. Conroy Yes.

Mr. Singleterry Why shouldn't that modify then all of the sections, all of the paragraphs?

Mr. Conroy This question comes up from time to time in this convention and frankly I think that that is always understood that one provision of a constitution is not going to override another one. When you have a specific dealing with a subject in the constitution that is going to take precedence over a general statement elsewhere in a constitution.

Mr. Singleterry Well, I still don't...

Mr. Conroy In other words, I am saying do you think you could start off every Section in the constitution with the phrase "except as otherwise provided in this constitution" and it wouldn't really add anything.

Mr. Singleterry Well, why did you add it to Paragraph B if it doesn't add anything?

Mr. Conroy Again, as I said, I didn't add it. This is just picking up the language from the present constitution. No attempt to edit, just regroup it.

Mr. Dennerly Mr. Conroy, it is purely technical. In the fourth word from the end of the third Paragraph, I noticed in the present constitution that it is plural "effects". Was there a reason to delete the "s" from the word "effect".

Mr. Conroy No, I would dare say, it is totally unintentional. I think it is typographical. I think it should be "effects" if that is what is in the present constitution. If there is no objection, can we make this technical amendment?

Mr. Poynter Where are you, Mr. Conroy? I am sorry.

Mr. Conroy Paragraph 3, next to last line, second to last words...

Mr. Poynter ...prescribing the effects of judicial sales...

Mr. Willis Mr. Conroy, Mr. Duval's question alerted me. Did you mean to strike out Paragraph A and just leave D as A?

Mr. Conroy Yes.

Mr. Willis Well, then my next question which is prompted by the first, then similar to Mr. Duval's is that what is not listed is permitted. Is that correct?

Mr. Conroy That is correct. The only response after that Mr. Willis, is that those of us who are working on this felt it better to present the specific listing now, those who feel that in addition to that, there should be a general prohibition we think that that would be the better subject of a subsequent or separate amendment rather than putting them both. We debated up here as to whether we should put it all before and divide the question or take this procedure. But we felt this would be the better procedure.

[Previous Question ordered. Amendment adopted: 52-46. Motion to reconsider tabled.]

Amendment

Mr. Poynter Amendment proposed by Mr. Drew. Amendment No 1. On page 6, between lines 25 and 26 add the following: The legislature shall not indirectly enact special or local laws by the partial repeal of a general law.

Mr. Drew, did you want to make this a separate paragraph designating it as B?

Mr. Poynter Mr. Clerk, I initially had that drawn that way and then I did not know what was going to happen to the first part. I think if we could designate it as Paragraph B, it would be better.

Mr. Poynter Thank you, sir.

Explaination

Mr. Drew Mr. Chairman, ladies and gentlemen of the convention, under Section 5, Article IV of the present constitution we have another prohibition which reads "The legislature shall not indirectly enact special or local laws by the partial repeal of a general law. But laws repealing local or special laws may be passed." Now I have deleted the second sentence because this is an inherent right, to repeal laws that the legislature passes. I think the first sentence is very necessary as a further limitation and works hand in hand with Section A which was just adopted. What this would do, would prohibit the legislature from passing a general law, coming right back and repealing it except insofar as it applied to an individual or a group of individuals. So what it does, it prohibits the legislature from coming the back door with something they couldn't come in the front door with. I move for the adoption of the amendment.

Question

Mr. Champagne As the amendment was originally proposed it was to be part of what the committee proposed. Now would this be... are you proposing to eliminate what has just been adopted?

Mr. Drew No sir. This has no effect on what was just adopted. This is in addition thereto, Mr. Champagne. I think this is very necessary and I hope you will see fit to adopt it. Thank you.

[Amendment adopted without objection.]

Amendment

Mr. Poynter Amendment No. 1 [by Mr. Avant]. Page 6, line 25, at the end of the line add the following:

C. Any law enacted by the legislature defining
a crime shall be of uniform application throughout the state.

Explanation

Mr. Avant  Mr. Chairman and fellow delegates, this is a simple amendment. It says that if the legislature enacts a statute defining a crime, or making certain conduct a crime that that statute shall be of uniform application throughout the state, now, for those of you who might think that the language in the amendment that you just adopted, which says "The legislature shall enact no local or special law concerning any civil or criminal action," would cover this, I just want to point out to you that that language is in the present constitution and in spite of that language, the legislature has adopted statutes defining crime which vary from parish to parish throughout the state. Where certain conduct in a certain parish will be a crime, whereby state law in another parish it wouldn't be a crime. So the purpose of this amendment is to make it abundantly clear that if the legislature, by statute, makes certain conduct a crime and attempts to define that conduct, that that statute will be of uniform application throughout the state of Louisiana and will not vary depending upon what parish you might be in.

Questions

Mr. Roy  Mr. Avant, I'm very much for your amendment and to just make it clear, this would not prevent police juries and municipalities from enacting legislation pertaining to their own problems in the area only? Is that correct?

Mr. Avant  No sir, it would not. If the police jury or the city council or the local governing authority, the police jury in that particular area in the field in which they are authorized to legislate, it wouldn't affect that at all. This simply says that a state law defining a crime, a state crime, will be of uniform application throughout the state.

Mr. Blair  Mr. Avant, what would happen in a given case, say in posting of land? Some areas you post land without any fences and others throughout the state you have to have fences in order to post it. Now, the question is, would they have to? Would everybody have to have a uniform...

Mr. Avant  That's exactly what I'm getting at, Mr. Blair, because the legislature has passed acts defining criminal trespass that it varies from parish to parish.

Mr. Blair  That's what scares me.

Mr. Avant  Now, if it is a matter upon which the legislature feels that it cannot act in a uniform manner throughout the state of Louisiana, then it should abandon that field and leave it up to local governing authority. But to be prosecuted in a State District Court under a state statute then it should be of uniform application throughout the state of Louisiana because it's in the Criminal Code. People know that the trespass laws are governed by state law. The average person would think that state law is the same all over the state. If the legislature can define one crime and make it vary from parish to parish they can define another crime and make it vary from parish to parish and it gives you a far-fetched application. I will say that in the parish of East Baton Rouge it's the same thing. 

Mr. Schmitt  Do you have any other examples besides this? Is this a problem in your parish, that you have burglary reference to fencing and grazing land and so forth?

Mr. Avant  I'm not talking about fencing and grazing land, I'm talking about the crime of criminal trespass in certain parishes, if you're in a boat or a navigable stream, once you go on the bank you will commit a criminal trespass. In other parishes, if you do the same thing you don't commit any crime. In certain parishes there has to be a fence. In other parishes, it is not necessary to have a fence. In certain parishes it has to be posted in a certain manner. In other parishes it could be posted in a different manner. In some places a simple painting on the canoe will be sufficient. And if this is going to be a matter on which the legislature is going to act and pass a state law defining a certain kind of conduct, to submit to all of the delegates, it should be of uniform application throughout the state or else the legislature should get out of the field and leave it up to local governing bodies.

Further Discussion

Mr. Rayburn  Mr. Chairman and fellow delegates, I still haven't received a copy of the amendments, but before we take action on this amendment I would just like to say that I think this is a real bad amendment. I know now in some areas and in some parishes they want to have a trespass law with no fence by marking the trees, but in others they don't want it. So to say here that it's got to be applicable to every section of this state whether or not you want it, I think, is real, real bad. We talk about local government, we talk about State Rule, the way we've been operating in the past is some rule. If you've got a community that wants to have a trespass law and they pass it in the legislature, they have it that way. But if you're representing an area that doesn't want it, I certainly wouldn't want to be saddled with a provision in this constitution that would say the people that I represent would have to be saddled with the provisions of this act whether they want it or not. And let me say here and now to all you people in the metropolitan area that's got children and grandchildren that like to come over in my section and shoot a rabbit or a squirrel, if you allow this to happen they may not be able to do that in a year or two. The larger part of the land in my area owned by just a few people or one or two corporations and I don't want to see something happen in this constitution that will say if you've got a hunting club in Tallulah and those people in Tallulah and they want to mark those trees and keep people off, I'm for letting them do it. But don't saddle me down in my section where my people don't want it. I think, Mr. Avant, your amendment tends to do that. I may be wrong, I still haven't received a copy of it, I just got...somebody gave me one. I haven't had a chance to read it. But I think you'd better look at this long and hard before you vote for it.

Questions

Mr. Avant  Senator Rayburn, isn't it a fact that the legislature either has or may pass a general state law which will leave this up to local governing authorities and say that the police juries in the various parishes, the governing authorities of the various parishes, the governing law defining criminal trespass and fix the penalty therefore and then it becomes a local matter rather than a state crime?

Mr. Rayburn  That has been done in some cases. Mr. Avant, but in other cases it has not been done generally but if I read your amendment right, and I'm just now looking at it, you defined a crime which you enacted by the legislature defined a crime shall be uniform throughout the state, which means that if some police jury passed a law relative to trespassing that that law would have to be uniform throughout the state or it would not have...it would not be a law, if I understand your amendment right.

Mr. Avant  Would you believe me, sir, that that is not the amendment and that if the police juries do it under proper authority from the legislature that
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it will be permissible? What we are talking about is a state crime, a state act defining a crime in different manners in different parishes. Not local government defining things in different manners in different localities.

Mr. Rayburn Well you have a state law now relative to trespassing. What would happen to it?

Mr. Avant It would have to be changed. They'd either have to leave it up to the local governing authority, or they'd have to make a law which was uniform throughout the state.

Mr. Rayburn Well I think it's been working pretty good in my area, Mr. Avant. That's the only thing I'm concerned about.

Mr. Drew Senator Rayburn, I have so much of the same concern you do although I agree in principle with Mr. Avant. But by using the phrase "defining a crime," that if the statute defined a crime, as I appreciate this gentleman, there would be no exceptions. It would have to be statewide.

Mr. Rayburn That's exactly. Mr. Drew, my opposition to it. I read it the same way.

Mr. Drew If we did not define the crime then we would be subject to twelve different definitions of the same offense or maybe sixty-four different definitions.

Mr. Rayburn That could be possible, yes sir.

Mr. Burns Senator, you know over in our section we have a world of open marshland in the lower end of St. Tammany Parish which is not susceptible or practical to being fenced. But yet in the upper land of our parishes they have a different law with reference to enclosing land that it has to be fenced besides having been posted. Don't you think, Mr. Avant's motion would effect that way we have of operating over in our area?

Mr. Rayburn Well I'm sure it would, Mr. Burns, and that's one reason I'm opposed to it. Right now we operate like the people of that area and the police jury want us to operate. But this would be general for everybody.

Further Discussion

Mr. Stinson Delegates, I wish to join Senator Rayburn. Burglary is the same any place but now trespassing is not. As you can see there's a lot of difference between South Louisiana and North Louisiana and I think that was the reason...First parish, as I recall, with legislation was Jefferson Davis Parish, passed one just for their parish. I later passed one for Bossier Parish and a number of others have joined because there're not the same physical land determinants in each section of the state. In these special acts it also gives the authority to the police jury to change at any time that they thought it was adapted to that particular locality. So I think we either should have it like it is or else say that the police juries shall designate trespassing. After all, it is the need of the people that own the property that are in different businesses. In some places that they're not in the cattle business, well it's entirely different from where there is a large cattle business because they go out there and a lot of people from the city of New Orleans don't know the difference between a deer and a cow. Especially with the value of beef now, there're going to be more cattle killed. So I think we should leave it to the local police juries and these special acts and this would prohibit it. As the same, murder, burglary, robbery or anything is the same statewide, but criminal trespass I'd like to urge you, let's defeat this amendment of Mr. Avant's.

Questions

Mr. Willis Mr. Stinson, it appears that what was very transparent to me is not translucent. Isn't it a fact that the legislature could classify the lands and prescribe the procedures and the punishment and be uniform throughout the state?

Mr. Stinson Yes sir, that's right.

Mr. Willis Then we would have uniform laws and what's good for the goose is good for the gander and it would be applicable all over the state to each Louisianian alike. Isn't that correct?

Mr. Stinson But...

Mr. Willis Now, let me ask you this second question which I anticipate at this time...

Mr. Stinson Let me finish answering... let me finish qualifying my answer. But there are different physical features of the property that need... a difference between South Louisiana and North Louisiana and different parts of the state.

Mr. Willis Well, it's still the state of Louisiana and isn't the legislature able to classify and correct lands and types of lands and how to post them and have a uniform law that's No. 1 and No. 2. If there's a problem with localities why don't you pass a law and say the police jury of each parish shall prescribe?

Mr. Stinson That's what I would agree on. I think it should be...

Mr. Willis Well, then you are arguing in reverse. You should be for this.

Mr. Stinson Well, but the legislature hasn't delegated it to the parishes though, and if we do this we'd cut off and we'd nullify those that already have that protection.

Mr. Willis Very well. We have heard time and again how the legislature wants its hands untied. There is one way to untie a knot, let them devest themselves of this thing if it is to be for the localities to prescribe the procedure.

Mr. Stinson Mr. Willis, I was in the legislature for 24 years and I think the people benefit when the hands of the legislature are tied.

Mr. Willis I don't deny that but that begs the question.

Further Discussion

Mr. Jack Mr. Chairman and members, I want you to follow this closely, it's the first time it's been mentioned. Now I'm very much against this amendment. Now recently, the Supreme Court of the United States, on a pornography decision has decided that what might be against the law as to pornography in one locality might not be in another. Now if anybody's got eyes they've seen these illicit pictures, terrible things on the newstands in drug stores, all other ones lots of places. Children of all ages see them, they're not fit for anybody, morally decent, in my opinion, to be looking at. Now, remember the Supreme Court of the United States has said under these laws against having pornographic material. I may not pronounce it, I may not have in one place one yardstick of what is pornographic, in another, that isn't. Now different sections of the state do these things differently. I know, in the area I live in Caddo Parish, and in District 3, that's in the city of Shreveport, those people do not want pornographic material. Now, whether they do another place, that's another matter that we can't do for. But I'm saying this, this law, if passed, this amendment is going to make you use the same yardstick everywhere. It's going to probably be unconstitutional because of the Supreme Court's decision. In addition to that, Senator Rayburn has mentioned about posting and you also have it will interfere with hunting, closed seasons, and I don't know what all else. Let me tell you, the legislature, merely
because it says defining a crime. If they pass it on to a city or parish, that will not be constitutional, for the reason I have given. But if they did, remember state laws can be felonies, very severe penalties. Parish ordinances and city ordinances can be not even misdemeanors. Then you have the parish and city ordinances in a very limited penalty. What goes in the constitution in our clause you know is a pretty permanent thing. People don't pass those provisions any amendment and that's one reason we're here. So, you think a long time before you put something like this in the constitution that is to be a specific article or special trespass. But then they go on and they've got several amendments or several sections to that article which would define criminal trespass or seek to define it in Jefferson Parish, for instance, another section which would define it in Bossier Parish, and so on. And it's very confusing and I thoroughly agree that a criminal law should have uniform application throughout the state. Now to answer to that, the problem that Mr. Jack and Mr. Stinson have raised is for the legislature to delegate this authority to the police juries. And as far as trespass is concerned, the legislature has done that. You may have a different trespass law in say all 64 parishes, but that is what you have different problems in different parishes and it would be handled on a local basis. The legislature, I suppose, got tired of fooling with it and finally in about 1969 or '70 they did pass an act which allows the police juries to enact ordinances which define trespass in those parishes. I think that's the way it ought to be and as far as the laws on public morals and I think that would be a good idea too, because if the legislature is going to define, seek to define pornography all over the state, it might not suit people in one section and it might suit something else. I think Mr. Avant's amendment is a good amendment and I suggest that it be passed.

[Previous Question ordered.]

Closing

Mr. Avant. Mr. Chairman and fellow delegates, I certainly agree with Mr. Kilbourne that this is an area in which the legislature cannot pass a uniform statute, uniformly applicable all over the state of Louisiana. Then they should withdraw from that particular field and leave it up to local government as they have done in many other instances such as closing laws, speed limits on city streets, and a hundred other instances that I could cite to you. But I want to read to you, and in five minutes I couldn't read to you this 15 pages of very small print, so I'm going to summarize for certain provisions of the Louisiana Criminal Code. That's the criminal code which defines crimes in this state from murder, to rape, to burglary, to arson, to any other thing that the legislature has made a crime under state law. It starts out first, "Criminal trespass, except in the parishes of Allen, Acadia, Cameron, Lafourche, Lafourche, Terrebonne, St. Helena, Vernon, Winn and Sabine is the following..." Then they go over and they have many many minute details as to what crime constitutes. Then they make a special provision for Jefferson Davis Parish. That crime is defined differently in that parish, than criminal trespass in Bossier Parish. Criminal trespass in Terrebonne Parish, criminal trespass in St. John the Baptist Parish, criminal trespass in Jefferson Parish, criminal trespass in Caddo Parish. Then there are another group of parishes such as Union, one, where they said we're not going to get into it in this parish. We're going to let the police jury define it in this parish. The point that I am trying to make, I care whether they leave it up to local government. There are many things as you travel from one part of the state to another other that as a citizen, you know, are governed by local ordinances. And you know before you go into the parish of East Baton Rouge and open a movie theater that you have to comply with local ordinances. You know if you are going to go into the city of New Orleans and build a swimming pool in your yard, you've got to comply with local ordinances. But you have a right to expect that a state crime, defined by the legislature, for which you can be prosecuted in a State District Court will be uniform all over the state, and not that if you go into one parish the crime of theft shall consist of a certain thing whereas if you go into another parish it is something else. If the legislature can do this in respect to the field of criminal trespass, they can do it with any crime. Any crime. We are a highly mobile population. The people of this state journey all over the state every day and they have a right to expect that the criminal law of this state, now I'm not talking about the criminal law of the city of Opelousas or the criminal law of the parish of Jefferson Davis. I'm talking about the clearly defined ordinances. But I'm talking about state law. The laws of the state of Louisiana. So when you come in contact with the criminal law the thing it says is "The State of Louisiana vs. Joe Blow." It should be the same and uniform all over the state of Louisiana. I have no more to say.

Questions

Mr. Lanier. Mr. Avant, I am concerned about your opinion as to what effect this proposal would have on some of our wildlife laws, like on shrimping, for example. You have different rules for inside shrimping and outside shrimping. You also have different rules on things like dove seasons or duck seasons and where you can get what different types of things. Is this intended to affect that type of a law?

Mr. Avant. No sir. That doesn't have any effect on that, Mr. Lanier.

Mr. Stinson. Mr. Avant, your amendment says that uniform application throughout the state. Now what do you mean by uniform application?

Mr. Avant. That means that a state criminal statute will, defining a crime, that that crime will be uniformly defined everywhere in the state of Louisiana and it won't consist of one thing in one parish and something else in another parish.

Mr. Stinson. Mr. Avant, we've talked about the hunters and the fishermen so forth, this also would apply to picnics and labor union disputes and labor problems too, wouldn't it?

Mr. Avant. If it defines a crime, it will be of uniform application throughout the state.

Mr. Stinson. I know, but criminal trespass would not just be the hunting and the fishing it would be a picnic with a sign...

Mr. Avant. It would be anybody who commits a crime of criminal trespass.

[Record Note: "Amendment adopted 10:44. Motion to reconsider tabled."]

Amendment

Mr. Poynter. Mr. Casey has a set of amendments.

Amendment No. 1. On page 6, delete lines 23 through [490]
25 both inclusive in their entirety, and we need to add, and to strike out the floor amendments which have been adopted today by Mr. Conroy, Mr. Drew, and now Mr. Avant.

Explanation

Mr. Casey. Mr. Chairman and delegates, I'm not sure that anybody really needs a copy of the amendment to properly understand it. A mere explanation would indicate that it is quite obvious and the intention of both amendments is deletion of Section 12 in its entirety, at this time. Of course that's all we can do at this time, but the intention is this, that it's such a complicated area and even the great legal minds in this convention differ, in all honesty, as to the proper method of handling this problem. The intention would be that either the Legislative Committee or individual delegates submit delegate or committee proposals in order to properly resolve this problem after proper committee hearings. I think proper study should be given to this problem in its relation to other two proposals in the convention. First of all, the Committee on Local and Parochial Government, does in itself, solve some of the problems on local laws. That's number one. Number two, in the area of special laws, that is certainly affected by the Equal Protection Section of the Bill of Rights. So those things taken into consideration, I think, will acquire a much more intelligent depth in thorough study of this particular problem. And although as a member of the Legislative Committee I personally would like to feel the satisfaction of having completed everything, I think to do the right kind of job, this particular section requires further study. All I'm urging now is that we delete Section 12, that we adopt, after deletion of this, would be in order for us to adopt the entire Legislative Article and at a later date we could certainly add a committee proposal. I would urge adoption of this amendment.

[Previous question ordered. Amendment adopted: 66-15. Motion to reconsider tabled.]

Motion

Mr. Blair. Mr. Chairman, ladies and gentlemen of the convention, I move approval of this proposal as amended.

Further Discussion

Mr. De Bieus. Mr. Chairman and ladies and gentlemen of the convention, there is one particular section which we have approved which bothers me quite a bit. Now let me see if I can explain it to you. That's the Veto Session. The principle of having an automatic Veto Session, I think, is very good. But where you require two-thirds of the elected members of the legislature to adjourn sine die prior to the end of the five-day period I think is going to cause us some trouble and possibly will make that particular section of our constitution the laughing stock of the state if we should have a Veto Session in which there is not a possibility of overriding one of the governor's vetoes, then we cannot adjourn even though we decide that issue on the first day, we cannot adjourn because a short session, that is the shortness of the House or the shortness of the Senate. If this should happen, let me give you an example, and this is very much possible, I hope you will listen. Suppose in the Veto Session only thirty Senators show up. Only thirty show up and that's going to influence of the Senate. Senators say that that they will not vote to override a veto under any circumstances, then the rest of the legislature is just spinning its wheels. We will not be accomplishing anything in the world. And yet in that same session, if we have five Senators to say that they will not adjourn sine die, then we have to wait until the end of the five day period before we can go home. And what are the papers going to say? What are the people going to say? We have written it in the constitution. Now I think that we ought to be able to allow the adjournment sine die with a majority of the legislature, because if we cannot get a two-thirds majority on any bill, we are wasting our time. I just ask you that because when I get through with this, if the chairman will let me, I'm going to ask that we take from the table that particular section so we can change it. If this is stated by a majority of those present and voting, that would be alright. But it says two-thirds of the elected members which means that if it's the Senate, we've got to have at least 26, and the House, you've got to have at least seventy before you can adjourn.

If you have a short House, or you have a short Senate, you are going to be in trouble and we are going to be spending about ten thousand dollars a day of the taxpayers money...

Mr. Henry. Now, Senator, Senator, your motion is not debatable so you have already made it, I'm going to have to ask you not to...

Mr. De Bieus. I haven't made it yet, I'm just...

Mr. Henry. I'm sorry. Well, it looks like you are going to and in the interest of fairness, I think you've made your point so don't over-state your case.

Mr. De Bieus. Well, that's the only point I want to make, Mr. Chairman.

Mr. Henry. Thank you, sir, and did you make your motion?

Speak into the mike. I'll recognize you, sir.

Motion

Mr. De Bieus. Mr. Chairman, now if I'm in order, I'd like to make a motion that we take from the table the vote by which we reconsidered that particular section so that we may be able to revise it and get something that we can work with.

[Motion to reconsider rejected: 40-58.]

Amendment

Mr. Poynter. Reverend Landrum insists on his amendments which were passed out the other day Amendment No. 1, Amendment Section 12 as the following. 'Section 29.' That number probably needs to be changed to correspond now. 'Statement of economic interests.' Section blank. Each member of the legislature shall file a sworn statement of his or her economic interests. This statement shall be filed annually with the Secretary of State and shall be a public record. Failure to file a statement within the time prescribed shall be cause for forfeiture of the office.

Explanation

Mr. Landrum. Mr. Chairman and fellow delegates, I guess this section could be referred to as 'restoration of confidence,' or we could look at it even in a more general sense of national security, if anything this state needs and this country needs, is for the people to have confidence in their elected officials.

In 1921, the delegates of that convention thought it was wise to put this particular provision in the constitution. At that time, I would think, the people had more confidence in elected officials than what they have today. But not that I am saying that our elected officials today are not worthy of confidence because I believe many of our elected officials are worthy of confidence. But there are those who have spoiled their influence. And that's...
why I think it is wise to put this particular prov-
sion back into the constitution. Let the people
know that you really have good intentions of serving
them. That you are going to be honest and above
board in your doing? Now maybe some of you have
so much that you don’t want to divulge. That’s why,
maybe why you don’t want to hear me, but I’m a
preacher and many people don’t want to hear the gos-
pel. But nevertheless I preach it anyway. But I
think it should be in the constitution. Certainly
it’s not hurt for it to be in the constitution.
If it was wise back in 1921 when the confidence
was far greater than what it is today, then I would
think that it would be wise to put it in now to help
to restore that dwindling confidence in our
government. This is our government and we’ve got
to do everything in our power to keep the people
loving our system of government.
And they are getting to the point where they are
so disenchanted with elected officials that they
won’t even take the time out to vote. Then anybody
could be president, governor, legislator or any
other position.
Thank you.

Questions
Mr. Rayburn Reverend, I don’t have a copy of your
amendment, I was up till that early Sat-
urday but does it apply to legislators, only, or
to all elected public officials?
Mr. Landrum Mr. Rayburn, since we are dealing with
the legislature, than I would assume that I can
only speak in the area of the legislature. I would
be in favor of it for all elected officials.
Mr. Rayburn Well, that’s what I thought. I now
have a copy of it and it says “members of the legis-
lature only.” I thought that since in the spirit
of it I know you are talking…you are looking for all
the sinners, not just one or two.
Mr. Landrum Right.

Point of Order
Mr. Denney As I understand it, this is an orig-
inal suggestion, proposition or draft and therefore
it is defined as a proposal. It has been intro-
duced, however, as an amendment.
Under the rules, No. 37, it seems to me it is a
delegate proposal and therefore it should be re-
ferred to the committee.

Ruling of the Chair
Mr. Henry It’s…we looked at the rules a while
ago. It was my considered opinion prior to looking
at the rules that you are right, that this is a
delegate proposal that should be committed to the
proper committee. However, it is not, as such.
While it is, it isn’t. It’s really an amendment
to the proposal.
Therefore, I think that this body will have to
dispose of this amendment either by adopting it
or by rejecting it at which time it could be sub-
mitted to the Legislative Committee.
But under our rules, the procedure with which
Reverend Landrum is proceeding I think is correct.
Mr. Denney In other words, Mr. Chairman, if I
want to bring up an entirely new subject, I can
bring it up in the form of an amendment?
Mr. Henry The way our rules are drawn, I think
they can be circumvented in this manner, yes, sir.
Mr. Denney Even under Rule 37, Mr. Chairman?
Mr. Henry It is my opinion that they could be,
yes, sir.

Question
Mr. Burns Reverend, will you tell me just what
you mean by economic interest? In other words, does
this mean that every legislator has to give a full
report of how he earns his living, or if he’s in
different types of businesses. Or is that just with
reference to his income?
In other words just what do you mean by econom-
ic interest? It’s such a general, far-reaching ex-
pression.
Mr. Landrum A full disclosure, Mr. Burns, a full
disclosure.

Further Discussion
Mr. Casey Mr. Chairman and delegates. It’s cer-
tainly difficult to argue against what might appear
to be motherhood and what is certainly possibly a
motherhood amendment to the legislative article.
But I must submit to you that it would do well
for each delegate first to refer back to Section 8,
Conflict of Interest, which we have already adopted
in this convention as the Conflict of Interest Art-
cle pertaining to the legislative office which re-
quires the legislature to enact a code of ethics
prohibiting conflict between public duty and private
interest of the members of the legislature.
It was intended by the committee, and I would
hope by the delegates to this convention that all
matters pertaining to the ethics and conduct of
public officials…of the members of the legisla-
ture would be handled. Section 8. Would you tell
me to you that the legislature itself would have the
authority to make the requirement that is being
proposed in this amendment.
The Committee on the legislature discussed the
ethics area and the conflict of interest area, I
think at length and thoroughly. If you would also
refer to Article 11, Section 19 and 30 of today’s
constitution, you will note that today’s constitu-
tion does contain certain specifics pertaining to
the personal interest that legislators have in bills
to the sale and trade of votes and conduct of that
type. It was intended by the committee on the legis-
lature not to in any way have in our constitution
an itemization of specifics or matters affecting
specific conduct of legislators. This is a matter of
general nature, it should be set forth in stat-
utes and the regulation of the conduct of individ-
ual legislators could be more thoroughly and proper-
ly contained in statutory material. We are certain-
ly concerned, for instance, about what is the def-
inition of economic interest. We don’t know that,
and I think would instigate, certainly a certain
amount of litigation just to interpret that particu-
lar word.
I am not against the concept, but I think it
properly belongs in the statutes and we should leave
that matter to the legislature.
I would urge defeat of this amendment.

Appeal from Ruling of the Chair
Mr. Arnette Ladies and gentlemen, it seems, I’m
not going to argue the merits or demerits of this
particular proposal, but it seems to me that this
is an entirely new subject that is not germane what-
soever to the proposal that was proposed by the
committee.
And it also seems that if we are going to allow
delegate proposals introduced in this matter, that
there is no point in having committees and I think
what we need to do is overrule a ruling of the chair
and say that this is not a germane amendment and,
therefore, it should be referred to committee as a
delegate proposal and I move at this time.

Further Discussion
Mr. Roy Mr. Chairman, ladies and gentlemen of
the convention. I rise in support of Mr. Arnette’s
motion. I’ll tell you for two reasons.
One, we will never get any proposal even close to
being finalized if we allow delegate proposals
to come to us for deliberation in a helter-skelter
manner when maybe if that proposal had been pre-
sented to the committee at a proper time, the...
Mr. Flory Mr. Chairman and delegates, I rise to call to your attention something that I think is extremely important and involved in the question as far as the interpretation of the rules this morning.

I suggest to you what you are about to do, is to give up the right of each delegate to present to this convention, by amendment, their views as regards those things which a committee may have left out in their proposal.

Now I received this morning this xeroxed copy of all the articles and sections that have been left out of the Executive Proposal. I suggest to you that the only way that...if you think that one of the sections that have been left out should go back in the new constitution, that the only way you can do it, is by amendment on the floor, by adding a new section to their proposal. So that I suggest to you that if you don't sustain the chair, we are going to meet once again in this thing in the days ahead. And to give each delegate's right not to submit, by amendment, a section that has been left out on a committee proposal, I think would be a very dangerous precedent.

Now it's unfortunate that the question arises at this time. But I suggest to you that the chair is correct in deciding the point of order that is raised and I would ask that you sustain the chair in his position.

Mrs. Warren Mr. Chairman and fellow delegates, I think if you will just go back a little bit and you can remember what our chairman said in the offset of this convention, he said you're going to make the rules, you make them like you want them, and what you make them you are going to live with them.

I think today we should start living with them. I think that we could have saved time if we had gone on and supported the chair and let Reverend Landrum put his amendment through. If you didn't like it, all you had to do was vote against it. If you wanted it, you voted for it.

If you didn't like the rules, then send the rules back to the committee and then let it come back to the floor.

I'm in support of sustaining the chair's ruling.

Mr. Singleterry Was there a motion made to overrule the chair?

Mr. Henry Yes, sir. Mr. Arnette, I believe, moved to override, or appeal the ruling of the chair.

That ruled that the Landrum amendments were in order that they were not constituents to the proposal and therefore could be considered now rather than being committed to the Legislative Committee to which ruling the appeal was made of sustaining the ruling of the chair, an appeal was made by Mr. Arnette.

[Respect was ordered.]
Mr. Schmitt: This is one of the few times of which I have come before the convention to speak and I feel this is one of great importance. The issue is whether or not the term economic interests would instill litigation in the State of Louisiana. We must be careful that we should be able to instill the facts to you that the passage of any parts of a new constitution... or a total new constitution, will definitely be the hallmark of many... much litigation for the next 25, 30, 40 or 50 years. Some sections of the present constitution which were adopted in 1921 haven't even been ruled on up to the present time.

The purpose of this amendment is a very honorable purpose. I believe what it does require those who represent various interest groups to make those facts known to those whom they represent.

Now, there will be many objections to this and the primary objections would be to those who would feel that they have something to lose by the adoption of this amendment. I feel that a Senator or Representative who claims to represent the poor people, should be able to have these facts bare so that others can examine them and see whether or not their real economic interest is with the poor people or whether they have got millions, and millions, and millions of dollars worth of property in oil or in some other type of area.

Mr. Guidry: I realize that, but it says economic interests.

Mr. Schmitt: Well, that's the matter with you having to say that. And don't confuse the business companies. I don't see anything wrong with that at all. I don't mind telling how much life insurance I have.

Mr. Guidry: Well, I don't know why the... business it is other than my own personal.

Mr. Schmitt: Maybe this can divulge how much you are worth and that might be one of the things that people would take into consideration of whether or not you represent their interest.

Mr. Guidry: Well, in other words you are covering in this anything, that is... economic interest could cover just about anything, is that right?

Mr. Schmitt: Economic interest would cover anything which you have an equitable interest.

Mr. Guidry: Well, that changes from day to day with maybe fifty members of the legislature. Does he have to file from day to day?

Mr. Schmitt: You know and I know this doesn't change day to day, but it would change periodically and you would have to file amendments.

Mr. Guidry: In other words every day the stock market changes, you've got to reevaluate your stock...?

Mr. Schmitt: It says annually.

Mr. Guidry: Annually.

Mr. Schmitt: The statement shall be filed annually with the Secretary of State and shall be a public record.

Motion

Mr. Newton: Mr. Chairman and fellow delegates, I think this is a serious proposition. I think it deserves the full consideration of the convention and a full hearing and I, therefore, move to suspend the rules to refer the amendment to the Committee on Legislative Powers and Functions.

Substitute Motion

Mr. Duval: I really don't know if it's in order, but I would like to make a substitute motion to table this particular thing rather than to get into suspending the rules. I think it ought to be tabled, and I think that's what I'd do to all amendments adding to the section.

Mr. Henry: As a substitute you move that the... to table the amendments?
Mr. Duval: Rather than to start suspending the rules we have, I move to table it, yes, sir.

[Substitute Motion to table rejected: 40-68. Motion to suspend the rules rejected: 32-51.]

Further Discussion

Mr. Weiss: Fellow delegates. I speak very briefly to say that I am opposed to this present amendment although it appears to be motherhood, it is very much more complex, and I think that we should vote on this and get it over with.

The point being that this is well taken care of in Section 6 of the present act which sits the conflict of interest and, therefore, I think it's well taken care of in that respect. It's not at all intended to find out how much people have in their possession as to how they vote.

Some of our famous national senators are some of the most wealthy people in the nation and vote for the poorest of the people as well as some of the resolutions before the Congress. But nonetheless, I think that this is not the issue right now.

I'd like to spend a moment citing a very important thing that has happened at this convention that this time around. As I add, I am happy that we did pass the motion to support the chair and I think we should get this matter behind us because we are going to be bound up here in procedure if we are not careful.

In 1945 Justice Frankfurter stated that the history of American freedom is in no small measure the history of procedure. This has been paraphrased to state that the history of successful state constitutions and modernization is no small measure the history of procedure. We must get this procedure under way, support the chair, and vote on this issue. I would only ask that the delegates that are delaying this convention would more seriously consider the amendments and try and bring these amendments to the committees which have spent long periods deliberating this and not to bring up an amendment at the tail end of a proposal which confuses the entire convention. I think this is the issue we must face.

At the present time I think this amendment will be voted down, but I hope in the future that the delegates and we are the ones that are responsible for delaying this convention, I can assure you it is not the chair nor the members of the research state or other things we have heard, but rather our own procedural inadequacies, and I plead with you to go directly if you have an amendment, to the people who have deliberated on this for six months and discuss it with them before bringing it before this convention.

I think Reverend Landrum's amendment is clearly indicated in Conflict of Interest, Section 6, and I ask you to vote against his amendment.

[Previous question ordered.]

Closing

Mr. Landrum: Mr. Chairman and fellow delegates, I think some of you may have the wrong idea as to this amendment. I'm not concerned really about how much you have but I believe, as I stated earlier, that the people, we must try to restore their confidence in government. And in the minds of many people every elected official has an awful lot of money and all this money has been obtained through illegal means. And I think that it would be wise, even for you who mean well, to try to clear yourself of this type of thinking. It was in the early constitution and I'm not for just changing things just to be changing things about the old constitution. Certainly the preamble to the old constitution was a very good one. I think this particular section is a very good one. Therefore I urge that you support this amendment.

Mr. Reeves: Reverend, what are, in your terminology, what are economic interests? Are they the entire assets, both liquidated, and entire assets of an individual?

Mr. Landrum: I would think all of your assets, Mr. Reeves. Someone mentioned earlier about insurance policies. Certainly there is nothing wrong with disclosing insurance policies but I wasn't really too concerned about insurance policies. But now, if you are representing an insurance company then I would think that you have a conflict there. Mr. Casey mentioned to Section 8. I believe most of those words are mine, in that section.

Mr. Reeves: Let me ask another question. Do you not feel that this section completely discriminates against legislators in that it does not involve itself with other members of public officials including assessors, governors, clerks of court, etc., sheriffs, and go on down the line? I mean if we're going to make folks like Bubba Henry put down how much money they make and where they get it from, let's do the same thing to Lawrence Chehady.

Mr. Landrum: Mr. Reeves, we are dealing at this time, with the legislative proposal and we asked myself to the legislative proposal. Now when we get to the assessor's section or any other section, well then we'll deal with that section.

Mr. Reeves: Lastly, I'd like to ask how this be enforced? I think you have, in my opinion, of course, you have something unenforceable. But if you have the answer, lay it on me.

Mr. Landrum: How would it be enforced?

Mr. Reeves: Yes sir.

Mr. Landrum: Well how do we enforce all our laws?

Mr. Reeves: Well see Reverend, I don't think you understand the impossibility and the impracticality of enforcing this particular section. For instance, let me address this in a question. If I had a large sum of money, for instance, $100,000, one of the easiest ways to, in cash money, one of the easiest ways to circumvent this would be simply to put this money in my child's name and make me the entire and total controller over this. This would be my assets because my little boy is only four years old. He couldn't do anything with what I'm saying is you've got an unenforceable...

Mr. Henry: Mr. Reeves, your time is out now by about 10 seconds. I'm sorry. I'm sorry, Reverend Landrum. Go ahead and make your...

Mr. Landrum: If your child's $1,000,000 next year or two years from now, well then, we're going to know about your child.

[Amendment rejected: 24-84. Motion to reconsider tabled.]

Amendment

Mr. Poynter: Mr. Drew, with your amendments, sir?

Amendment No. 1. On page 12, line 1, insert the following:

"Section 28. Taking Office.

A. Members of the legislature shall take office 30 days prior to the date for convening of the first session of each term for which members are elected every four years.

B. A person elected to fill an unexpired legislative term shall take office within 30 days after the secretary of state promulgates the election returns."

Mr. Drew: Mr. Clerk, we are confused again on amendments. The amendment that I am offering at this time reads: Section A. Members of the legislature shall take office on the same day as the governor and other officials elected statewide.
Mr. Poynter. I know these were passed out last week and we ncurred some more copies and they apparently grabbed the wrong sets. Mr. Dews but I can certainly get more copies of that amendment.

Explanation

Mr. Drew. Let me read the amendment to you, if you will, Mr. Chairman and ladies and gentlemen of the committee. This is a new section. It possibly should have been offered as an amendment to Section 2, dealing with the annual sessions and convening of the legislature. But due to the time that we spent on it, it is not admissible at this time. The way this section reads: "A. Members of the legislature shall take office on the same day as the governor and other officials elected statewide." Now the date is provided under the article on the Executive Department. The purpose of this amendment is to let the legislature go into office prior to the time of the convening of the legislature. Having only been elected in the fall of '71 and taking office when the legislature convened in May of '72, I saw what a burden it was to not take office until the next time as the legislature actually convened. For that reason, I feel that if other elected state officers are going to take office earlier, I believe the present Executive Article provides for the second Monday in March, I believe that's correct. Then I think the legislature should take office on the same date. The second part, "B," reads as follows: "A person elected to fill the remainder of an unexpired legislative term shall take office within 30 days after the secretary of state promulgates the election returns." Now there has been a suggestion that possibly that section should read "within 30 days after the election," in order to expedite the matter so that one who is elected to fill an unexpired term can take office. I did not change it. I would have no serious objections except I rather question the advisability of allowing them to take office before the returns are promulgated. I believe that would have to be done before they would be entitled to take office. What this would do, by using the word "within," it would permit a legislator who was elected to fill an unexpired term to take office immediately upon the promulgation of the returns so that there would not be an indefinite period of time in which that particular district had no representative in the legislature. Now there will be the same questions raised on this that have been raised on other amendments pertaining to the fact that it violates the act which authorized this convention as to the reducing terms of office. It is very probable that when this think is worked out in the final by Style and Drafting or taking into consideration our acts authorizing this convention to draft a new constitution that it will be sometime before this provision could become effective, due to the prohibitions against reducing terms of office. But we are not looking for this year or for next year or necessarily 1976. We are looking at a long time project and I think the people of this state will be much better served by having their legislators take office at the same time as other elected officials. For these reasons I ask your adoption of the amendment.

Questions

Mr. Weiss. Do you know what the opinion of the committee on Legislative Powers is in regard to your amendment, sir?

Mr. Drew. No objections. I've talked to Senator Blair, he has no objection for himself, not for the committee. I have not discussed it with the committee.

Mr. Casey. I have two questions. First of all, Mr. Drew, what is the requirement for the period of time within which the secretary of state must promulgate the election returns?

Mr. Drew. I don't think that there is any particular time. There has always been very prompt as soon as he had the returns. Now you are talking about returns from a Representative District or a Senatorial District, not statewide returns, so it should be a very brief time, in my opinion.

Point of Information

Mr. Casey. The other question I have, I'm not sure if this should be a point of information addressed to the Chairman or to the Clerk, Mr. Chairman and Mr. Clerk, or whether Mr. Drew would be the one to answer this. I'm concerned about the mere technicality of the adoption of this amendment, Section 28 which I think Mr. Drew had indicated that possibly more properly belongs in another section or should be placed in another area of the Legislative Article. Under the duties assigned to Style and Drafting, is it possible that Section 28 could be more properly placed in an orderly fashion in an order where it rightfully belongs?

Mr. Henry. It's the opinion of the Chair that that is one of the functions of the Committee on Style and Drafting insofar as location and putting it into an orderly fashion, Mr. Casey.

Question

Mr. Abraham. Mr. Drew, would you be in favor of amending the Paragraph B simply to state that the person elected to fill a vacancy, the remainder of an unexpired legislative term, shall take office 30 days after the election? That fixes the actual time that he would take office as related to the date of the election rather than what time.

Mr. Drew. I think if you put it 30 days, you might very well deprive that district for a period of time of having a Representative, Mack: that's the reason I'd rather leave it "within." I think "within" makes it as early as the returns are promulgated, he can immediately take office. I ask for the adoption of the amendment.

Point of Order

Mr. Denney. Mr. Chairman, for the sake of the record, I would raise the same point of order with regard to this amendment as I did with regard to Reverend Landrum's. I assume the Chair will take the same ruling.

Ruling of the Chair

Mr. Henry. The Chair would have to rule in accordance with the ruling on the Landrum Amendments, yes sir.

Personal Privilege

Mr. Blair. Mr. Chairman, ladies and gentlemen at the convention, I want to thank all the committee members for all their help. Thank you as delegates, I appreciate your patience and I hope we didn't keep you here too long. Thank you for everything.

Mr. Henry. Thank you, Senator, and your committee. Now you'll get back and have your shot at everybody else, as you did the other day. I believe.

[End of document]
Reading of the Resolution

Mr. Poynter. The first resolution is Committee Resolution No. 8, by Delegate Stovall, which was reported with amendments, which amendments were adopted by this convention on July 20, 1973, and has been reprinted, and is in your book in the same color now, but it is reprinted. You'll find that "reprinted as engrossed" should be at the top of the copy. A resolution, amended by Delegate Stovall, amending Rule 40 of the standing rules of the convention, to clarify the requirement that each committee proposal shall bear the signature of a majority of the members of the committee.

Explanations

Mr. Stovall. Mr. Chairman, ladies and gentlemen of the convention, we have several procedural matters to deal with. It is my hope that we might deal with them as expeditiously as possible, and I'm sure that with your cooperation that we can do just that. Committee Resolution No. 8 simply changes the word "signature" to "name". The meaning here is that each person of a substantive committee does not have to sign the resolution, but it simply carries the names of those delegates voting for each such proposal which in each case shall be at least a majority of the members of the committee. I encourage your support for this somewhat technical resolution.

Reading of the Resolution

Mr. Poynter. The next resolution is Committee Resolution No. 9, introduced by Delegate Stovall, Chairman on behalf of the Committee on Rules, Credentials and Ethics Resolution, to adopt standing rules to regulate the use of duplicating equipment and the distribution of materials to delegates while in session. Now, this one was reported with amendments, which were also adopted by the convention on July 20, is reprinted in a blue copy on your desk at the top "reprinted as engrossed".

Explanations

Mr. Corne. Mr. Chairman, delegates, Resolution No. 9 is self-explanatory with the abuse of using the materials of the convention or having materials printed without the sanction of the Chairman or his designee to the conventions. It also prevents the passing among the members of material to the delegates that does not designate where these materials come from. We have already discussed this. We've discussed it in committees. We've discussed it with the convention, and I move the approval of this resolution.

Reading of the Resolution

Mr. Poynter. The next resolution is Delegate Resolution 26, introduced by Delegates Juneau and others. A resolution relative to amending the standing rules to provide for regulation of lobbying before the Constitutional Convention. Now, this resolution was reported by the committee favorably, and was engrossed and passed on July 20, it was not reprinted since there were no committee amendments. So, as introduced, the resolution is in the appropriate form in your books. Delegate Resolution 26, pink copy.

Explanations

Mr. Juneau. Yes Mr. Chairman. Fellow delegates, briefly, I can explain this resolution very simply. It is an essential one which you now have in the House of Representatives and in the Senate. It's the provision which now controls our legislative body in the state of Louisiana. I made a few changes to conform to the language from our legislative body to the convention body. Additionally, I took out the provision with regard to a photograph, and I took out the provision with regard to putting up a hundred dollars. Additionally, the only major change which I consider of any significance is the fact that I took out the provision which calls for a five hundred dollar fine in the proposal which is now enacted into the law on the state legislature. The reason for that, to me, is obvious. I just don't believe that we have the authority under law to impose that kind of sanction. What this provision does, though, is to require lobbyists to register, and if they register it will be kept by the Clerk for the inspection by the public. I submit to you that abuses of that would be readily known by the delegates of this convention. Your weapon in that regard would be the microphone. There was some controversy about the words used so far as definition of who is a lobbyist, and specifically, it defines any person who engages himself for pay or any other consideration. Gentlemen, that's the exact same language which is now in effect in the House of Representatives and the state Senate. I cannot see...I think it's a workable solution. Experience has shown that it works. It's not a hard-shing to anybody. I don't believe that I've found it over the past two weeks, the public wants a registration of lobby bill. I think it accomplishes this. I think that it's a workable, sound solution to the problem, and I would move for its favorable adoption.

Questions

Mr. Jenkins. You've explained it to us, Pat. Can you tell us what the reason for it is?

Mr. Juneau. I think, Woody, it would make available to this convention a ready, accessible list, if we wanted to ascertain the delegation that group he is representing. It would be easier for me to know that I could go to the Clerk's office, pull the list, and find out who he is working for and by whom he is employed.

Mr. Jenkins. Have you had any problem finding out who any of the lobbyists are when you've inquired of them or somebody else?

Mr. Juneau. There are about three people that I really, Frankly, Woody, I don't know who they work for, and you tell the truth.

Mr. Jenkins. Have you had any trouble finding out? I mean, when you asked, or asked them?

Mr. Juneau. I'll put it this way. I find it sometimes would make it somewhat awkward in a group of people to address that question to a person under the circumstances. I find it very easy for me to go to a record, ascertain the individual's name and look it up and find it. I think that it would serve a useful purpose in that regard.

Mr. Jenkins. With regard for the public demand for this, do you know that none of my constituents have requested such a thing or shown any indication that such a proposal would be desirable?

Mr. Juneau. Well, my only answer to that, Woody, is according to your votes and your votes, I know that we are not representing the same people.

Mr. Roemer. Delegate Juneau, I read your proposal hurriedly twice. I didn't see anything that dealt with delegates themselves who are paid by an association or a group or a permanent employer and have neither gotten themselves appointed or elected here. Does this pertain to them in any manner? Do they have to register?

Mr. Juneau. The provision, as it's written, would equally apply to delegates. Mr. Roemer, as it does
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In the current House of Representatives and the Senate, and to be very candid with you, I would have no serious objection to deleting delegates, because I think we all know where you’re from, who you work for and whatever your associations are with. But the point I wanted to make, it’s identical to the bill that’s now enacted into law.

Mr. Roemer I understand that, and let me see if I understand what you just said. It does apply to delegates, as now written?

Mr. Juneau Yes, sir.

Mr. Roemer I see.

Mr. De Blieux Mr. Juneau, I’m kind of puzzled now about the answer you gave to Mr. Roemer... say about delegates. If, for instance, suppose that a delegate... well, like for instance attorneys, let’s say they’re probably employed by corporations or organizations or something of that sort. Now, you would say that they would be necessary for them to register and disclose the clients that they represent, whether they vote in their favor or not in their favor here on this floor. Now, they actually represent those people, wouldn’t they be subject to the same rules as any other lobbyist?

Mr. Juneau The provision, to answer your question, Senator De Blieux, the provision states that if you are paid for the purpose of advocating the defeat or passage of any proposition then you are to be registered as a lobbyist. My answer would be, have you found it necessary, for example, to register in the current Senate chamber? If you haven’t you wouldn’t find it necessary in this chamber. I wouldn’t think so, unless you’re being specifically paid by any group or client to advocate a defeat, the passage of any particular proposition.

Mr. De Blieux Well, don’t you think that that’s kind of hard sometimes to determine exactly when a person is lobbying for it, because I go up and down these convention floor here a lot of times, asking people to vote for or against certain provisions. Am I lobbying?

Mr. Juneau Well, Senator De Blieux, does anybody pay you to do that?

Mr. De Blieux The state of Louisiana has paid me.

Mr. Juneau No, I’m not talking about the state of Louisiana, and this is not as simple as it is to the state of Louisiana. Does any group pay you to advocate or to convince me or anyone else here about any particular... if they don’t you don’t have the problem.

Mr. De Blieux Well, I guess I don’t have a problem.

Mr. Henry You’ve exceeded your time, Mr. Juneau.

Mr. Jack, do you want to speak?

Let’s go ahead and try to dispose of this. We’ve whipped it two or three times already.

Mr. Jack, I’m sure that you have some words of wisdom to impart here... import.

Mr. Jack The words of wisdom are “let’s kill this thing and get along”.

Mr. Henry Is that your motion, sir?

Mr. Jack That’s my whole thing.

[Previous question ordered. Resolution adopted. 88-21. Motion to reconsider tabled.]

Reading of the Resolution

Mr. Poynter The next resolution. Committee Resolution 10, introduced by Rev. Stovall, Chairman on Behalf of the Committee of Rules, Credentials, and Index, and other delegates. A resolution to amend and readopt Rule 30 of the standing rules of the convention to provide for limitations of debate.

Now, this resolution was reported with amendments, which were adopted on July 27, 1973, and for some reason beyond me, was not properly reprinted, and as a result the pages are right now passing out a copy of the actual engrossed as it is here... the official engrossed copy. The pages are coming that way. You can amend this copy. If you want to propose an amendment, an amendment can be drafted to the engrossed copy.

Going straight to the language, Rule No. 30, limits on debate. Delegates shall not speak more than once to the same question nor more than ten minutes without leave of the convention, except that the mover, proposer or introducer of the matter pending and/or his designee shall be permitted to speak and reply for ten minutes, but not until every delegate choosing to speak has spoken except when the previous question or previous question on the entire subject matter has been ordered, when the previous question has been ordered, the mover, proposer, or introducer shall nonetheless have the right to close as provided in Rule 76, and the time for closing shall not exceed the total of ten minutes.

Explanation

Mr. Bollinger I think it’s obvious that we want to adopt an amended rule to speed along the business of the convention. It states here a five minute rule, and in my opinion and in many of the other delegates’ opinion, this was a little too short of time for individual delegates to ask questions. To present their views, to discuss and debate the matters. I think what the committee has proposed here is a happy medium of ten minutes. It allows for the delegates to ask more questions and probably would develop into less delegates taking the floor, since they would have time to ask a question. I don’t think there’s any major objection to it. If there is, I’d like to hear it. I move its adoption.

Questions

Mr. Roemer Boysie, as I read it, the proponent or his designee have thirty minutes to speak.

Mr. Bollinger No, Buddy. I think you are wrong. The resolution was amended. The resolution as originally offered to the committee had a five minute rule with a ten minute debate. I moved an amendment to increase the time to ten minutes, opening and ten minutes closing.

Mr. Roemer Well, that’s your understanding, but it doesn’t seem to read that. It says that the delegate shall not speak more than once to the same question nor more than ten minutes, all right, in the first two lines. Then you say, and/or his designee shall be permitted to speak in reply to ten minutes, and then you get to close for ten minutes. Now, I can conceive of a ten, ten, ten... thirty minutes on behalf of the proponent.

Mr. Bollinger When I read the resolution, as amended, I had the same question, and I asked a few of the members of the committee what they thought, and they did not seem to think that it would go thirty minutes. So, I would think that it would probably be in order to amend it if it is a serious question.

Mr. Roemer Right. Well, your answer is that they didn’t seem to think that it would apply, and I’m not saying that I don’t care what they think, I do, but I’m just saying what it reads. It reads thirty minutes.

Mr. Bollinger Possibly it does. I think that it would be an interpretation.

[498]
Amendment

Mr. Poynter ... By Rayburn and Stovall, Amendment No. 1, page 1, delete lines 13 through 24, both inclusive. This goes to the actual engrossed copy which is on the desk. In their entirety and insert in lieu thereof the following: "Rule No. 30. Limits on Debate. Delegates shall not speak more than once nor more than 5 minutes to the same question without the permission of the mover, proposer, or introducer and shall not be recognized to close until every delegate choosing to speak has spoken except when the previous question or the previous question on the entire subject matter has been ordered, but when so ordered, shall he have the right, nonetheless, to close.

Explanations

Mr. Rayburn. Mr. Chairman and fellow delegates, these amendments simply say that the person who is handling the particular proposition shall have a total of ten minutes, or a period not to exceed ten minutes. In other words, if he desires to take three minutes in his opening remarks, he can't have over seven minutes to close. It further provides that no one else can have only five minutes. I think we've done all right in the last few days. I think that we've made progress, and the only thing it does over and above the rules that we've been temporarily working under, it does allow the person who is the prime mover, a limit not to exceed ten minutes, if he so desires to use that much time.

Questions

Mr. Roemer. Senator, you don't differentiate in your amendment the period of proposing, and the questions that follow. Do you not? There is no differentiation there, is there?

Mr. Rayburn. No, sir, I do not. But I've been doing ... the Chairman has, and when a man has exceeded his time, if he wants to take it up in questions, he's exceeded it. If he doesn't want to yield to a question and wants to go ahead in his debate, that's up to the person who's handling the bill.

Mr. Roemer. Well, as a delegate who is not up that often at the mike that you're at, I've listened carefully to those who are, and have often been impressed either the opening or closing that need be asked. It seems to me that under any of these amendments that put a time limit and don't differentiate between the statement and the questions that follow, that we have the problem of a man needs to take a stopwatch up to the microphone with him to keep up where his time is. Don't you see that as a problem?

Mr. Rayburn. Well, certainly, Mr. Roemer, but I also see any rule that we would adopt, could be a problem. Because if you're going to allow a person unlimited time to answer questions ... if I wanted to prolong the debate, I would try to get eight or ten of my friends to engage in a question and answer debate until I would get the proper amendment through or probably persuade a few people to change their mind. And I think we'll have a problem regardless of how hard we try in this respect. But I don't think, and I hope the majority of the delegates here feel, that the rule that we have been operating under for the last several days has worked successfully.

Mr. Roemer. Well, I agree with that. I don't think we could adopt a rule that would be letter perfect. I think that the rules that we have been working under, except the time limit, have been too restrictive quite frankly. I just wish that we could come up with an amendment that differentiated between the statement and the questions because I'll turn your example around. If I wanted to defeat something, I would make sure that we had a list of questions that use up all the ten minutes at the initial opening statement and give him no time at all to close.

Mr. Rayburn. Well, that would be up to him, and if he realized what you were doing I think most of them around here would know that. He wouldn't have to yield.

Mr. Roemer. Well, would you go with me in offering a suggestion to the Chair that we buy everyone a stopwatch so he can keep up with where he stands.

Mr. Rayburn. No, sir. I've got one that keeps pretty good time, and anytime that I'm up here and they don't want to listen at me, I want to sit down anyway.

Mr. Stagg. Senator Rayburn, in the third line of your amendment you say "without leave of the convention". Suppose we were dealing with a number of propositions and the questions were coming thick and fast; how do you obtain leave of the convention to continue to ask questions if you're asked? What's the mechanical means for doing that?

Mr. Rayburn. That is if the convention itself suspends the rules, as in the present rules. If you suspend the present rules, then this convention will have to grant him that extra time by suspending the rules.

Mr. Weiss. Delegate Rayburn, in your proposal, if the mover of a proposal so desires to present his argument in two or three minutes and refuses questions, isn't it possible for those that have questions to ask them from the podium by accepting the podium and then at the conclusion the speaker can answer any questions that were unanswered due to questions that came up in the course of discussion?

Mr. Rayburn. Well, doctor, that would be up to the speaker. You have the right to refuse to yield to questions at any time, and certainly that would be up to the person who was handling the bill. If he refused to yield, he would just refuse to yield. Then, if there was a question outside of the ten minutes, you would have to attempt to get recognized and maybe bring out what the question you wanted to ask him during the time you had been recognized to speak on the issue.

Mr. Weiss. My point is ... the question is any delegate could come to the podium and ask the question before the convention and therefore the concluding remarks would probably answer any questions. Is that right?

Mr. Rayburn. Yes, sir. If he got recognized, he could.

Further Discussion

Mr. Bollinger. Mr. Chairman, fellow delegates, the Rayburn amendment is basically, in fact almost exactly, what the original committee proposal was. The Committee voted to amend it to the five minutes to ten minutes, and they thought that the five minutes were not enough. I know that a lot of you, like me, are not attorneys, are not informed of the law of the State, and need the debate to make up your mind. I think that the debate is essential, and I think that it has been proven that five minutes is not long enough for any opponent to voice his opinion on the bad side of each proposal. Likewise, if there are good sides, it's very possible that five minutes is not enough time to open and five minutes might not be enough time to close. We've seen almost everyone speak here run out of [499]
Further Discussion

Mr. Asseff Mr. Chairman, delegates, I oppose the amendment for the following reasons: I speak as a layman, not as a lawyer. I think that it is obvious that five minutes is not enough. I move the rejection of the amendment.

Mr. Chairman, delegates, I oppose the amendment for the following reasons: I speak as a layman, not as a lawyer. I think that it is obvious that five minutes is not enough. I move the rejection of the amendment.

Further Discussion

Mrs. Warren Mr. Chairman and fellow delegates, I rise to advance the view that the amendment, five minutes had worked well last week. Well, it did probably work well for Senator Rayburn because he's familiar with all of it. He's been in the legislature for a number of years. There are things that will come up that he will know about, where some of us will not know about. We have a substantiate committees and I have been able to do that. If you write a proposal, I should be able to ask some questions, and any other delegate should be able to ask questions as to your intent as to what it is all about, so we could really vote intelligently about it. So for that reason, I'm going to ask you to oppose Senator Rayburn's amendment and give us a chance to ask questions about the amendment.

Mr. Chatelain Mr. Chairman and fellow delegates, I rise to advance the view that the amendment, five minutes had worked well last week. Well, it did probably work well for Senator Rayburn because he's familiar with all of it. He's been in the legislature for a number of years. There are things that will come up that he will know about, where some of us will not know about. We have a substantiate committees and I have been able to do that. If you write a proposal, I should be able to ask some questions, and any other delegate should be able to ask questions as to your intent as to what it is all about, so we could really vote intelligently about it. So for that reason, I'm going to ask you to oppose Senator Rayburn's amendment and give us a chance to ask questions about the amendment.

Mr. Rayburn I'm not standing here and tell you that I think this particular amendment is perfect. But I do think it is an improvement. I am sorry Mrs. Warren, that Mr. wall did not see fit to realize you. I had nothing to do with that the other day. I do suggest that we try this. If it does not work, we can amend it from time to time as we go on. But if we try it and see anything present rules if you want to suspend the provisions of this rule, if you have the votes, you can do it. Let's see what will happen if we don't. Maybe you'll want to amend it and give them all ten or fifteen minutes. I don't know, but I suggest we try it, and if at any time it proves a hardship, I think we can amend it and bring it to a conclusion.
to have to proceed unless you want to take a recess.

Mr. Roemer: No, I'm not asking for any undue time period. I'm just saying that's my amendment. They're being prepared now. Do with them what you want.

Mr. De Blieux: Mr. Chairman, I'm also concerned about the question period. I just wondered if it might not be possible that we could go on to the next resolution. If we can just lay this one aside for a minute or two while it's being prepared and go to the next resolution.

Mr. Henry: Do you want to move to return it to the calendar?

Motion

Mr. De Blieux: That's what I'd like to do. Return it to the calendar for the time being, Mr. Chairman.

[Motion to return the Resolution to the calendar rejected: 44-57.]

Recess

[quorum call: 95 delegates present a 1/2 quorum.]

Amendments

Mr. Poynter: Amendment No. 1. Page 1, delete lines 13 through 24, both inclusive in their entirety and in the context of the following: "Rule No. 30: Limits on Debate. Delegates shall not speak more than once, nor more than five minutes to the same question without less of the discussion except that the mover, proponent or introducer of the matter pending and/or his designees shall be permitted to speak for a total of not more than ten minutes for the purpose of opening, plus five minutes to questions. The mover, proponent or introducer shall not be recognized to close until every delegate choosing to speak has spoken except when the previous question, or the previous question on the entire subject matter, has been ordered, but when so ordered, he shall have the right nonetheless to close and shall be limited to five minutes for closing."

We need a second amendment, Mr. Roemer, to delete the Rayburn amendment.

Explanations

Mr. Roemer: The amendment would have our rules of speech-making work as follows: That is, we would be limited to five minutes in our discussion of a subject matter except the proponent of the amendment or the introducer of the proposal who would be limited as follows: Not more than ten minutes in his opening remarks, an additional five minutes for questions in those opening remarks, and five minutes maximum on his close, but he would be guaranteed five minutes at the close regardless of how much of the ten minutes he took at the beginning. This is what I'm trying to do. Similar to Senator Rayburn, I am not trying to tell you this is a perfect amendment. It is not. Some subject matter will not require the ten minutes opening, and yet, some delegates, myself included perhaps, will abuse the privilege and take the full ten minutes. However, that doesn't bother me nearly as much as those subject matters which might require ten minutes and we would limit ourselves to five. Second point... I personally learn oftentimes more in the question and answer session as I do in the opening or closing statements. My amendment would assure at least a five minute period in which we consider the questions and the amendment. In addition, I think a man or woman who has given the time and consideration enough to present a proposal or bring a proposal for our consideration ought to have the right to close for five minutes. My amendment would do those three things... allow an adequate time for opening, set aside a specific time for questions, and guarantee a five minute closing.

Questions

Mr. Thompson: Mr. Roemer, you're going to have ten minutes to open, five minutes for questions and five minutes to close. That's twenty minutes.

Mr. Roemer: That's correct.

Mr. Thompson: In other words, you're raising the fifteen minutes.

Mr. Roemer: That is correct. By the period of five minutes of questions, Richard. Now my point here, and I want you to understand it. You might disagree with me. Questions can be very important and the subsequent answers to those questions can be even more important, particularly on the proponent's other resolution. For example, in Revenue, Finance and Taxation we dealt some five or six months with that question. I don't know just half of the subject matter. Many of you probably know even less because you haven't been privileged to hear either the members of our committee or the testimony that we have had. I think you ought to give Revenue, Finance and Taxation the time and consideration necessary to explain a three dollar license plate, necessary to explain ad valorem, necessary to explain things that the people find at the heart of this constitution—their taxes. That's just one example. I could go on and on—Local and Parochial, Bill of Rights, etc., etc., etc.

Mr. Nunez: Mr. Roemer, evidently we haven't had a minority of speakers on it. Evidence from the number and from the time that we have taken and evidence from the fact that we do need to put a limitation on the amount of time each speaker can take. I don't recall when a speaker was denied the right to ask a question. Maybe of one speaker, but we have had speakers to follow that speaker that that same question could be asked too. It seems to me that we are opening it to a broader time spectrum than we have had. I thought that the questions...and don't you agree...that the questions that were asked and the number of people who wanted to ask question, I know of no time where a speaker was denied or a person who wanted to ask a question was denied that time. Maybe from the original speaker, but somehow the line someone got up and spoke if the subject was pertinent. Don't you agree?

Mr. Roemer: I do agree with you, Sammy. Let me say this. Often times the questions are directed to a remark of the speaker, not necessarily a remark that is in the proposal you have. I'm asking myself to confine yourself to asking the next speaker the same question, he doesn't know what the first speaker said. Now understand, all I'm asking is for three hundred seconds. Three hundred seconds, not indefinitely. I've still got limits here.

Mr. Nunez: Three hundred seconds times a hundred and thirty-two delegates is how many seconds?

Mr. Roemer: Well, I don't open it to a hundred and thirty-two. You don't understand the amendment, Senator.

Mr. Nunez: I think I understand it very well. You don't understand your amendment you're proposing is going...

Mr. Roemer: I open it to one speaker for five minutes a question, Sammy. Not for a hundred and thirty-two.

Mr. Chatelain: Wasn't it a fact, Delegate Roemer, lessen the total time used, you would do away with the very thing you are discussing now. There would be less speakers parading to the podium rather than have just one man do it right. So we would understand what's going on. A lot of us are not professional speakers. A lot of us are not skilled
in the art of politics. Would it give us a better chance, sir?

Mr. Roemer No question about it. I’ve found myself being guilty of coming to this microphone when really all I wanted to do was ask a question of the floor speaker. I was denied the right unless he rules and so I had to come up here and parade for three or four minutes. I think we can do away with that. The heart of this issue is the discussion of the issues. I agree with Mr. Duval. I only ask for three hundred more seconds for questions.

Further Discussion

Mr. Duval Mr. Chairman, fellow delegates, I rise in support of the Roemer amendment for the following reasons. I think the most viable portion of the Roemer Amendment is guaranteeing five minutes to close. If a committee has studied this matter for six months, gets up and makes a five minute presentation, under the Rayburn amendment he cannot answer any questions because he’s precluding his right to close. We all want to get to the truth of the matter so the floor issues, so he is not going to be able to answer any questions at all because he has got to reserve five minutes to close. I think that it is essential that we give the proponent, the committee, a five minute right to close. Under the Rayburn amendment either he waives... he doesn’t answer any questions which automatically waives the issue’s. But if you do answer any questions, and if he does answer questions, he’s forfeiting his right to close. I think all of you know how important it is to at least have the right to close, to be able to at one time, one person answer all the arguments that have been made and present his position after all speakers have spoken. I hope all of you do understand that this rule would only apply to the proponent, one man out of a hundred and thirty-two. Everyone else would be limited to five minutes. It’s quite simple and as Mr. Roemer said, it’s only three hundred seconds, think it’s three hundred seconds which would benefit the convention. All of us, even though we are all extremely knowledgeable, don’t know everything. I think this particular proposal gives us an chance to find out a little bit more. If you are interested in seeking a little more knowledge, seeking a little more facts, then you will vote for the Roemer provision. If you are interested in ignorance and not ventilating the issues, then you will vote against it. Thank you.

Further Discussion

Mr. A. Jackson Mr. Chairman, fellow delegates, I rise in support of the Roemer amendment because I believe that it is important that the delegates are aware of the work of the committees. Now we have referred these very important matters to committees and they have studied them. When you allow only five minutes to deal with some of the very tough issues that will come before this convention, there’s certainly not enough time to give the delegates to become aware of some of the reasons why we have certain ideas being expressed by way of sections and by way of various proposals. We are going to be dealing with some rather tough pages of our law, especially in Bill of Rights. Now I think that it is important that the individual rights of citizens of this state be protected by way of some of the sections in the Bill of Rights proposal. I know that they will be controversial. I know that there will be no way for the delegates to understand all of the issues unless we have time to explain it, unless we have time to address ourselves by way of answering questions that will be posed by members of this convention. Therefore, I believe that it is very important that we adopt and support this amendment in order that we can get at some of the tough issues that will come before this convention.

Question

Mrs. Warren Mr. Jackson, did you know that I feel that it’s a very good amendment also.

Mr. A. Jackson Thank you, sir.

Further Discussion

Mr. Stinson Fellow delegates, I want to rise in opposition to this. We’ve all assumed one thing. First assumption is that the only proponent is going to be the committee, the person representing the committee. Well, of all the time we’ve wasted, it hasn’t been the committees. It’s been other people. This applies to everybody. I’m sure of all you believe in fairness. Why should the proponent have more time than the opposition? I don’t see any reason for that. Next is, Mr. Duval says that if you vote against this, you’re voting for ignorance. That it keeps the people ignorant. We don’t have any ignorant people in this convention and we are not here for the purpose of giving a law course to anyone. We must get through, I think if we’re ignorant now, we’re going to be ignorant when we get through. If we are ever going to get through with this convention, I would like to urge let’s go ahead and leave, as Senator Rayburn said, try this proposal. I don’t see where it’s been any hardship in the last few days that we have gone under the five minute limitation. If we didn’t have that, I think we would be in the legislative section. Can you imagine what it would be if we didn’t have any limit at all? How many years would it take? I wonder? So I’d like to urge you, let’s try it like it is and defeat this amendment.

Questions

Mrs. Warren Would you say that people could be intelligent and still ignorant on some matters?

Mr. Stinson No, I don’t consider that ignorant. I think it’s better to say maybe uninformed.

Mrs. Warren Well, this is what I’m trying to say. Don’t you think that these delegates who have not had a chance to be on these committee hearings would be better informed if they had a chance to ask questions?

Mr. Stinson No, I’m not referring to you, I’m referring to myself. Not if we do our homework like we should and know what’s coming up the next day. We have a chance to ask other people that are next to you and so forth, and we can’t hash everything out here on the floor. We can’t go into the great, great detail on every issue that comes up. We’ve got to some way get along and get through by January.

Mrs. Warren I didn’t say hash things over. I said just ask a simple question. This is what I’m trying to find out.

Mr. Stinson I think we can do that without having to extend the time on each item that comes up.

Mrs. Warren Would you think that a hundred and five plus the twenty-seven delegates here should have the opportunity to ask a question if they wanted to?

Mr. Stinson Yes, and I certainly bend to help you everytime that you tried to get up there. I voted for you a thousand percent.

Mrs. Warren Well, I thank you very much for that but I’m also thinking about the others here that would want to speak. It’s never a hundred and thirty-two delegates that would like to speak, how long do you think five minutes would give them to ask a question? And if everyone speaks how long do you think it would take them to speak? I think we are really saving time.

Mr. Stinson A lot of times on the question, a question is not from the opponent or someone who is trying to find out. Often times to help an issue
you ask questions to bring out a point maybe the speaker has not. I really think the proponent has here no more than the opponent.

Mrs. Warren I'm only asking for a point of information for myself. When I ask a question I want to know what is happening.

Mr. Stinson I do too.

Further Discussion

Mr. Dolingher I rise in support of the Roemer amendment. I rise in support of Senator Rayburn's amendment. Apparently a majority of the delegates think it was good. I don't think it was too limiting. I think what Mr. Roemer, Senator DeBilieux and Mr. Fayard proposed is good. I think it's a half way medium between letting everyone speak and it's definitely not giving everyone the opportunity to take advantage of the floor. It's giving the proponents the opportunity. True, it does allow the proponent of an amendment the extra time. However, I think he ought to have this extra time to explain his reasons why it was adopted and jury not, but the convention is going to decide. I move the adoption of the Roemer amendment.

[Previous Question ordered; Amendment adopted: 77-27. Motion to reconsider tabled. Previous Question ordered on the Resolution. Resolution adopted: 103-0. Motion to reconsider tabled.]

Reading of the Resolution

Mr. Poynter The next resolution is Delegate Resolution No. 29, introduced by Delegate Burson. A resolution to amend Rule 45 and Rule 81 of the Standing Order to provide for adoption of proposals by section or paragraph. This was amended too, and also was not reprinted. Copies of this resolution are being passed out at this time.

Explanation

Mr. Burson I might say at the outset that the Committee on Rules was courteous enough to permit me to participate with them in the consideration of my amendment. I am fully concerned with the amendments which they suggested. I think it improved the proposal, considerably. The purpose of the proposal is simply this. That Rule 45 as presently constituted provides only for action by sections. My proposal simply would permit the convention to act finally upon paragraphs as well as by sections. I refer to the next article which we will take up, the Executive Article, and look at Section 5 there. If you will notice, Section 5 has lettered Paragraphs A through L. They deal with topics as diverse as the powers of the governor as commander-in-chief, his power to call the legislature into extraordinary session, general executive power, in other words things that are not really totally related, except that they are all powers of the governor. It seems to me that it ought to be possible to reach a final decision on Section 5 as a whole with one proposal before having to go all the way through the article and come back and approve it as a whole. Now it may be that on some articles you would not want to do this. So my proposed rule change says that this would be done only with the consent of a majority of those present and voting. Why a majority? Well, in order to change the rules, of course, you need more than a majority. But my thought was that if a majority is in favor of the paragraph, then it would presumably pass. However, of course, since the paragraph is to a section it would still require sixty-seven votes to finally approve it. That is not affected by this proposal at all. What prompted me to submit this proposal was the course of events that transpired on our little trip to the length of the legislative session. You will recall that on A Friday we overwhelmingly approved Senator Rayburn's initial suggestion that we have a legislative session sixty legislative days in length. Then we got into the debate on the split session and I was a proponent of the split session, but we went all around by Aunt Mary's house and after four days we came back and adopted another amendment sponsored by Mr. Rayburn which required a sixty legislative day session in eighty-five days. I submit to you that this is open to some question whether the four days that were spent on this thing were worth it when obviously there had been must have been a clear majority at the beginning which remained more or less constant until the end and agreed on sixty legislative in eighty or eighty-five days. This is the kind of situation that it hoped this rule change would prevent as we consider other articles. One final point that I wanted to make is the proponents of the Executive Article could easily achieve the same objective by having their proposal recommitted and going back and where they have five A through L, just giving them a section number, but they'd wind up with fifty sections maybe where they have twenty and it would be poor drafting. This is just a mechanical way to permit the will of the clear majority of the convention to be performed and to avoid it, I think, undue delay in our deliberations. I mean I think we ought to deliberate until everybody thoroughly understands something. Once everybody does thoroughly understand it and once the majority has spoken, even though it may not be in the majority which I haven't been in too many so far, then I think that that's what it's all about and let's get on with our business.

Questions

Mr. Tobias Mr. Burson, you used the word paragraph. Is that to be interpreted the same as subsection? Because, for example...

Mr. Burson Yes sir, it was suggested in the Rules Committee that we should change it to subsection but then on Mrs. Duncan's suggestion, she suggested to us that paragraph was what fit with what we were doing here, so we changed it back to paragraph. The reason being that some sections have subsection A and then 1 and 1 2 under that and it would be difficult to decide which subsection you might be talking about.

Mr. Drew, Jack, if we adopt this resolution aren't we running into a serious problem along the line where different paragraphs are interrelated in the adopting of one and changing of a subsequent paragraph may completely do away with the meaning of an intention. On that ground I would have to oppose your proposal.

Mr. Burson Of course that is why I put it in there, why the committee put in there the proposition that this can only be with a consent of a majority of those present and voting. In other words you have to ask for it.

Mr. Drew My question is, does the majority have that much foresight to know what might happen three paragraphs later, Jack?

Mr. Burson Well, I don't see where that's a whole lot different from the fact if you adopt one section finally and I know in the Local and Parochial Government Committee all of our sections are interrelated so if you change one section forces you down the line that you may very well do violence to the philosophy of the whole article.

Mr. Drew But won't you agree Jack, that those items in one particular section are much closer connected than possibly the sections themselves.

Mr. Burson That may be but that's not necessarily true. I don't think that the power of the Governor as commander-in-chief and the power to call extraordinary session for instance are related at all.

[503]
Mr. Fulco. Mr. Burson, do you mean that we have to take up each paragraph and each section? We must, we are compelled to?

Mr. Burson. No sir, Mr. Fulco. If you look on line ....well, beginning on line 13 it says "however if a section is divided into paragraphs" which is the first condition then "with the consent of a majority of those present and voting each separately designated paragraph shall be acted upon separately" and then it's still got to have 67 votes to be finally adopted.

Mr. Fulco. That's all right. What I'm wondering about.... you keep saying about more than anything else is, that it took us seven hours to debate or pass the section on sovereign immunity. Now what's going to happen if we have to take these paragraphs as you have, outlines, A, B, and so on. How much time do you think this might require to take each paragraph or a section considering each paragraph?

Mr. Burson. It is not required that it be done by paragraphs. This simply makes the option available if somebody wants to get up and move that I moved that we approach this paragraph but the motion has to be made otherwise the section approval obtains. That's a general rule.

Mr. Fulco. But if they want to consider each paragraph, then we have to do it.

Mr. Burson. No.

Mr. Fulco. You say we don't have to do it unless the convention wants to.

Mr. Burson. Unless somebody gets up and moves after it's been amended, and wants to move that I move... in other words, this has to presuppose there are no amendments left up there on the section before you could make the motion.

Mr. Flory. Mr. Burson, in fact what your resolution really does is to allow the calling of the previous question on a particular paragraph rather than the entire section.

Mr. Burson. That in essence is what it does.

Point of Information

Mr. Robinson. Mr. Chairman, I would like to ask you a question about this. If I understand the effect of this, once a vote is taken upon a paragraph, then would there be a motion made to reconsider that vote and to lay that motion on the table and then if so would it not take a two-thirds vote to go back into that subject again to take it from the table?

Mr. Henry. As I appreciate the resolution, you are absolutely correct Mr. Robinson.

Mr. Robinson. I think that's pretty important to know.

Further Discussion

Mr. Drew. Mr. Chairman, ladies and gentlemen of the convention, I rise in opposition to Mr. Burson's amendment here. I think that as we go on we have been in rather shallow water so to speak, but when we get into revenue and taxation, when we get into local and parochial government, when we get into education and welfare, we're going to find that paragraph after paragraph is so closely related that we would be setting in danger precedent in adopting a paragraph and then have to go back and require a two-thirds majority. I think that rules as now prescribed are adequate. It may take a little more time but I don't think that Mr. Burson meant what he said when he was speaking of the will of the majority. I think the will of the majority pretty well expressed itself in this convention. I ask that you defeat this amendment.

Leave it like it is because you are going to find in those particular committee proposals so many interrelated paragraphs that it would be most dangerous to require a two-thirds vote to bring it back before the convention.

[Previous question ordered.] Closing

Mr. Burson. I invite your consideration again of Section 5 of the proposed Executive Article. Now you've got a section beginning on page 3 which does not end until page 6. It begins talking about the executive authority, legislative reports and recommendations, extraordinary session and so on. I submit to you that if you do not adopt my proposal what you're going to see happen and I predict it with a great deal of certainty that it will take us, according to the count that I've heard, we've got about 39 or 40 amendments pending to this one section. Now if we start considering those amendments on one day there is no way in the world we are going to get through for two or three days. At the end of the third day after we've got all the way through all these amendments and modifications of taking the body to come back in and offer an amendment to Paragraph A that we started with unless you permit in some fashion for Paragraph A to be closed out and I submit to you that you're never going to get finished with that kind of system because there are a lot of other proposals. I'm thinking now of the ones on civil service. I'm thinking of the ones on local and parochial government that have a lot of subsections and I can see very readily that since the chair has used the procedure, which I think is wise and makes more real the idea of taking all proposed amendments in the order of the paragraphs, that you will find a situation where you may finish considering the amendments on subsection A of Section 5 of the Executive Article on Monday, let's say, and you will go all the way through all the other amendments and you will get on Friday or Monday of the next week you'll find that somebody's had a brainstorm over the weekend and has come back with more amendments to Section A and you'll start all over again. I think that something like what I proposed here is absolutely necessary to get on with the business here. You know, I think of what Harry Truman said one time. It's better to do the second best thing when it's time to do it than to wait too long to do the best thing and I think if we're looking for scholastic perfection on these articles and we go to those lengths that what we're going to be doing is defeating our purpose. It's an idea of a new constitution seeking perfection of a paragraph and that does not make sense to me.

Point of Information

Mr. Avant. My question is, if we adopt this and then we invoke this rule and we vote on a separately designated paragraph, separately, will it take 67 votes to adopt that paragraph?

Mr. Henry. Not under the rules as are presently written. It takes 67 votes to adopt a section but not a subsection.

Mr. Avant. So if we vote this in and then use it we won't be changing the requirement as to the number of votes to adopt a single paragraph.

Mr. Henry. I'm not sure. I didn't think it was changed in the amendments. The clerk thinks that it was.

Mr. Avant. I would like to know before I vote on this.

Mr. Henry. I would too, sir. Read it Mr. Clerk.

Mr. Poynor. I think the rule that would apply is the one proposed by Mr. Burson as amended which would read "on the passage on third reading of every proposal, article, section or para-
graph if acted upon separately the yes and nays may be entered in the journal and no proposal, article, section or paragraph is acted upon separately shall be derived from the majority of all the delegates of the convention shall have voted in favor of the passage of the same."

Mr. Henry Then it would require 67 votes for the adoption sir. Are there other questions?

Mr. Burson I might point out that as I would read that, that still doesn't mean you don't need 67 votes for passage of the whole section.

Mr. Henry Yes it does Mr. Burson. Have you completed your remarks sir?

Mr. Burson Yes sir.

[Resolution rejected. 40-65. Motion to reconsider tabled.]

Reading of the Resolution

Mr. Poynter The next resolution is Delegate Resolution No. 30 introduced by Delegate Burson. A resolution to amend Rule 46 of the standing rules to require that amendments to proposals be germane. Now this resolution was favorably reported by the committee on the 26th of July and engrossed on the 27th. Since it has no amendments the Delegate Resolution 30 as you find it in the pink copy would be correct.

Explanation

Mr. Burson If at first you don't succeed...the resolution here is basically the simple proposition that amendments have to be germane to the topic under consideration which is a general rule in Mason's Manual of Legislative Procedure, page 274 and 275 is where the language used in the proposal comes from. The purpose is self-evident that the objective of this rule would be to prevent amendments which are not really germane or relevant to the topic under consideration. Now, of course, to be germane does not mean that they have to agree. An amendment may be germane even though it entirely changes the effect of the motion or measure as long as it applies to the same subject. It simply seems to me that this was an oversight in the rules as we had them adopted. Now, some delegates have expressed concern to me that the language used in my proposal did not permit of the proposal of amendment to the section of the proposal, that is new articles or new sections rather to articles. So I have prepared an amendment to this proposal which I think would meet this objection. I don't know if it has been passed out to you or not.

Amendment

Mr. Henry Do we have the amendments?

Mr. Poynter The amendment has been passed out, Delegate Burson.

Explanation

Mr. Burson You will notice that the amendment would simply add at the end of line 14 after the comma that the amendment..."every amendment proposed must be germane to the subject of the section or paragraph of the proposal to be amended and/or to the subject of the proposal itself..." I would like to offer the amendment because I do understand that some people are concerned about it. The purpose of the amendment would simply be to make it crystal clear, although it certainly wasn't my intent to do otherwise that in accordance with the ruling of the Chair which has been upheld by the convention that you could have floor amendments proposing new sections to the proposal but they would have to be germane to the proposal. They would have to deal with the same subject matter.

This has not really come into play until now but I would like to propose a practical problem that might arise. Later amendments if we do not have such a rule we could reach the end of our deliberations and somebody who was really dissatisfied with something we had done early could come in and propose an amendment saying let's say to the section on education which really dealt with the section on the legislative which might have been finally adopted by the convention already and unless you have a requirement in the rules that amendments be germane I don't see how you could prevent such an amendment from being offered especially since it has been ruled by the Chair that amendments may propose entirely new sections. In other words, it's feasible to me that under that ruling without a requirement that amendments be germane that I could come in and offer a section doing what I wanted to with regard to any article in the constitution in December if we're still here and it looks like we will be so I submit to you that this is a necessary requisite in our rules.

Questions

Mr. Dennery Mr. Burson, do I understand that without your amendment you believe the Chair would have to reverse its prior ruling in connection with amendments?

Mr. Burson No I don't understand that because I believe the Chair's prior ruling was under the rules as they exist at the present time.

Mr. Dennery No I'm talking about your resolution. If your resolution without the amendment is adopted, your Delegate Resolution No. 30, which states that the amendment proposed must be germane to the subject of the section or paragraph of the proposal.

Do you conceive that the Chair's previous ruling would now have to be changed?

Mr. Burson I would think so. I think that would be...

Point of Information

Mr. Dennery May I ask a question of the Chair on that? Well Mr. Burson's Delegate Resolution provides that "every amendment proposed must be germane to the subject of the section or paragraph of the proposal to be amended." His amendment to his proposal says "and/or to the subject of the proposal itself." My question is whether the amendment to the proposal is adopted, will this change the prior ruling of the Chair about amendments?

Mr. Henry I don't think the ruling of the Chair would change in either event Mr. Dennery.

Mr. Burson Not if the amendment were adopted I think obviously then you could go ahead and do that. Obviously if you adopt a proposal and in the proposal itself, I don't think that situation would be affected at all. There were some people who felt that just the proposal alone might have that effect and that was not my intent. My intent was simply to require that amendments be germane to the subject under consideration.

Mr. Derbes But if there indeed were no subject under consideration, that is no particular section under consideration to which the amendment was in reference and if there is a blank space, this amendment your proposal wouldn't affect that amendment. Isn't that correct?

Mr. Burson In what sense?

Mr. Derbes Suppose we adopted Sections 1, 2 and [505]
3 and then somebody came along and introduced Section 4 as an amendment, your proposal wouldn't affect the introduction of Section 4.

Mr. Burson It wouldn't prevent it, not if we adopt the amendment "and/or to the subject of the proposal itself."

Mr. Derbes Right. Thank you.


Recess

[Quorum Call: 99 delegates present and a quorum.]

Mr. Henry Now gentlemen and ladies, we're going to get started on this Executive Article in a minute and as soon as we read the first section we'll call one of these little meetings down in front and I pass it if we have a meeting we might get through with this article by five o'clock. I would like to say that we've kept up with some statistics because a lot of this is on television as you know and for our own Grammy Awards and the Legislative Article we had several personal appearances. For instance, Senator DeBlicieux appeared 48 times right here who was the winner. Mr. Roy, who has been sort of quiet for the last few hours appeared only 40 times and then we had Representative Elmer Tapper who appeared 27 times. Now, we're not going with any success or failure on what happened when they spoke but we will be giving you the statistics from time to time.

Mr. Clerk...Why do you rise Mr. Stinson?

Mr. Stinson That was each day, wasn't it?

Mr. Henry No sir, Mr. Stinson, it just seemed like it.

PROPOSALS ON THIRD READING AND FINAL PASSAGE

Mr. Poynter Committee Proposal No. 4 introduced by Delegate Stagg, chairman on behalf of the Committee on Executive Department and Delegates Abraham, Alexander, Arnette, Brien, 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.

Reading of the Section

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

Paragraph B. All 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.

Explanation

Mr. Stagg Mr. Chairman and fellow delegates, I would like to first express my appreciation as chairman to those members of the Executive Department Committee who worked on this proposal for so long. Mr. Abraham, Reverend Alexander, Joe Anzalone, Greg Arnette, Dr. Asseff, Mrs. Brien, Mr. Denberry, Mr. Duval, Mr. Gravel, Mr. Stovall, and Mr. Tapper. I regret that only one member of our team got in the running on the Emmy Awards. This committee worked on Proposal No. 4 and our other assigned materials during eighteen meetings and there were twelve members of the committee so we could have worked 216 delegate days. I would like to thank the committee members for their work because out of those 216 possible delegate days, there were only 11 delegate days and therefore an attendance record of 95 percent and I think that is remarkable and I would like to thank the members of the committee for giving full attention to the duties assigned to them. In the composition of the executive branch we have provided for five state-wide elected officers on the theory that that made for streamlining of government; the lack of what we have now that is a diffusion of authority in the executive branch as presented by a permissive eleven state-wide elected officers. I might point out that's the most state-wide elected officers elected by any state in this union. There are in other committee reports that of the Committee on Judiciary which has some writing about the attorney general which we will get to later, but in the Education Department Article they have provided for the election of a commissioner or superintendent of education. In the Committee on Natural Resources has provided for the election of the commissioner of agriculture and I don't know whether there was another one or not. Education, Agriculture...what's the other committee report? Attorney General and the judiciary. I guess that's it. It is the contention of the Chief of the Executive Branch that the administrative power and responsibilities of the state government ought to be concentrated in as few executive officers as possible. It is felt also that it is not government to place the powers and duties of these five executive officers ought to be placed in the constitution so that the legislature at some future date could not name some other state-wide state officials and thereby by crippling degrees change or diminish the authority of the chief executive in this state. In our research we found that out of Louisiana's existence as a state in the year 1861 of 161 years there have been seven or fewer statewide elected officials. In the constitution of 1921 two additional officers were added. Those of commissioner of agriculture and register of the state lands but that provision also allowed those two officers to be merged into other departments. In 1956 the legislature proposed a constitutional amendment to make the insurance commissioner and the custodian of voting machines statewide elected officials. This was done as history will tell you Governor H. W. Martin had a falling out with Secretary of State Wade Martin who would not go on the stump and speak for the Earl Long ticket and as a matter of retribution when the Governor tendered the case he instructed the legislature to diminish Wade Martin's office by taking away from him the duties of the insurance regulation and the handling of the voting machines. In our committee deliberations we felt very strongly that the executive office of the governor having the responsibility to the people and in the people's eye ought to have the machinery at his disposal to carry out that responsibility. In other words, shall the governor be at least an equal partner with the other three branches of government? By what we have done in the last four weeks of our deliberations, we have greatly strengthened the legislative branch of government. It is fair I think to say now that the legislature is a coequal branch of state government. It is fair I think to say now that the executive is a coequal branch of state government. Shall we not diminish the ten arms of the executive department to five and make of the executive department a coequal branch of state government? I have watched elections around this state as you have. Many of you have been running for office and you know where your campaign funds came from and you know that when you were elected where some of your loyalties lie. We believe that the diminution of the numbers of executive officers down from ten to five will yield in the executive department a stronger, more perfectly functional and more responsible executive branch than one that is spread by diffusion over too wide an array of executive officers. You have in effect put those many checks
against the power of the governor by giving him in the executive branch persons who do not answer to him in their presence and are lords of their own domain. It is interesting as a statistic to note that in the offices elected those of the commissioner of insurance, the registrar of vital statistics, and the commissioner of voting machines and the commissioner of agriculture spend of your money each year and in the forthcoming budget less than one half of one percent of the state budget. Those that are appointed by the governor, i.e., the director of the board of highways who's appointed by the board of highways, the department of conservation, the department of corrections, and the department of health and social rehabilitation services. Those people are appointed by the governor as department heads and they spend nine hundred fourteen million, seven hundred and twenty-six thousand dollars of your money or forty-three percent of the state's budget. In some, Mr. Chairman, it is the belief of this committee that the functioning of the executive department through the five state-wide elected officials we have suggested will yield an executive branch worthy of the name. It contains with the necessary checks and balances against arbitrary executive power. We have an independently elected state treasurer, we have an independently elected attorney general, and an independent secretary of state to institute some way to handle the election machinery of the state so our elections and our law enforcement and our money are safeguarded by state elected officials and there is a threat of a diminution of the executive power for the public's interest and for the safeguard of the public monies and properties and laws and privacy, Mr. Chairman, would be happy to yield to questions under the Roemer Rule.

Questions

Mr. Jenkins Mr. Stagg, we have made many efforts to delegitimize this joint convention make it a more equal branch of government. Don't you feel that by further concentrating power in the hands of the governor that you will be again imbalancing that relationship and making once again the executive a more powerful branch of government than it ought to be?

Mr. Stagg In a word, Mr. Jenkins, the answer is no. And you must know that we spent many hours asking ourselves these same questions. We have built buttresses around the governor at every hand, the appropriation or the budget prepared by him to be balanced by the requiring of the heads of departments to receive Senate confirmation before they can be called to office or the state's legislative agency, the capital budget which is now into this article going to be mandatory. There are numerous ways by which we have sought to continue the good work of the Legislative Article by some boundaries around the powers that are possessed by the governor under our law. We heard from some very interesting witnesses before our committee that the power of the governor does not necessarily lie in this document which we are writing, but it is power that he holds by tradition. By people feeling that a governor simply be given power to do everything that are not really prescribed in this constitution and that really is the secret of the power of the governor in our state and we think that can be handled by an independent legislature, one with independence worthy of that word.

Mr. Jenkins Have you in any way restricted his power of appointment or his patronage power, or his control over the budget?

Mr. Stagg We have done so, quite measurably Mr. Jenkins in this article as we get later on you will find in the Local and Parochial Article as well as in our article. A governor can right now, appoint something for fourteen hundred and fifty people to statewide office. Under the Local and Parochial Article, he will not any longer appoint local officials. Under the Judiciary Article, he will no longer appoint vacancies to judges, a quite large source of patronage power and he is adding an executive branch into twenty departments and no more than twenty, two of which will be occupied by the elected state officials, the governor can appoint no more than seven secretaries, and he's doing that now and those boards and commissions whose membership is not otherwise designated by the legislature. Those only can be appointed by the governor. So the provisions for setting down his appointment power if we sat down with our pencil and our present organization table we could show you where the governor would appoint on any one hundred people or two hundred people at the most rather than fourteen or fifteen hundred. And that is a measurable reduction in the power of the governor.

Mr. Arnette Mr. Stagg, how do some of the so-called experts in the field, such as PAR AND CABL and the Louisiana Law Institute's project, how do they feel about the elected officials and which ones do they recommend should be elected?

Mr. Stagg I have read the comments recently published by PAR I've read those in the past and we had witnesses come to our committee from PAR and from CABL and we read the project that was prepared by the Law Institute's and I noticed in Section 1 of Article V of the executive department it sets out the executive department shall consist of etc., and it lists some offices and one more commissioner of conservation which is not an elective office, which is appointed by the governor. Also it doesn't list, by way of illustration... It doesn't list superintendent of education, which is a... which is another... which is another state office. It seems to me that whether you designate certain offices as elective branches is really immaterial to whether they are or are not, or if it isn't also, would you explain the significance of designating certain offices as executive offices and others you are silent on?

Mr. Stagg The provision begins with the designation of these elected officials and all other executive offices, agents and instrumentalities. In the case of the commissioner of conservation who is appointed by the governor would continue to be appointed by the governor under this provision as we work it through. The superintendent of education we have felt is and the department of education isperhaps a part of some other department of the government yet, we think that the superintendent of education ought to be appointed by an elective board of education rather than to be a statewide elected officer.

Mr. Triche Well, let me ask you this, the fact that you named treasurer for example, as an executive officer, does it of itself mean that that office is an elective office if you fail to say in Section 3 of the article that the office is elective?

Mr. Stagg Yes, sir, the guts of the answer to your
question is in Section 3.

Mr. Triche So whether we enumerate certain offices in Section 1 as executive offices, is not related to the question of whether or not they are elective or not, the legislature could provide for an elected custodian of voting machines or could provide for an elected...commissioner of agriculture in spite of the language in Article I.

Mr. Stagg Pappy, no, I do not agree with that. The language says the executive branch shall consist of and it names those officers and then it says all other executive offices, agencies, and instrumentalities. It provides only that those five elected officials will be considered to be part of the executive branch.

Mr. Weiss Delegate Stagg, is it not true that in some states in the union that appointed positions become so desirable and so competitive that they are actually bought from the governor?

Mr. Stagg Well, I have heard of that in some states that have a spoils system of politics but you know Dr. Weiss, we don't have that here now.

Mr. Weiss Louisiana is different.

Mr. Stagg Yes.

Mr. Rayburn Mr. Stagg, you might have it in your report. I haven't noticed it though. Did you hear from the public at large about the position that they had on whether these offices shall be elective or appointed? I am talking about farm bureau, commissioner of agriculture and many other John O. Public, may I say. I think that we all understand PAR and CABL what their recommendations are and have been, but I am wondering if you heard from any organizations other than these and if did, you would you briefly tell us and tell us their position?

Mr. Stagg Senator Rayburn, I went around the state with you and we heard from the farm bureau that they thought that the commissioner of agriculture ought to be elected, there was some dissent, there were a few farmers that said not and in other places we heard that they would respectfully suggest to us that the superintendent of education be elected. But only on those two offices. I am sorry in New Orleans we did hear it expressed by the public to the Composite Committee that the commissioner of insurance ought to remain an elected official. Yes sir.

Mr. Toomy Mr. Stagg, you have mentioned that a number of the offices which your proposal has eliminated from being statewide elected, spend a small portion of the state budget. Isn't it true that these offices are the watchdogs, protect the interest of millions of dollars of the people of the state of Louisiana, and that these people want this money which is not spent by the state but in their pockets, equally protected as the state funds? For instance, I believe just insurance in this state, John O. Public spends approximately ten percent of his budget on that. Isn't it important that these areas be protected even though it is not state funds?

Mr. Stagg I would say that that was true sir, but it is also true of a great many other areas that is the state's responsibility. The people who are interested in forestry say that their state in it is equal to that of insurance and that he ought to be elected and other people in minerals think that the board of conservation ought to be elected. Everybody who has a substantial stake in the economy of this state would like to have an elected official representing their economic state but we cannot carry this thing in the opinion of the Committee on the Executive Department that would be carrying matters to far and we have established after serious debate over hours and days that these were the elected officials most needed to protect the public interest and to produce a viable responsive executive department of government.

Amendment

Mr. Poynter First set of amendments is offered up by Mr. Anzalone, Assf, Alario, Gauthier, and many others.

Constituting in essence a minority position on the Committee on the Executive Department.

Amendment No. 1 On page 1, delete lines 14 through 19 both inclusive in their entirety and insert in lieu thereof the following:

"Article IV, Executive Branch. Section 1. Composition"

First set of amendments is offered up by Mr. Anzalone and the minority report committee amendment. It is the same amendment, we are all just going with it. [Coauthors added.]

Explanation

Mr. Anzalone Mr. Chairman, and ladies and gentlemen of the convention, I don't know why we are having all of this for reasons behind this amendment. It is just to correct a typographical error. It seems that somebody forgot to put six elective officials back in the constitution. The Executive Department Committee has met for a long, long time concerning the public officials. One of the great reasons that we heard as to why we should not have eleven elected public officials or ten as the case may be, was the fact that a great number of them don't have anything to do. I submit to you that if that is the criterion by which we are to work, the first one that we should eliminate is the lieutenant governor. The only job that this convention has seen fit to give that gentleman is the job of waiting around until the governor dies. He may serve ex officio on some other boards but that is the only job that can tell me exactly what his job really is. Not to pick on the minority party that is a part of this convention but we have heard many many reasons why appointees are better than elected officials. I think one thing that we all in this convention are aware of is that it may be that appointive officials are not the answer either. We are also assured that by the appointment of officials that we are going to get better qualified people to serve. No more in this constitution do we see any qualifications for those people who are to be appointed. And I agree with Mr. Stagg, we are not like other states, we won't have that problem, but we might. What you do have by the elimination of five elected officials from your constitution is that you have diluted the contact of the general public with their state government. Now they only have five people to see. You are making your appointed personnel indirectly responsible to the electorate. No one can assure me that a person who is appointed is going to attend to the affairs of his constituency better than the man who is elected. There may be one but there are not many. You can call these things departments, bureaus, good government, the better the position...the state executive...I think too you can pronounce it bureaucracy. That is a bad word, isn't it? But that is exactly what you are setting up. You are setting up twenty departments that ten years from today you are going to hear from some of them is; when they come downstairs to try to get included in the budget. Nobody is going to know who they are, what they do.
or now even to contact them. In the name of good government, I can't see it.

Ladies and gentlemen the role of a delegate to this convention is just a little bit different than the role of a legislator. When you vote as a legislator you may go home and have not only your vote challenged, but you may be voted out of office. But if you are going to be reelected you will be reelected possibly on your personality. There is nobody in here running for reelection. There is nobody in here going to be reelected on the convention on the basis of his position, if he is going home to have your vote questioned. I submit to you that the question of appointment versus election is a basic question of philosophy. There are many, many good arguments on both sides. But I don't argue religion because that is philosophy. If you think that you are going to vote here and to vote for your conscience and your good government and you are going to vote for an appointive official and go back home and tell somebody back home that this is the best thing in the world for the state of Louisiana, and that is the way I am going to vote.

Questions

Mr. O'Neill Mr. Anzalone, would you agree with me in that Mr. Chairman suggested that we take these one at a time but would you agree with me that if we go for this amendment we put them all back in and then maybe we take out one or two don't you think this would be more expeditious procedurally?

Mr. Anzalone Yes, sir.

Mr. O'Neill Thank you.

Mr. Burns My question is somewhat along that same line, Mr. Anzalone. Did the group that was up there by the speaker stand just now, did they reach any agreement on the education and welfare and the separate amendments to be presented?

Mr. Anzalone Mr. Burns, I honestly don't know the answer to your question. We all met up here and you are seeing the results of it now. I am sure that there are other amendments in fact I know that there are.

Mr. Burns In other words as far as you know there was no overall agreement reached between conferences?

Mr. Anzalone I would think yes, Mr. Burns, because this is what the group up here decided to do basically, yes, sir.

Mr. Tobias Why did you leave out the state comptroller?

Mr. Anzalone Mr. Max, you just asked me that question back at my desk.

Mr. Tobias But I would like it for the record.

Mr. Anzalone We are talking about a philosophical view of state government. The comptroller is not a part of that government and the people that I represent have expressed no extreme desire in hav-
would not be treated as an amendment to this article?

Mr. Henry. No, sir; it wouldn't be treated as an amendment to this article, Mr. Anzalone.

Mr. Anzalone. Could not they propose it to be an amendment to this article?

Mr. Henry. Well, it depends on how we adopt this article. If we adopt this proposal at some particular point and time and reconsider the vote by which it is adopted and lay the motion on the table.

Mr. Anzalone. Are we doing that, Mr. Chairman?

Mr. Henry. Well, now we didn't do it with the Legislative Article but Mr. Anzalone, you know I can't say we won't do it with this article or we won't do it during the workings of the convention, I am just trying to answer the question honestly, sir. I would hope that we will allow some leeway in case we make a faux pas where we can easily amend what we have done but there is no guarantee that we will do that.

Point of Information

Mr. Flory. Point of information. Could not just a simplicity of those present and voting reconsider, if the Table then would then require a two-thirds vote to lift from the table?

Mr. Henry. To reconsider and lay the motion on the Table so the second proposal it is going to take sixty-seven votes and then it is going to take two-thirds to call the motion from the Table, Mr. Flory.

Further Discussion

Mr. Abraham. When the Executive Committee or rather the Committee on Executive Branch, first began with its meetings, we made no decisions, we took no position on anything; we invited many people to come to appear before us and we listened to all these people. We had every elected state official appear before us, we had other officers in the executive branch who were appointed appear before us.

We had outside people from out of state and others who appeared before us and throughout all these meetings, never once did we ever really take a position as to how we felt the executive branch should be organized. But it began to evolve without being said that we did have too many elective state offices. It began to evolve that the executive branch of state government needs to be reorganized in a better way and needs to be made more manageable that with some two hundred odd state agencies there was no way of managing this unless they were organized properly into departments or similar arrangements. It was brought out many times that because we had the number of elective offices that we had to depend on these ten or eleven people simply through their own cooperation to run the affairs of state.

And then wherever we decided that we voted on concepts of how we thought it should be organized, the committee voted overwhelmingly to reduce the number of statewide elective offices and in studying the project and various other information that was available to us, all of this simply supported our position that we needed to reduce the number of statewide elective offices and we needed to gather all of these agencies into functionally...into various departments so that they could be made more manageable as any other business would. Those of you who are business people would not quarrel with the idea of organizing in such a manner that you do not have too many people reporting to one person. And this is the intent of this proposal is to effect this reorganization of state government so that it is more manageable. Now, I have talked with many people back in my area and overwhelmingly the people are in favor of reducing the number of statewide elective offices, they are in favor of trying to organize the executive branch into departments so that they would be made more manageable. I have not had one person in my area disagree that we had too many state elected offices, several of these offices are strictly administrative offices and do not perform that large a job and the question I ask is how can you in the same vote campaign and spend fifty to one hundred fifty thousand dollars or whatever needs to be spent in order to get elected to a job that pays between twenty one and twenty six thousand dollars a year. It just doesn't make sense. Right now we have many, many agencies, we have no real effective means of control when you ask for an organizational charge on state government, then these people how these agencies are or where they are or what they do. All we are trying to do here is to gather these things into an effective organization. As far as qualifications for these various people who might be appointed as department heads, this could be provided by statute if necessary. We have provided safeguards in the appointment of the department heads that they must be approved or confirmed by the Senate so we will have some control there. But I think the whole thing to consider here is that if we were going to get this state more manageable position even though it might sound good that we want to elect all of these various offices, I challenge many of these people to tell these elective officials that you personally know, how many times have you seen them since the time they have been in office? I will say that most of these I had rather be able to go to the governor, the secretary of state or whatever it may be and say this is what I would like to see done and if there is something that goes wrong in that particular department than where that person is accountable to the people you have seen this happen many times in the past where various elective officials.

Mr. Henry. You have exceeded your time, Mr. Abraham.

Mr. Abraham. I ask your adoption of the committee proposal.

Point of Information

Mr. Rayburn. Do we have at this time any mechanics where we might be able to vote on an alternate proposition to submit before the people?

Mr. Henry. No, sir, we don't.

Mr. Rayburn. I am of the opinion that it would be good for us to know the mechanics that this convention intends to adopt, I might want to vote for an alternate proposal to submit some of these propositions that is now up for consideration to the people and let them decide and I am just wondering if we have anything at this particular time that would allow us to do that?

Mr. Henry. No, sir, we don't have such a procedure insofar as our rules are concerned. A motion to the effect that alternates of some description be provided of course would be in order.

Motion

Mr. Rayburn. I wonder Mr. Chairman, if I would be in order, that if I would move that we temporarly go forward with this until we get some information on how we could more or less go about an alternate solution.
Mr. Henry You make that in a form of motion.

Mr. Rayburn I make that a form of motion and could I state my reason for that?

Mr. Henry Yes, sir.

Mr. Rayburn I am convinced on how I am going to vote on some of these and I would like an alternate to let the people decide the others but at this particular time I don’t think it is fair for me to have to vote when maybe later I could vote for an alternate that I would have a different view on...on my vote that I voted today.

Mr. Henry But your motion is just to pass over this section for the time being, is that correct?

Mr. Rayburn Temporarily, yes, sir until we get some mechanics as to what procedure we will establish or adopt for alternate propositions to be placed on the ballot and submitted to the people for their final decision.

Further Discussion

Mr. Burns Mr. Chairman, and fellow delegates, I don’t know how many of you that ran for this office included this plank in your platform that on all controversial questions or articles there would be an alternative submitted to the people so that they would not be limited or restricted to just voting yes or no on that particular controversial article. Now if in one article or one section, or one subject, it is going to be in this constitution that I think is highly controversial and one that gets right down to the heart of the success of this constitution when it is submitted to the people in January or February, next year. I think it is the question about these elective state officials. I am not going to argue the pros and cons of it at this time and take up any further time, but this is one matter, one subject matter that I have heard a lot of sentiment expressed on and I have heard a lot of people...a lot of people have discussed this particular question with me and I think that if we attempt to limit in this new constitution that we are drafting to eliminate four or five present elected officials I think we are going to seriously jeopardize the acceptance approval of this constitution by the people when it is submitted to them. And I would most heartily recommend that this committee set up the machinery to make this particular question that an alternative could be submitted and let the people decide what present elected officials they want to keep in the constitution or whether in their opinion or in their views, they are going to be deprived of their right as citizens and voters to elect their officials. I ask you to seriously consider this matter and let us set up this machinery for an alternative on this particular question.

Point of Information

Mr. O'Neill Point of information, Mr. Chairman. Does Senator Rayburn have a motion on the floor?

Mr. Henry Yes, sir, he does.

Further Discussion

Mr. O'Neill Well, I would like to say right now that I would oppose such a motion simply because Senator Rayburn at this very moment may make a motion concerning alternative proposals and I believe that a majority...if a majority of the delegates concur, such a manner could be considered as an alternative. So I think that it is somewhat premature in trying to delay the subject. I also suggest that the Rules Committee has had a proposal on alternates. I understand that the proposal is all but ready. I don’t know why it has not come out of committee. And I feel that we should proceed on this matter now right now and that if we have further complications down the line we can go back. Thank you.

Point of Information

Mr. Anzalone Mr. Chairman, would there be any prohibition against the adoption of a rule to present an alternate to the voters that could come about after the final vote on this section?

Mr. Henry No, sir.

Further Discussion

Mr. Asseff Mr. Chairman, delegates, I have no objection to submitting alternative proposals to the people. We would anticipate that we would not have discussed and voted on this section, until we have discussed and voted on this section, how will we be able to determine the alternative proposals we will submit? There could be any of five or six combinations and certainly we would not want to submit that many to the people. I would urge that we continue discussion until we see the reactions of the delegates, decide what they want and then we can consider alternatives, but it would appear to me that at this point, it is premature. Thank you.

Point of Information

Mr. Burson Mr. Chairman, would the Chair be inclined to rule or not to rule on the amendment and someone were to make a motion to divide the question to vote on each office separately...that it would be a divisible question?

Mr. Henry It is not a divisible proposition. Now, there are a series of amendments to come on each office, but this amendment is clearly not divisible, Mr. Burson.

Further Discussion

Mr. Anzalone Ladies and gentlemen of the convention, I rise to oppose a deferment or to defer this particular matter, for this reason. We have finished one article. We’ve got seven more to go and things haven’t even got hot yet. I would say that it would be more likely that we should wait until we have adopted the entirety of the constitution and then, in looking at the whole document, decide whether or not we are going to go back and submit alternatives proposals. If we begin now to submit alternate proposals, we’re going to have at least five thousand of them on that ballot.

[Previous Question ordered.]

Closing

Mr. Rayburn Mr. Chairman and fellow delegates, I was just at a loss to know what alternate we might have a chance to submit or to vote on. It’s my understanding that there is a committee that’s coming up with some recommendation for alternate proposals. Now, if we vote here today, and I’ll just say to elect or not elect a superintendent of education, what are we going to do once we’ve voted on that? There is one or two or those offices, out of the ten, that I might vote to let the people decide. But, at this particular moment I have no way of voting for an alternate measure where the people...I’ve got to make the decision. Once I make that decision, then when we come back with the procedure for alternate proposals, how am I going to vote then? I’ve already made up my mind that I don’t feel that maybe it would be better for all of us if we had the procedures outlined to us of alternate proposals and at that time we would know how to vote on these various offices. But, I feel like that if I’m required to vote on all the propositions that’s going to come before us today, how would I vote then, Mr. Chairman, when maybe the committee comes up with an alternate proposition whereby if we felt we could better serve our people letting them decide how some of these offices...whether they be elected or whether they be appointed.
That's my only question, and asking to get the committee's report if they have one, and I understand it is forthcoming, as to what procedure we would go about, as far as adoption on the proposals. I felt that it would be beneficial before we took an ironclad vote on the amendments and the propositions that we're going to have to vote on today.

Questions

Mr. Dennery: Senator Rayburn, do I understand you to say that we cannot go back and adopt such a rule to have alternate provision in the legislative section?

Mr. Rayburn: Mr. Dennery, my point is this, if we make some votes here today, then maybe when we get the committee's report and we decided...I'll take myself...maybe I'll vote today to say that the superintendent of education or the commissioner of agriculture should not be elected. Maybe they come back with an alternate proposal here where we can go back and maybe say let the people decide. I don't know how I could go back after I had already voted today, and change my vote.

Mr. Dennery: In other words, you don't think there is any possibility of our going back, for example, and having an alternate proposal on split sessions?

Mr. Rayburn: Well, my only point at this time, was this, Mr. Dennery...yes, sir, I think that but I would like to know if we're going to have an alternate proposition, before I cast my final ballot on this decision here today. It might be that if we come up where we can't have an alternate position, I might choose to place some of this under an alternate and let the people vote on it. That was my only point.

Mr. Dennery: Thank you.

Mr. Rayburn: And I was just trying to establish if there is any procedure or will there be any, and if there's some, say for tomorrow, I had rather defer this until we find out the proper mechanics of submitting alternate propositions to the people. That's my only point. I'm not trying to belabor this, but I'm just trying to get a little more information where if I want to submit some of this to the people as an alternate, I don't know the mechanics to do it under this time.

Mr. O'Neill: Senator Rayburn, with all due respect and I'm not trying to ask a mean question or anything but do you realize that right now, in a motion you could set up a procedure to submit alternatives...in a motion right this minute?

Mr. Rayburn: Delegate O'Neill, they have a committee studying that, and I respect that committee. That's the reason I don't want to come up...they've studied and I haven't. I don't know the proper mechanics, but I felt like that since this has been assigned to a committee, they've been working on it. If they did have a recommendation, it would be hard for us to know before we were called on to vote for these. Because in my opinion, and from the question that I come from, this is highly controversial. I want to represent my people. I might decide on one of these issues, I'd rather say 'Let my people speak in the place of me speaking for them,' but in this particular moment, with this decision before me for a vote, I don't know if my people are going to be able to speak on it or not. That's the only information that I was seeking.

Mr. Stagg: Senator Rayburn, wouldn't it not cure the problem you're suggesting then, if you would vote against the amendment by Mr. Anzalone and to vote for the proposition as put forward by the Committee on the Executive Department?

Mr. Rayburn: Mr. Stagg, I wouldn't say that because I believe there's going to be fifty other amendments.
24th Days Proceedings—August 2, 1973

Thursday, August 2, 1973

ROLL CALL

[110 delegates present and a quorum.]

PRAYER

Mr. Dennis: Our Heavenly Father, we ask that on this day of our deliberations that you give us the strength and the wisdom and the insight to do that which our people need, and to write a constitution that will last forever and stand this state in good stead for many, many years to come. We ask in Christ's name. Amen.

PLEDGE OF ALLEGIANCE

READING AND ADOPTION OF THE JOURNAL

REPORTS OF COMMITTEES

[Int Journal 238-239]

INTRODUCTION OF PROPOSALS

[Int Journal 239]

PROPOSALS ON SECOND READING AND REFERRAL

[Int Journal 239]

UNFINISHED BUSINESS

PROPOSALS ON THIRD READING AND FINAL PASSAGE

Mr. Paynser: Committee Proposal No. 4, introduced by Delegate Stagg, Chairman on behalf of the Committee of the Executive Department and Delegates Abraham, Alexander, Arnette, Bolen, Denney, Duval and other members of the committee.

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

The status of the proposal at the time of adjournment was that you had under consideration the first section which deals with compensation and amendments were pending to that proposed section introduced by Delegates Anzalone, Asseff, Alario, and many others who added their name by way of co-authorship, in essence, constituting a minority report of the committee.

Mr. Henry: All right. Mr. Anzalone had offered up amendments. Now Mr. Anzalone, you had offered your amendments and you had opened on the amendments. You've said all you propose to say for the moment, am I not correct?

Read the amendments before we start, Mr. Clerk.

Amendment

Mr. Paynser: Amendment No. 1 [By Mr. Anzalone].

On page 1, delete lines 14 through 19 both inclusive in their entirety and insert in lieu thereof the following:

"Article IV. Executive Branch. Section 1. Composition. Section 1.

A. The executive branch shall consist of the governor, lieutenant governor, secretary of state, treasurer, attorney general, register of the land office, commissioner of insurance, commissioner of agriculture, custodian of voting machines, state superintendent of education and all of other executive offices, agencies and instrumentalities."

Further Discussion

Mr. Duval: Fellow delegates, we heard some very interesting remarks from Mr. Anzalone in support of this amendment and some of them, of course, were well taken. However, I would like to familiarize this convention with some of the facts which I think have been omitted thus far. The governor of this state is elected by all the voters of this state and is, of course, responsive to the people. He is in charge of administering the executive department. As it presently stands, not only the governor but Houdini could not administer our executive department because it is terribly unfriendly fragmented and disorganized. Of crucial and vital things this convention can do is to facilitate the administration of this executive department so that it can be run properly and correctly. Since we do have to have government and gentlemen, it should be intelligent, deliberate government. Now let's take these offices one by one that we are dealing with. Thus far, the present superintendent of education has testified before our committee. As you all might recall, he ran on a plank. One of the things he said was that the present system of education, the present superintendent of education testified before our committee. As you all might recall, he ran on a plank. One of the things he said was that the present system of education is a poor system and it should be abolished. The reason why, a very good reason, we have an elected State Board of Education, and when we have an elected State Board of Education and an elected superintendent you have an obvious impasse that does not properly work and does not serve the interests of the people. That is a clearly logical statement. When you have an elected board and an elected superintendent it just doesn't work. All right, that's one. Number two, the register of state land office. This very fine lady came before our committee and said that her office shouldn't be in the constitution. It wasn't necessary. This is the officeholder herself. It is primarily a clerical function which does not warrant statewide election. There are many other more viable and important positions which are appointed and again, as a factual matter, there is no real reason why they shouldn't be elected and most people don't know what they are voting for when they vote for it, or much less, what they do. They do know what they are voting for when they vote for governor. Custodian of voting machines, as you know, Louisiana is the only state which has such an office. It was created purely out of political animosity and has no viable function and is purely administrative in nature. The election laws are administered by the secretary of state and therefore, certainly voting machines could be placed under the office of the secretary of state who is an elected official. I would urge the administration of the election laws. There is no logical reason to elect statewide a custodian of voting machines. Again, I say, that the people do not know exactly what he does and it's not something of such viability that warrants statewide election. We get down to the Commissioner of Insurance.

Another one we deleted. As you all know, there is a Rating Commission appointed by the governor which fixes insurance rates, and you have your elected insurance commissioner, on the other hand. Therefore, again, you have an elected official and it is administratively proper. When you have a Rating Commission and then an elected commissioner of insurance, it just doesn't work. We've got to be conscientious enough in this convention to set up a system so that it will work, and it's obvious this doesn't work. Again, the governor bears the ultimate responsibility for the administration of these functions and they are not of such viability as to be elected statewide. Furthermore, when you have a Rating Commission on one hand and an elected commissioner, again, it doesn't work. I submit to you and you can hear testimony from many, many people, and I'm sure even the insurance commissioner would agree that the Rating Commission doesn't work. Of course, he'd like an elected insurance commissioner who performed the rating functions also, but then you have a czar of insurance, which I don't think works. Now, a commissioner of agriculture. When you get down to commissioner of agriculture, I think you can look that all the duties of the commissioner of agriculture are statutory anyhow. The legislation right now, could help in the function that he has. These duties are provided for by statute. Why elect a man statewide when the legislature could take away everything except his title? Again, I don't really mean to see that in this instance that the committee proposal was designed purely to facilitate the administration of state government it is an intelligent thing to do. Even the elected officials, that we have deleted serve such a function that should not be elected statewide, and I ask you to reject the Anzalone, et al. amendment. Thank you.

[513]
Further Discussion

Mr. O'Neill. Mr. Chairman, members of the convention, we've talked so much about flexibility and viability in government you'd think we were buying a pair of jockey shorts instead of setting up a government. I think we should talk about logic that the committee took and I think that we should appreciate it. I also think that as with any other committee report we should listen attentively and consider what the committee did, and if at all possible, to understand it and accept it. But I submit to you that we cannot accept the logic of the committee's report. Just because an individual comes before a committee and says his office shouldn't be elective, we shouldn't just listen to him and say all of a sudden it's not going to be elective. We don't have the authority to do that. Louis Michot thinks that his office should be appointed and I don't care if someone else thinks their office should be appointed. I'm not here to listen to them. I'm here to decide for 50 more years, at least, we hope, whether that office will be elected. Not whether one person thinks his office ought to be elective or not elected. Yet, we heard testimony about the cost of some of these people. One delegate went so far as to say someone making from $21,000 to $26,000 a year shouldn't have to risk losing what he gets by going running statewide. You know, this committee's proposal, one of the articles in it says that the governor should make at least as much as his highest paid cabinet official or you know what have you. So we're automatically giving the governor a raise up to Dr. Mary's salary of $55,000. I guess the lieutenant governor is going to have to make more or as much as he is, too. So we're talking about cost and what have you and then we look over the new super health agency, and look at the consolidation of the four or the five agencies, and we find that they are spending more put together than they did while they were separated. I'm for saving money and all those good things, but not when it's going to cost more to consolidate these offices than it is to operate them. We've talked, too, about accountability. You know it is real funny that the voters now are not going to be able to hold the people accountable for their elections. We're going to have to chase after the governor if we think our insurance rates are too high. We're going to have to chase after the superintendent of education if our educational programs are going badly. Well I submit to you that I'd rather be able to vote someone who heads up one of these departments than to vote out a governor, particularly I'm not sure I would have any effect there. Those of us who have submitted these amendments, and I know there are over 20 of us at least, have a strong feeling that these people should be elected rather than appointed. We don't care what other states do, we're not here writing an Illinois constitution or a model state constitution. We're here writing a constitution for the people of this state, not for any other state. I submit to you that the amendment we have before us is a good amendment. I think that it is procedurally correct for us to do it this way. I think that it's going to facilitate us time wise. If we adopt this amendment and you feel strongly that perhaps one or two of these people should be taken out, well you can draw up your amendment to take these two people out and we won't have to have the constant progression of amendments putting one, two, three or four back in. I think yesterday the Chairman, with all good intention, wanted to go over these one at a time. We said no, we thought it would make them a little better. If we said them all back in then amended one or two out if we felt it was necessary. So I ask you to adopt this amendment, one, because we think it is philosophically the correct one. I think it will speed up the progress of this convention. And most of all because it will make the people of Louisiana at least feel a little safer in knowing that they can elect these people. Anyone who calls it a false sense of security, well my answer to you is I'd rather have a false sense of security than having these people appointed. Thank you.

Further Discussion

Mr. Derbes. Good morning fellow delegates, I rise in opposition to the amendment on essentially a procedural ground. That is, I think that each of these offices that we have discussed and are discussing is very important. Many have been with us for a long period of time in the history of our state. The people are accustomed to the offices, but I think the offices, because of that fact, deserve independent consideration. To lump them altogether in one amendment, to restore to the committee proposal that's for or not we are going to take them out to me, merely confuses and complicates the discussion on this very important subject matter. It serves no useful purpose to me to have to discuss the commissioner of insurance at the same time one discusses the register of state lands. To me, the clear, logical and most efficient method of handle this problem is to discuss them individually. If we can all agree that the five offices mentioned in the original committee proposal should indeed remain elective, let's merely amend the original motion to add to that proposal the individual offices which were deleted. Let's discuss them individually and independently, their merits and demerits and make a final decision. I think that the committee's present action to do is to defeat the amendment and to take up the set of individual amendments which the staff of this convention has prepared can be introduced shortly hereafter. Thank you.

Further Discussion

Mrs. Warren. Mr. Chairman and fellow delegates, I rise for this amendment. I think it is good. This morning I received a mailogram from the Orleans Leaguers saying please keep the superintendent of education elected. The superintendent was good for him to say that he would like henceforth, that the superintendent would be elected and I'm really wondering why he didn't just wait and be appointed instead of running. I think he's doing a good job, but I do think that the superintendent of education should be elected. There are others in this amendment, as Mr. Derbes said, might not be as important, but I think they are all important because each of them have a separate function. I've had an occasion to write the insurance commissioner on matters, and in other words I would have had to go to the governor to get permission probably to go to the superintendent. Larger spots would have taken a longer time to get a reply from him. I think that these elected officials will be more accountable to the people of the state and by the people. In spite of the fact that we said apathy in voting is law, we have it. I do believe that people are voting more today than they ever voted before and they are beginning to learn what each elected official owes the community as a whole. I think at this time, and this stage of the game, it would not be right to take it out of our constitution. So I'm going to support this amendment. Thank you.

[ Premiership contains added.]

Closing

Mr. Assel. Mr. Chairman, delegates, good men are elected and good men are appointed. In like fashion, incompetents are elected and incompetents are appointed. They are not our political or our best for public office. Just as governors appoint to satisfy political obligations, the people quite often vote on looks saying, if I have to look at a crate of four and you a Weber look at one. So many seem to think that good structure will bring good government to Louisiana. Though structure is important, alone it will not bring good government. If the experts do not agree on what is the best structure, it depends on which book
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you read or which expert you contact. Just as physicians do not agree neither do the governmental experts. Dr. Clyde F. Snyder, Professor of Political Science at the University of Illinois, and a leading authority in the field of state government commented on this. He is clear we are in an executive branch as follows: "In general, the principle of centralization appears to be basically sound, but that is not to say that complete reorganization on those principles is the wisest course of action in every state and under all circumstances. It is unfortunate that as the present writer believes he has observed a reorganization formula of which they have virtually made a fetish and which they tend to prescribe for every state, regardless of local differences. As a matter of fact, what is best in an individual state at a given time will depend largely upon local conditions. The argument for appointment is that the governor is held accountable for the affairs of the state, and should be given the necessary tools. Ironically, that was the argument for addressing certain state officials out of office. Even if the arguments were valid, to appoint will strengthen the governor in a state in which he is already, in fact, if not in law, one of the most powerful in the United States. The argument against it is it is the present system. Most important of all, we live in a democracy and right or wrong the people wish to participate in the making of legislation. The argument for appointment is that it is immaterial. It is the people's government and they must decide what they want, and they have decided. I have no mandate to impose my views upon them. No one can honestly say which method is superior. Some, in their ivory towers, have urged appointment, but those who have lived in the ivory towers and have years of governmental experience, as I have, are not convinced that appointment is the answer. The answer, in reality, is the revival of public interest in their government. When elections are held, the offshoots of public interest, must account to the people for what he does. This makes him more responsive to the public will which is as it should be. Appointment brings some independence but too often arranges to the exclusion of the wishes of the people. I favor reducing the number of executive agencies to not more than twenty, but I have watched too many governors from behind the scenes and know what they can do, and am unwilling to take a chance on dictatorship by also permitting appointments of these offices. Is your memory so short that you do not remember the political history of this state? Do you want to take a chance on dictatorship? Well do not. I remember the era of "gold bathtubs" in the state. Do you? On my graduating diploma, the B.A. is the signature of the governor who went to the penitentiary. Too many "gold bathtubs." Also on my diploma is the signature of the governor who went to the penitentiary. Too many "gold bathtubs." Also I have the signature of the United States Attorney General who sent them there. And ironically for me, I was the class's valedictorian, but no "gold bathtubs" for me. The issue is crucial and the decision is yours.

[Record vote ordered. Amendment rejected: 63-65. Motion to reconsider tabled.]

Amendment

Mr. Poynter Mr. Perez sends up the following amendment:

Amendment No. 1. On page 1, at the end of line 19, delete the period and add the following: "of the state."

Explanation

Mr. Perez Mr. Chairman and fellow delegates, this amendment, I hope, will not be controversial and one which has been agreed to by the Chairman of the Executive Committee. The only purpose of this amendment would be to make it clear that the executive branch of the department will consist of the government, the other statewide elected officers which are specifically cited and all other executive officers, agencies and instrumentalities, and that's the way the present section now reads, and I would just suggest the addition of the words "of the state," to make it clear. It would be the instrumentalities, officers and agencies and not any other. I move adoption of the amendment.

[Amendment adopted without objection.]

Amendment

Mr. Poynter Amendment offered by Mr. Debres, Mr. Lambert has the same amendment.

Amendment No. 1. On page 1, line 18, after the words "punctuate," insert the words and punctuation "commissioner of agriculture."

Explanation

Mr. Debres Ladies and gentlemen, I just want to bring you up-to-date on what the product of this little gathering in the front was. My own particular feelings vary about these various state offices, whether they should be elective or appointive. I merely wanted to try to get us on the road to a swift consideration of the issues involved by submitting the offices to you separately. So the staff had prepared, and I took the liberty of authoring a series of amendments which would add each of these offices to the present committee proposal. I am not necessarily in favor of adding them all, I'm merely in favor of submitting them to you for your independent consideration. So I'm not going to waste time by speaking to each of the issues and I would ask the Chairman at this time, if he's available, to let you know in what order these various offices will come up as presently proposed.

Mr. Henry Mr. Debres, we are going to take them in alphabetical order. I believe that's the way you introduced them. So we are going to take Agriculture, Custodian of Voting Machines, Superintendent of Education, Commissioner of Insurance, and whatever else in that order.

Mr. Debres I would just like to say before closing and taking up these amendments in order that I am a member of the Committee on Natural Resources and the committee did unanimously decide to retain as an elective post the Commissioner of Agriculture.

I assure Mr. Munson and Mr. Munsen that that committee, will have more to say on that subject. Thank you.

Further Discussion

Mr. Munson Mr. Chairman and fellow delegates, Mr. Debres and I would also like to point out in regard to your question a moment ago that there is a similar amendment, similar to Mr. Debres' amendment that was submitted by Mr. Lambert on behalf of the Committee on Natural Resources and Agriculture which, as Mr. Debres pointed out, voted unanimously to keep this office elective. I would like to say first in regards to a statement made by Mr. Duval a few minutes ago, when he said it doesn't make sense for this office to be elective...I can assure you ladies and gentlemen that it makes a lot of sense to the farmers and to agricultural interests, to this state that this office be elective and I believe to a majority of the voters of this state. As all of you probably know, I'm a farmer myself. Every farmer I have talked to is and has been in favor of an elected commissioner of agriculture. I have here in my hand a letter from Louisiana Farm Bureau Federation in which I am vice-chairman of which I also received, in which at their convention in Monroe just a couple of weeks ago they voted unanimously to ask this convention to retain this office as an elective office. I am representing agricultural interests associated to this convention by the governor of this state to represent agriculture. Let me assure you that in voting for this amendment I am representing agricultural interests and I would very much hope that you will go along and keep this very important office as a constitutional office
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Vice Chairman Casey in the Chair

Mr. Schmitt In other words it's your feeling that this position should be an elective position rather than an appointive position.

Mr. Munson Yes sir.

Mr. Schmitt Then what about other types of...in other words you have one interest group, what about consumers? Shouldn't there be perhaps a state department of consumer affairs and shouldn't they have an elective person? What about an environmental control department? What about a state levee department? What about a state bridge department? What about a state department of sanitation? I think our history of the state is rampant with the number of agencies and commissions and boards, etc. that we have. I really feel that if you begin allowing all of these different interest groups to have an elected person, I think we will have certain problems there. But I'd like to say...

Mr. Casey Mr. Schmitt, is this a question. Point of order.

Mr. Schmitt Yes, sir, it's the prelude to a question. Is this position an elective statewide position?

Mr. Munson Yes sir, at the present, it is. Those people that you have mentioned are represented in state government today.

Mr. Schmitt That's correct. Also, isn't it a trend for more and more of the population to be going towards the urban area? Is this correct?

Mr. Munson I would say that's correct, yes.

Mr. Schmitt So isn't it possible that you might have a person run who can get the support of the cities and win and become the head of the Department of Agriculture? Don't you feel that you'd have a better chance of getting someone to represent agriculture through the governor than you would by an elective process?

Mr. Munson Well, of course the same thing would be true if any one candidate for governor got all of the vote out of the urban area. Then the urban area is going to elect the governor and the lieutenant governor. But let me say this in regard to the resolution that I just mentioned from the Louisiana Farm Bureau Convention, wanted to keep this office elective. They also asked in there that we leave it up to the legislature to set qualifications for the commissioner of agriculture by statute which would take care of what you are talking about right now, if this is done. That is their recommendation.

Mr. O'Neill Mr. Munson, do you feel that the farmers are thinking about the current commissioner of agriculture when they express these feelings of keeping him elected, or do you think they're thinking about the future?

Mr. Munson Mr. O'Neill, I don't think that personalities or people should enter into it whatsoever.

Mr. O'Neill Thank you.

Mrs. Taylor Mr. Munson, would you just state some of the duties of the commissioner? What is the job description there?

Mr. Munson The duties of the commissioner of agriculture, of course Mrs. Taylor, are many and they are varied. I don't have all of those duties in front of me. The primary duty of course is to promote Louisiana agriculture, which I will say right now that, in my opinion, our present commissioner of agriculture has done a great job of promoting Louisiana products. He also has the job of regulating.

Mr. Case Mr. Munson, I have to call time on you.

Mr. Munson Thank you very much.

Further Discussion

Mr. Burns Mr. Chairman and fellow delegates, you might begin to think that I'm voter conscious, and perhaps I am. Maybe we all should be to a certain extent because no matter how hard we work to complete this constitution between now and perhaps next June or July, it's still going to have to be approved by the voters of this state and we should never lose sight of the fact. Now I do not mean by any stretch of the imagination that we should sacrifice quality in this constitution for that, but let's always keep that in mind. I have an amendment which I'm going to withdraw in the fact of this procedure that we're following now. My amendment was to keep the commissioner of agriculture and the superintendent of education along with the five that the committee had set forth in their proposal. I believe that these two offices are more closely connected with the people and the voters of this state... the superintendent of schools with all the school people, the teachers, the parents, and of course the commissioner of agriculture with the farming interests and many, many other varied interests. I just think by the title of the office that it's just concerned with farmers. It's concerned with pasture people. It's concerned with people in the horse industry. It's concerned with people in the nursery business, and I could go on and on and on. Those people want the commissioner of agriculture retained as an elective office and don't you ever forget it. It's the same way, I understand, with the superintendent of education. The school people want to elect their superintendent, and I think very properly so. I can't exactly go along... the other three are entirely different in my opinion than the two that I have enumerated. They don't have too much contact with the people. They're more clerical and their activities are confined to the office here in Baton Rouge.

Questions

Mr. Grier Mr. Burns, isn't it true that approximately forty percent of the economy of this state is tied to agriculture and agribusiness.

Mr. Burns Truthfully, I couldn't answer that. It is...

Mr. Sinn Mr. Burns, isn't it also true that there's approximately thirty-seven thousand families that are in the Farm Bureau Association who favor the election of the commissioner of agriculture?

Mr. Burns I wouldn't say so. Just one more statement and then I won't take up anymore of your time. I can't go along exactly with this concentration of power, which I've always believed that power is like fertilizer. To get the best results out of it, you've got to spread it around.

Further Discussion

Mr. Stagg Mr. Chairman and fellow delegates, I don't intend to answer all of the other statements that would be made by the previous speakers at this microphone. But I would like to repeat one of them for emphasis. That the voters of this state are now, by the great majority, concentrated in the metropolitan areas of this state, and have no knowledge of the basic problems facing the agricultural community. It would seem to me that if the commissioner of agriculture were appointed by the governor.
Chairman Henry in the Chair
Questions

Mr. Abraham Tom, don't you feel that the promotion of agriculture and the promotion of commerce and industry in this state are equally important?

Mr. Stagg Yes, I do.

Mr. Abraham Don't you feel that by the governor appointing the board to promote commerce and industry that he could do the same thing by appointing someone or a board to promote agriculture?

Mr. Stagg I think that makes very good sense, Mr. Abraham.

Mr. Shannon Mr. Stagg, is there any place in the proposed constitution, any qualifications set forth, for the commissioner of agriculture?

Mr. Stagg Not at this time, Mr. Shannon.

Mr. Shannon Is it proposed that it will be?

Mr. Stagg I have not read that in the proposal of the Committee on Natural Resources. It may be, but I have not read it.

Mr. Dennery Mr. Stagg, isn't it true that under the Executive Article as presently drafted the legislature would have a perfect right to set qualifications for these appointed offices?

Mr. Stagg The present draft of the Executive Article would allow the legislature in the appointment of anybody by the governor would have qualifications set forth by statute. Yes, sir.

Mrs. Warren Mr. Stagg, you mentioned that people in the urban areas were not aware of what the commissioner of agriculture and all of this was all about. Do you think that at this stage when we are having higher prices and probably a shortage of food that people in urban areas would not be aware of what effect things have on the farmer if it is going to affect them too?

Mr. Stagg They're not only aware of them but they are quite concerned about it. Yes, ma'am.

Mrs. Warren So in that light, in the farmers needing someone that they feel that they can go to in order to produce for the people, don't you think it would be [ ] to have somebody that they could go to instead of having to go to the governor and then backtrack?

Mr. Stagg Mrs. Warren, I don't believe it would be necessary for anybody to go to the governor in order to go to see one of the governor's appointees. That just isn't so. Because he is appointed doesn't mean he is not accessible to you.

Mrs. Warren Mr. Stagg, I'm here just to ask you a question, but experience has taught me that this is not true.

Mr. Stagg I would hope that your experiences do improve, Mrs. Warren, as I hope the constitution does, too.

Further Discussion

Mr. Rayburn Mr. Chairman and fellow delegates, I rise in support of this proposed amendment. Let me say to you here and now, I know of no better yardstick to measure anyone than the ballot box. I think one of the reasons we're in the trouble we're in in this country today is because in many occasions the people have not had a right to speak on the people that represent them and the welfare of their neighbors, their friends, their children and otherwise. Thirty-nine thousand people, yes, Mr. Stagg, they don't live in New Orleans or Shreveport, but they provide what little people that have some-what eat, raise their children... The commissioner of agriculture has more to do in it than any other one in our great state. He's saying what your milk is pure, your vegetables are pure, your tomatoes, your apples, your peaches. He's saying that the fertilizer has the content that it's supposed to have. I think we have now and that your beef doesn't have bangs and many, many other occasions. I could go on and on and on and relate to you why a man with that much power and that much authority should be responsible to the people of our great state. Yes, if you want to build up a Hitlerism, in my opinion, you get a governor and you might get a nut. Some of you think Mr. Stagg had some nuts. He was the governor under a lot of them, especially this two term deal. You give me that big chair. Let me name the commissioner of agriculture and the insurance commissioners. You couldn't blow me out of it with a stick of dynamite. You talk about politics. You talk about machine... all you good government people. You must not know what you're talking about. If you want to build a machine, I've got no quarrel with the present governor. I think he's made a good governor. I think he's doing a good job and I hope he continues, we have been there when they started and we have wound sour. I hope he stays sweet. Let me say to you, you didn't have to have any qualification to speak of to come here. Now, you want the commissioner to have these types of qualifications. Here you are writing a document that your children and your children's children might live with, as far as we know, for the next fifty years. Does anybody question your qualifications? Oh, no! It's all right for us to come do what we want to... third grade, fourth grade, no grade, doctor, Ph D., everything else. Just come on down and get with it. No qualifications required of us. Just qualify. Then they say that we don't want to inject ourselves in the great political arena. I don't know how you got down here, but I did a little bit of politicking. Maybe you didn't. That sounds good to say remove the politics out of everything. How are you going to do it? They'll be politicking when you and I are dead and gone and they'll be politicking. I found it here. I'll leave it here.

When you try to say to the people of this great state, if you want what we are doing here today to be doomed and go down, you tell them they can't elect some of their public officials. You tell them that. One of the most important jobs in this state, in my opinion, is the commissioner of agriculture. I think he should be responsible to the people of our great state and not to the governor. If he is appointed, he's got all he can do now. If you throw all these other offices up on his shoulder, you are liable to run him crazy before the first six months he's in office. My lord, he's got an awful job now. If you don't believe it, try to see him or ask him.
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He's busy day and night, if he's tending to his business. If you had to put in a cotton farmer, every cotton farmer, every cotton cotton, in each and every, every cotton cotton, cotton under control, you would样 to regulate their rates the insurance. Then he's going to talk to you, what again? He's got the vine machine, I like Governor Edwards. I want to exact him down or no other governor with all this business. Let the people speak and you'll be doing what I tell you. Then you can let the other dog bad one, they know what to do with him. We've had a few bad ones, but you can't beat letting the people have their day with the ballot box at the polls. I hope you adopt this amendment.

Further Discussion

Mr. Jack Mr. Chairman, and members, I'd like to follow Senator Rayburn because I'm on the same side with him. Now, by maintaining these offices elective we're going to help the governor. It's like Senator Rayburn says, it's too much burden for the governor to have to find people for these important offices, if they're not already elected. You just keep on...we're not going to inject personailities, who's governor, who holds this office or that one. If you do away with all elective offices even the governor and the lieutenant governor and the others named, so that leaves five, the governor becomes in my mathematics one-fifth of an emperor—a king. Do away with all of them but the governor. I believe he's a friend of mine, the emperor. I do not see how you can argue with success. It's a hard thing. Let's just take what the commission-sioner of agriculture for the years that have been successfully spent. I'm sixty-five. It doesn't seem any time ago when they called me one of the Jack boys. I remember as a child at that state fair, Mr. Harry Wilson was there all the time as the commis-sioner of agriculture. Everywhere I went, since even then, I see the commissioner of agriculture at all these meetings, even when I was a man, it's not going to run for the office unless he loses it. You talk about lack of qualifications, someone, let me tell you whether it says it or not, any commiss-ioner of agriculture is going to be a farmer. Now, let's take the governor, and Edwin Edwards is a good friend of mine. I supported him after Jimmie Davis, after I voted for him in the first primary. I'm for him and he's making a good governor. This is the mistake we're always making.

Now, let's just take the difference between elected and appointed. I'm not stepping on any federal jurisdiction, if you're a U. S. Attorney, you're the assistants. I've noticed this all my life, just about my grown life, you get an appointed official, you don't go to all these civic things where you get close to the people. I've seen federal judges when they held elected offices, they were at civic meetings, but after they become a federal judge they didn't see them. I've seen U. S. Attorneys before they're U. S. Attorneys but once they get it they're not at these meetings...their assistants are not, the U. S. Marshal I've never seen his assistants. But let's take the same in the state, I've seen those judges. I see our district attorney, I see the Bossier district attorneys, if you don't go to all these things, I see the sheriff there. I see his assistants. It proves that the elected officials and their assistants get out, get close to the people. Every commis-sioner of agriculture, every governor of the time...I think it's good. Now we're going to be a farmer and is a farmer. To be a governor, though, there's no requirement about you've got to be. You've got to be of a certain age and if anybody finds out you are not alive, you can't continue serving. That's the only thing. Locked in genius is no good. I don't care how good an appointment a governor may make, if the people don't get to know, people and find out what they need; he can be bril-liant; he can have the highest I.Q. or she can have the highest IQ, but it does no good. So I say let's keep this elective. Thank you.

Personal Privilege

Mr. W. Mr. Chairman and ladies and gentlemen of the convention, we have the honor to have visiting with us today a member of Parliament, Mr. Ernest Marples, who was appointed by Mr. Duplantier and a number of us who visited London this past year. He is returning the visit here in the United States with us. Mr. Marples has been elected to Parliament eight times. He has served two positions in the cabinet of Mr. Harold Macmillan and with Mr. Winston Churchill. I am at liberty to tell you that he is a very hard working fellow from a district that's two hundred miles outside of London and gets elected eight times. I told him that's pretty good. I wish you would join me in welcoming the Honorable Ernest Marples, Member of Parliament.

Mr. Henry I asked Mr. Marples if he would like to say a few words to the delegates and he has agreed to. He wants to talk about the watergate, Mr. Stagg, I believe

Mr. Marples Thank you so much for your kindness to me. I come to America frequently and see a number of very curious sights. I never quite know what's going to happen, but this time I went to Watergate. But I came to Watergate went to France and now in France they have certain rules about what they think is a scandal. They said that they criticized both Bush in America and Mr. Lambton of the government, for example, they talked to me about the Americans—now here the Americans are with a great scandal on their hands. They haven't handled it properly because there's no sex scandal. They're told this is uncivilized, because it's not giving the women a chance to say anything or do anything. Then they said about England—and there you have Jellicoe and Lambton who go out sleeping for the night. I'm told it was enjoyable and agreeable but I wasn't a witness so it's only hearsay. They went with two girls or one went with two girls and the other went with the girl. I don't know. It's rather confusing to get the facts because I wasn't there. I was with my own wife. She sees to that. Anyway, the point is, that you say that you like America, because if that had happened in France, both Jellicoe and Lambton would have been promoted at once.

All I can say is that I hope you will get over your Watergate troubles as quickly as possible because deep down in my heart I am as a politician I know that the government of the country will suffer if the Watergate affair goes on too long. We had this problem in England during the Profumo crisis. Ten years ago it dragged on and drooped on and the govern-ment of the day resigned. The Minister of Defence and Jellicoe and Lambton, it was finished speedily. I would say for God's sake and the world's sake, let's hope it ends speedily. Thank you for listening to me so patiently and so kindly.

Mr. Henry We also have some other guests here today that I would like to introduce at this time. We have Senators Schwartz and Wolf and Representatives Von Gohlen and Hale from the State of Texas. If you would, would you stand up in the back and I will ask that the delegates welcome you at this time. These gentlemen never went over to France in their time. They are about to commence a constitutional convention there where the Senate and the House will sit as the convention. They are over here observing our progress and organization, or lack of it, whatever the case might be. We're glad to have you with us.

Further Discussion

Mr. Roemer Mr. Chairman, fellow delegates, I rise to make a point of the amendment to continue to elect our commissioner of agriculture. I'm a duck hunter. That doesn't make me smart, but I do like to hunt ducks. One thing I learned is when you are at the end of the blind and you have to continue to, is that you are hunting ducks at a time. As far as I'm concerned, the first duck and
and the biggest duck and the duck that's closest to me is a fine duck of all's talk about this duck. One of the speakers that preceded me to this rostrum used the phrase, "any governor worth his salt. Any governor worth his salt will appoint a man, a woman and a child and a commissioner of agriculture. I submit to you that we've had some governors that weren't worth their salt. Chances are we'll have some more who don't measure very high up the scale. I ask my case with the people than with the governor. I don't care who the governor is friend or foe. Now, this, the people will have the right to set the duties of the commissioner of agriculture and so they will. It's also true that the people in this state have had the right to elect a commissioner of agriculture. The one thing give them new rights. It's something else to take an old right away. I think that's something we need to remember here if we decide to take away the right of the people to elect their commissioner of agriculture. Some of the speakers have hinted that may the commissioner of agriculture is not as important as it once was. In truth, it's just as important now than ever. Go down to the store and see what the price of meat is, if you can find it. Go down to the store and see if you can find the kind of food you want. Find. Let's talk about the price they do it. More than ever we need a man or a woman, a person interested in the consumer and the agricultural industries in this state. Speaking of people about the cabinet form of government. I think the jury is still out to hold and elect a successful form of government or not. Look at our national government. There are a cabinet of people about to elect a commissioner of agriculture. One of the people try to tell me that the best argument for appointing a commissioner of agriculture is Dave Pearce. I submit to you that the best argument for electing a commissioner of agriculture is Earl Butz, who's our national commissioner of agriculture. He is the very man in that administration is why you can't eat a pea today. You only bring your price you can afford to pay. Let's take a look at the facts in the situation. You know I'm familiar with the professionals, the people who get appointed, the pro's. They know more about programs than they do about people. We're talking about people here, not programs. I think people elect good people. Find and let's hire some professionals to get the program together, but let's get a man at the top a people man. Now, I'll close with this. Most of us here have more education than we do knowledge, and I'm one of those. It has me a little bit of a problem, and I think that we're elected by the public and we're elected to speak for the people who don't have the education and unknowledgeable speakers when they speak about elective versus appointive that they don't know what they're talking about. I hear the slogan, and it's not enough money, more land, more. Read a book by George Orwell. It's called Animal Farm. It's about slogans and people who run their life on slogans. It's about a farmer who lost his empire to the animals. The animals took it over and the animals elected the pigs to run it. The pigs ran it by slogans, seven of them. One of the slogans was, "All animals are equal but some animals are more equal than others". That's a slogan and they found out the pigs did, that the animals couldn't remember seven slogans so the pigs gave them one, "Two legs good, two legs bad" and the sheep were happy. I'm tired of the slogans. Let's look at the facts. People elect people. We can't have it any other way.

Further Discussion

Mr. Ginn Mr. Chairman and delegates, I rise in favor of this amendment, for the election of the Commissioner of Agriculture. Just a minute ago, I pointed out to Mr. Burns, I asked him if there were 372 families in the Farm Bureau Association of Louisiana, and he said that he was aware of that. Senator Rayburn he corrected me he said there were 560000 families, these are people, but families. That's including the wives and perhaps some 18 year old or older children. Just the other day on that phone over there the president of the Farm Bureau, Farmers' Association called me and asked me how I felt on this, and I told him.

He informed me that there are approximately 400 families in Morhouse Parish who are in the Farm Bureau, and they supported the election of the Commissioner of Agriculture. Ouachita Parish, 800 families, Union Parish, 350 families, and Madison Parish, 300 families and or voters. Every single time there has been an agricultural problem in my neck of the woods, they would rather have the Commissioner of Agriculture has come there and checked it out. I should think that we need an elected Commissioner of Agriculture to continue to take care of our agricultural problems. Thank you.

Further Discussion

Mr. Stovall Mr. Chairman, ladies and gentlemen of the convention. It seems to me that if we're going to make the right kind of decision on how many elected officials we're going to have in this state, we need to consider where we have been in the past and what our history is. When we do this, we discover that in the past we have had in the state government competing power structures for money, politics, the loyalty of the people. This has created duplication, overlapping, and by and large an inefficient system. We have not been able to conduct a successful election. Good people have been frustrated in their desire to bring about something better. I think, first of all, we need to look at the past, and with our system of many elected officials we have not been able to bring about the kind of efficient, honest government... after all, we've had many, many indictments and convictions of public officials. We need to move from our past to a new structure that will enable us to move into the new possibility for our state. What we need is a unified structure. It is not a question of giving a better government, police power, but rather it is a matter of providing a structure of government that will enable the chief executive of the state to administer the affairs in a responsible way. This, gentlemen, is the decision...ladies and gentlemen...that is before us. It is a question of whether we're going to have a unified system of administration or whether we're going to have competing structures before us. Now let me respond to some of you who say the people want to elect the people. I say, I suggest that what the people of this state want is a most efficient government. Many elected officials have not brought it about. What we need is a unified system. We are given the slogan, a more powerful. This is good, but we believe in a separation of powers. We believe the governor should have power to administer the affairs of this state. May I suggest to you that the interests of agriculture will be better served if the Commissioner of Agriculture is appointed for it will mean that the total power and authority of the state will be back in the program of agriculture presented by the Commissioner of Agriculture who has been appointed by the governor. It will not longer mean that the Commissioner of Agriculture will be in competition with others, but instead there can be a unified approach to whatever the needs of the state might be. In conclusion, I invite you to vote for the future possibility of Louisiana a Let us make Louisiana a better day...a bright future. Let us get beyond the conflicts that we have had in the past. Let us vote for an appointed Commissioner of Agriculture along with his other appointed officials that we might move forward into a new day, a new future, a new possibility for our state.

Further Discussion

Mr. Kilpatrick Mr. Chairman, fellow delegates, I rise in support of this amendment. I come from the rolling hills of north Louisiana, and as state Senator there I represent five parishes that are primarily farming in nature. The Farm Bureau, the Police Jury, the school boards, and many of our people there
have contacted me personally on this issue. This is one of the clutch issues and one of the clutch votes that the people feel that in this election to take to the people for their support. These people in north Louisiana want you to vote for this amendment to keep the Agricultural Commissioner elected. They don't want to give all this power to a governor. Any man who is appointed to a post can remain in that post as long as he's a good politician. If he is an elected politician he has to have to serve the wants and the needs of the people of this great state, from New Orleans to north Louisiana and from Texas over to Mississippi. Now, of course, we have a good cross-section of the people there in north Louisiana. We have the cotton farmer, the soy bean farmer. We need farmers. We have our own line of beef cattle farmers, peach farmers, peach, watermelon and poultry farmers. If we don't give the people of this state the opportunity to vote for this Agricultural Commissioner, I know and I've been told by the Bureau which is 39,000 plus families strong that they're not going to support this convention's charges when we support it to the people there. This is as important a taxing proposal as the one going to have and three dollar license plate. I urge your support of this amendment. It's very necessary for us to get something from the people that this is a part of the people in the state of Louisiana want. I'll rise to the question.

Question

Mr. Avant, Senator Kilpatrick, if the Secretary of Agriculture of the United States has been elected instead of appointed, do you think that we would have sold to the Communists every last bit of reserve wheat and feed grain that we had in this country's control, on better terms, than we can get at any bank? I don't care what your financial statement is, and then turn around and agreed to let them take that grain to the Communist countries in our own airplanes and our sailors lie idle in our ports?

Mr. Kilpatrick

Absolutely not, and that's a good point to bring out here. In closing I would like to say this, I think that I'm qualified to speak to you on farming, after all, I'm a planter myself.

Further Discussion

Mr. Lowe

Mr. Chairman, delegates to the convention, I hope that it's not often that I'll rise to speak to you. I recall that the last time that I came before you was at another occasion when I thought that the issue was an issue of independence. I think that I feel more strongly about independence than I do any other one thing, as far as state government is concerned. I often reflect to you some of the experiences that I've had, because I did have the experience of serving one term and voluntarily not seeking reelection. I think that it's because of some of those experiences that I had that I did not seek reelection and I wish that each delegate here that had not had that experience could at least have had one term in the state legislature before coming to this convention. I firmly believe that the key issue to the people of the state of Louisiana in this constitution is the issue of independence. If we can give them independence in state government, we've given them a constitution that will stand the test of time. I firmly believe that the history of success in government is a history of the limitation of the powers that are given to that particular government. I'm not here because I feel strongly about agriculture. I'm not here because I feel strongly about voting machines which I'm sure will come up with the next amendment. I am here strongly about independence. I believe that each delegate, as we consider amendments and proposals to this constitution will have to consider a textbook approach or a practical approach. This is what the practical approach is. There'll be times when the textbook approach is important. It is important to you and I as a textbook approach, to take a serious look at the practical approach of what we can do for the state of Louisiana. There's no doubt that elected officials are much more capable than the state constitution...give us a measure of independence that is impossible for us to get if we give that power to the governor or some other body in the state of Louisiana. Now, I opposed the second amendment, the second coming, and I opposed it because I felt that the state of Louisiana was not ready for it. I believe that the strength of it. There was already too much power for the governor. We haven't changed that drastically. Until we make some drastic changes that are going to bring about the idea of being able to leave in our constitution the little independence that we now have. I hope that many of you voted against the power that the officers were lumpy together. I hope that you are ready to consider them individually and to give us that independence that we have come here to assure the voters of the state of Louisiana that they would get from this Constitutional Convention.

Further Discussion

Mr. Schmitt

I've heard many good speakers up here today. Senator Rayburn, Buddy Roemer and many others and the people who support them. I'm sure that we're going to understand some of their points. Initially, I had conceived the idea that when we went through the legislative section we had granted more power and capability to the governor than we'd had before. After analysis of that entire section, in seeing the powers which we have granted to them in an attempt to balance their power with the executive, I really firmly believe that we have done this. In the executive department, according to the proposal which we have before us, many of the appointive powers of the governor will be reduced and the state would have him a lot of the power which he presently has. Right now, the governor has more appointive power than any other governor in the United States and most of my colleagues think that the power is that he appointed. Because the power is that we gave to those powers in the most important position available to him than even the President of the United States. However, subsequent to the adoption of the executive proposals, he will be reduced to that of having perhaps a few hundred appointments versus the approximately 2700 appointments he has at the present time. One of my initial reasons for being opposed to this amendment was because of the fact that I felt that this would destroy the accountability factor...that the Commissioner of Agriculture, by having an elective one, I felt that we left the farm...we didn't represent the interests of agriculture, that they could do nothing about him for years. That's why I believe that's still true and is still the case. Also, Buddy Roemer's comments with reference to the fact that the Commissioner of Agriculture should represent the consumer and that he should run state-wide. I really feel strongly about this too, because the consumer must be represented. I feel that if a person ran from the city and said that he runs for a strong consumer...he's a strong consumer advocate...and the farmer bedanned...that he can win, because he can get the votes from the cities. He can get votes from the urban areas, and he can beat the country boys. If he does that, you're going to hear hollering from the farmers. You're going to hear that Farm Bureau up there screaming to the convention about it, because that man's in for four years. You've created one of the most powerful...or you will be creating one of the most powerful positions that the state has and you have done that...who is a consumer advocate in the Department of Agriculture, who will he be representing? Will he be representing the farmer? Or will he be attempting to make the prices lower for the people in the cities? What's to prevent the cities from electing their own representative...from electing a man to to represent their interests? That's what we've done so far. That's why I can see the wisdom of Senator Rayburn's proposal, because he's giving a chance to the various groups to put aside the particular department. Maybe it's time for a change.
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When the people from the cities can take control and decide what’s best for the state, then the state will be in the Agriculture Department, maybe that’s what Senator Rayburn wants. For I’m sure that if you vote for this amendment that’s what you’re going to get, because I don’t think any of you would run for this position. I believe that I can get the support across state-wide, at least to give the man a run for his money. I’m a Republican, I’m a Democrat did the same thing and ran for the city, shame on you country boy, because you just aren’t going to make it.

Further Discussion

Mr. Smith Mr. Chairman, I don’t get up here too often, but when do I feel like I have something to say. However, I’m rather reluctant to follow all of this great oratory I’ve heard. I might say, I’m from the rural sections of Caddo Parish, I represent farmers up around north Caddo, but I haven’t had any of them to contact me on this particular thing to ask me to vote for it or against it. I’m voting as I see it. I’m not playing politics but I’m voting on each one of these amendments as they come up, and I’m glad they’re coming up individually. I vote yes or no and that’s it. Personally, I’m down here...this is my last, I guess, political job...I want to see a good constitution written. I’m sincere in that...a well-rounded constitution for the state of this. I think this is in this particular instance we ought to uphold this committee. When I was in the legislature we had committees. We sent acts to the committees for proposals. They heard them. They heard the witnesses. They were in a better position than we were here on the floor. They’ve come up omitting this as an elective job. I think that we ought to stay with them. I don’t think that the Commissioner of Agriculture needs to be an elective job. These men who got up here and talked for it, most of them are farmers, that’s fine, I like farmers, I’m one of these, but I feel like it’s no reason to have this as an elective job just because it is now an elective job. I feel like the ones they have recommended should stay in there, but I am going to vote as I see then on each one of these, but I think that the Commissioner of Agriculture is a job that should be appointed. As far as giving the governor more power, I’m not caring about that particularly...this may give him more. I say let’s uphold the committee on these things. I think it was a good committee. They worked hard, and I’m going to uphold them on making this an appointive job.

Questions

Mr. Munson Mr. Smith, I believe that you said a couple of times there that you believed in upholding the committee. Is that correct?

Mr. Smith That’s right.

Mr. Munson Well, how will you feel about upholding the Committee on Agriculture on their recommendation which voted unanimously to make this job elective?

Mr. Smith Well, I believe you represent the farmers and that hadn’t come out yet, but I’m going to uphold this committee because I think this was the right committee it was sent to.

Further Discussion

Mr. Shannon Mr. Chairman, ladies and gentlemen of this convention, you’ve heard a lot of oratory here for and against the appointment or election of a Commissioner of Agriculture. Much has been said that I considered one thing that I would like for you to bear in mind, this cabinet type government sounds good, but what is causing the price of foodstuff that you are buying today. It’s the outcome of a cabinet form of government. Our give-away of all of our surplus grain in this country and it was a give-away, and that is the root of the price increases that we are paying in this state and this nation today. I represent an area from north Louisiana, also...Caddo Parish, I represent a city district, wholly confined, within the city of Shreveport. But I have not lived in the city all of my life. I came up on a farm, and I know what it means to be a farmer. I know that the farmer is not the breadwinner in the family and you believe more than a great number of people today. I tell you, the farmer is the backbone of this country and when we get to the point where we cannot have anything to eat, then we will be in one bad shape. We are getting in that position now. In the next few years, there’s going to be a shortage of food in this country; no matter how much money you have, you are not going to be able to buy it. What good is the money going to do you then? I submit to you that the people are the best judge of the people that are going to send them that will submit to you and suggest to you that we vote to continue as we have now by voting an election for the office of Commissioner of Agriculture. Thank you.

Further Discussion

Mr. Thompson Mr. Chairman, fellow delegates, I rise in support of this amendment. First, I want to ask you the question and let’s bring it right home. There’s a whole lot of criticism about the hundred and thirty-two votes that seventy-three were appointed by the governor and just one hundred and five being elected. Supposed we had turned this thing around and had twenty-seven elected and one hundred and five appointed by the governor. How many of you do you think would be here, including myself? Let’s bring it right home. Let’s bring it to the ballot box, where Senator Rayburn brooked it to you. How many of you would be here if the governor was going to appoint you instead of the people back home that knew you and elected you? That’s what I want to ask. Twenty-seven of you would sure be here and maybe a few more. I’m sorry Mr. Stagg is not here, I’d like to ask him a question. How many of those people that we’ve been seeing on Watergate were elected? You think they’d stay there? No, they were all appointed people. The most standard government in the world is a dictatorship. How many of us want dictatorships? They don’t have all the troubles that we’re having in this country. They don’t have all the stealing, all the controls and everything else. They just tell you to go out there and grab a hoe and chop the cotton or the corn or whatever they’re doing over there. If you say anything about it, they don’t know what became of you. I say let’s don’t saddle our good governor with other headaches and this duties at this he ballot box where it belongs. I urge you to vote for this amendment. As it’s already been said, by Representative Munson, our constitutionally, and I think like we should have some say in this matter. They voted unanimously to make this elective. So, I urge each and every one of you to let’s get on with the show and let’s vote this to keep it elective.

Questions

Mr. Stagg Mr. Thompson, doesn’t the present Commissioner of Agriculture have a Watergate problem of his own?

Mr. Thompson Yes, he does; he’s got controls, and the people don’t want it.

Mr. Kilpatrick Mr. Thompson, where do you think the man who’s active in politics and business today is that doesn’t make a mistake? I usually have them, don’t I?

Mr. Thompson Right. All right. All right.

Further Discussion

Mr. Alexander Mr. Chairman, fellow delegates, I rise to oppose this amendment. I was born and reared in a rural parish in this state. The parish known as Terra-bonna, Terrebonne. Good land. At the time when I lived there, right around me, were some 20 sugar mills. Now, those mills have disappeared. In 1921, it was a constitution under which we live was adopted, this was an agricultural
state. Agriculture was the major industry of the state. But now, is that true? Let any proponent of this amendment, this amendment, come forward and contradict that statement. Further, I have heard some persons come before this convention, and in the years of the late President Roosevelt, becloud the issue, by raising extraneous issues. There is no relation between what we are doing here and what is going on in Russia or the wheat sale. Let me go a little further as I move on with this. In 1921, when this constitution was put into effect, the major traffic arteries and highways of this state, the farmers and the agrarian and the highway system, was in place. But did we remain in the horse and buggy age? No. You can hardly find a horse and buggy on the highway, or even on a back street. I submit to you today, that the farmers are not the problem that it was in 1921 when he had to control insects, where there’s a matter of increasing production, when there’s a matter of mechanizing his farm. Sure, we needed a Department of Agriculture at that time, but now there is no more agriculture. These farmers to whom we refer now don’t call themselves agriculturists. Go on to any college campus and you will hear the term “agribusiness.”

Now, where are the agriculturists? You know what the problem is? Not what the farmer produces. I don’t pay prices for sport, the farmer’s price has gone up, but I submit to you that the price of the what the farmer receives for his 500 acres of land, you are paying as a consumer, is widening all the time. So, that’s what the problem is. So, we don’t need a Department of Agriculture, as such. But we need it combined with the Department of Commerce. We need it combined with the Consumer Affairs Department, so that the farmer can get more for his products and the middleman will not be able to siphon-off, the processor will not be able to siphon-off, all of the money that leaves the farmer hopeless, defeated. So, ask you let us move into the 20th century. Let us appoint the Agriculture Commissioner so that he can work with all the other agents and all the other units of government. So that the agriculturists, the Agriculture Department will not be out there alone as they have been, because the state is not an agricultural state any more but an urban state and the agriculturist needs the big city, the urban dweller, the urban dweller... let’s defeat this amendment.

Further Discussion

Mr. Alarico Mr. Chairman, members of the convention, I stand to support this amendment and to support the rest of them following because I believe we face the issue now on a new favor of elected officers, officers that have to answer directly to the people, or an office that answers not to the people. I’ll never forget the day I stood in the House of Representatives on my first day and took the oath of office, an oath that you and I took here in this same convention, which in part said, “that I will faithfully and impartially perform the duties of my office to the best of my ability and understanding, so help me God.” And as I sat in that plusher chair in the House of Representatives, after taking that oath of office, I thought to myself, what a great state I live in, what a great country I live in, that the son of a poor fisherman and grow up in this state, be educated in his public school system, have the opportunity to work in the shrimp factories and the shipyards during the summers to get enough money to go to college, and to finish that education, and then to be elected by the people that he has lived his life-time with, to be in that great hall to represent them. As I sat in that chair, I thought about those people knowing that they are one of the most important to answer to. Those are the only people I’m having to answer to, not to one man, I want to do the job that they have put upon me to do, I must ask you this state how many sons of poor fishermen, how many sons of poor farmers, how many sons of poor laborers in this state, are going to ever be appointed to positions in this state? They are going to happen, and it’s political reality. Who’s going to make a deal to be appointed to an office to run in the state, not appointed to an office to run in the state, not appointed to an office to run in the state...

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Mr. Cowen Mr. Alarico, we’re talking about elected and appointed officials. Maybe this should be addressed to the Chair. I understand this as a question as to whether it’s a constitutional office or not. Is that not what we’re talking about?

Mr. Alarico Yes sir.

Mr. Cowen Shouldn’t we address ourselves as to whether it should be or should not be a constitutional office?

Mr. Alarico Mr. Cowen, I saw this issue as the beginning of letting you know we’re preparing this amendment to go on record as being for what the people want, and that is to let them elect their officials. Mr. Cowen Don’t you think, though, that perhaps it could be and should be a constitutional office, but the question will come up as to whether he should be elected or not may be two different things completely? Isn’t that true? Should we regard them as two different things? They should be constitutional, I will agree. Maybe whether we want to elect them or not is a different thing.

Mr. Alarico I saw the issue as whether you would be deciding whether it would be elective or not.

Further Discussion

Mr. Duval Ladies and gentlemen of the convention, I realize that at this point are not really listening and that this is an issue either you’re for it or against it. I believe the groundwork of deciding whether this convention wanted to go on record as being for what the people want, and that is to let them elect their officials. Mr. Cowen You and me. Here we are in writing a constitution. Presently, the governor appoints the head of the division or the inspectors, an extremely important and vital function and it deals with money and we
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can elect everybody, if they don’t have any money, they can’t do anything. Wildlife, and I’m very interested in wildlife, being from Terrebonne Parish, but it’s functioned very properly. It’s right out of our Denison line, Terrebonne Parish. Conservation, the Conservation oil, again, appointed. Forestry and collector of revenue, the man who collects the revenue, and we have a very fine one. Health and Welfare who deals with human beings dollars and cents system the executive is appointed. The reason why, and these people have two feet, not four, the reason why this works is because the people elect the legislators as they should represent the people and to make the laws. The laws are made by the legislature. They elect their judges to interpret it and the executive is supposed to support it. One final point: the election is the governor. He is the man who has to run it, and if everybody is elected, like the people I mentioned, there is no way the governor could run the executive. You’d have a bunch of little kingdoms and total, mass pandemonium. That’s a fact. This is the reason the other positions I mentioned are appointed and they have worked quite well, actually. In most instances, although nothing is utopian, and nothing we do here is utopian. But the fiscal election is governor. You go talk to the people, we’re not talking about government, we know who they’re voting for governor, but you talk to ninety percent of them and they don’t know a damn thing about what the commissioner of agriculture does. I guarantee you I would also like to point out that in Terrebonne Parish we have a lot of farmers. We talk to these farmers and they say “I want a barber getting elected, the citters might elect some barber.” I’d like to at least have an intelligent deliberation where a farmer can get appointed. I’d like to also point out this, that in our proposal, the executive committee proposal, we elect a treasurer who controls the money, the attorney general who is your law enforcement officer, and the secretary of state. These are the basic functions of state. In order to allow the governor to properly run the state, if you elect all of these officials there is no possible way that he can. Of course, I’m going to adopt this argument for all the other titles so I won’t have to come up here again. But I think we should deal in facts. We should look at the present appointments that the governor has which serve a great function, equally as important as agriculture, if not more so when you’re dealing with oil, all your wildlife, your money, your collection of money, your health and welfare, all these are appointed and working quite well. The governor has to administer the executive department and he cannot, otherwise. Therefore, I urge you to reject the amendment.

Questions

Mr. Burns Mr. Duval, you mention in support of your argument in favor of the adoption of this amendment that the governor had the authority to appoint the head of the Department of Health and Welfare. Is that correct? What was the salary of that head of that department when he made that appointment? Do you know?

Mr. Duval I don’t recall what it was, no sir.

Mr. Burns Do you know what it is today?

Mr. Duval It’s over fifty thousand dollars as I understand it.

Mr. Burns Do you know that it’s been increased about three times since he was appointed last May?

Mr. Duval In order to get a competent medical doctor to do it, I think it’s highly reasonable.

Mr. Burns You think that that’s a good system of

Mr. Duval Well just let me tell you, it’d be hard to find a doctor to run for eighteen thousand dollars a year to run it. I guarantee you.

Mr. Roemer Delegate Duval, do you mean to tell us that oil is more important than food?

Mr. Duval Sir.

Mr. Roemer You said that oil was more important than food, if I understand your speech.

Mr. Duval Well you see oil produces money which buys food, and without it you can’t, you know, it’s hard to buy.

Mr. Roemer What if you’ve got all the money in the world and there’s no food to buy? What are you going to do then, Mr. Duval?

Mr. Duval Well I think by appointing the commissioner of agriculture you’re not abolishing food, Mr. Roemer...

Mr. Roemer Well I hope not, but I think that’s a possibility.

I have another question, Mr. Speaker.

Mr. Duval You elected him and now we’ve got a food shortage. I don’t understand.

Mr. Roemer You gave us the definition of the attorney general’s job and the governor’s job. What’s the definition of the lieutenant governor that the committee also recommended that we elect, and the secretary of state?

Mr. Duval That’s prescribed by law.

Mr. Roemer Oh, I see. That’s your answer.

Mr. Duval Yes sir.

Mr. Roemer Thank you.

Mr. Duval That’s the truth.

Mr. Reeves Stan, is your contention that all appointed officials are more efficient than...or appointed officials...

Mr. Duval No, that’s not my contention at all. I didn’t say all appointed officials...

Mr. Reeves Okay. Appointing officials would be more efficient in government than elected?

Mr. Duval Within the executive branch I think it enhances the efficiency of that department in order that the man who is the focal point...

Mr. Reeves Would you not...

Mr. Duval I’m trying to answer your question. The man who is the focal point of that election, the governor, is unable to actually run that department rather than have a bunch of little kingdoms...

Further Discussion

Mr. Burson Mr. Chairman, ladies and gentlemen of the convention, I rise in opposition to the amendment because I have probably thought about this particular issue more than most of you here. I represent a predominantly agricultural district, but I want to tell you why I have come to the decision that I have. It may not convince anybody but some of the thoughts may interest you. I hope they do. First of all, we are not talking here about whether elected officials are inherently superior or inferior to appointed officials. I think we will all agree that in our governmental system there is room and a need for both. There are some positions that inherently require a professional expertise of the sort that may well be better served by appointing people in the executive branch, primarily, than they would by elected people. Let me give you an example of what I’m thinking about. Suppose you’ve got an executive branch of the government that involves qualifications for
a chemist. Certainly you would not want to leave that position open to anybody who comes in off the street. Now I think that the expertise required for agribusiness is much more than that. I will give you an example right here in Louisiana. It is my own private opinion that the LSU Agricultural Extension Service has done more for agriculture in the state in one position than the Department of Agriculture does in a year. I would invite discussion with anyone on that point. The LSU Agricultural Extension Service is staffed by professionals who are lifelong career people in the field of agriculture. It seems to me that if we're really concerned about the future of agriculture in this state, that we'll devote our efforts to defining in the article on agriculture and natural resources, qualifications for a future secretary of agriculture. I submit to you that having a properly qualified man and qualifications perhaps set out in the constitution, as Mr. Cowen, I think, tried to raise the point in his question a while ago. You don't have to have an elected office to have it in the constitution. It's entirely feasible, and I would like to see it proposed, that we have not yet read the committee proposal, that we would have qualifications for a commissioner, or whatever position set out. That would not necessarily necessitate that he be elected. Now, would the election to office necessarily insure that a farmer or a county agent of the proper qualifications be appointed to this office? Not at all. As I see the present population trends in this state, it's far more likely that somebody from the garden district or some other section in New Orleans who may be a prominent man in the community and quite an able man, but knows nothing about agriculture decides that he wants a state office. If he gets out and runs for the office of commissioner of agriculture, he may very well get elected just because there are some voters who live in that metropolitan area than live out in the country. It's as simple as that. So I submit to you that maintaining this office as elective may very well, in the end, defeat what should be our primary aim. That is to have someone in office who is a qualified man in the field of agriculture. That is the primary reason that I am going to vote the way that I am going to vote on this issue. Now it's been brought out that we've had cost increases in agricultural products because of poor national policy. That may be true, but it seems to me that those of us who are legislators and concerned with the rights of the consumer that we have had two milk price increases proposed in this state in the last year. We've got one of them in the correct contract flow and another one. So I don't think that having an elected secretary of agriculture is going to say anything one way or the other about the actions of that man on price increases.

Further Discussion

Mr. Segura Fellow delegates, ladies and gentlemen, Mr. Chairman, most of you know me as an architect and a businessman, but I was born and raised on a farm. Like Senator Rayburn, I've looked at the north end of a south bound mule. I've had to quit college three years in a row to help my father with the sugarcane harvesting. I own and operate a sugarcane farm. I grow rice on my land. I raise cattle. I raise horses. So I'm speaking to you right now, not as a delegate, but as a farmer. I want to tell you that the farmers are not unanimous in wanting an elected commissioner of agriculture. I, for one, am advocating an appointed commissioner of agriculture because I can see the day, and it's coming very soon, the big capital city people who live in the cities. More people who are consumers of the farm products than there are farmers who produce the products. I don't think anyone will get elected to this important position to the farmers who does not have the interests of the farmers at heart. Just for an example, take the man like John Schwenk, who is the Illinois, I believe, if he runs statewide, and he can afford to do it, on the principle of lowering the milk price, this man probably would get elected overwhelmingly, and has no interest of the farmers at heart. So I am asking you to think of the farmers. If this commissioner of agriculture could be elected by only producers who wish to be farmers and farmers who wish to be farmers could vote and elect this man, then I would say he should be elected. But that's not the way out state government is set up. This position is getting in jeopardy. You gentlemen who are farmers and who have spoken for an elected commissioner, I think you should take a second look at it because if you are a good farmer, that you would want the good of the farmer, you would want this position appointed. I think you'll end up with a better man. Thank you.

Further Discussion

Mr. Drew Mr. Chairman, ladies and gentlemen of the convention. I'll be very brief, but it appears that we've put this whole thing out of perspective because all debate has been on the question of whether you wanted an elected commissioner or an appointed commissioner. Section 2 deals with that problem. Now what you are doing here is determining and your vote will determine whether you want a commissioner and Department of Agriculture. I have not heard anyone who said they were opposed to that concept of having a commissioner of agriculture. That is what this amendment does. It puts a constitutional safeguard there would be an elected commissioner of agriculture and nothing more. Nothing more. When we get to Section 2 as to whether it will be elective or not, that is time for a separate vote at that time. I grant that if this amendment is defeated, the opportunity to vote on appointive or elective would be denied. But right now, I don't think anyone in this convention is opposed to having a commissioner and Department of Agriculture. That is all in God's world this amendment does. I ask you to support the amendment.

[Previous question ordered.]

Closing

Mr. Derbes I'd like to yield to Mr. Munson.

Mr. Munson Mr. Chairman, members of the convention, I don't know of a great deal that I can add, really, that hadn't already been said by the proponents of this amendment. I would like to Reverend Alexander, you said a moment ago that you would ask someone to come forward and contradict your statement. I want you to know that here I am. I do very emphatically state that the yields being increased in Louisiana is by far the biggest business in Louisiana. There is no question about this whatsoever. I'm not going to take but just a few moments because as I said much has already been said by better speakers than I am. A few moments ago when I was up here Mrs. Taylor asked me a question and I ran out of time. I'm not going to yield at this time. Reverend, when I get through, I will. Mrs. Taylor asked me some questions as to the duties of the Department of Agriculture or the commissioner of agriculture. I want you to know that the Louisiana Department of Agriculture, ladies and gentlemen, affects every man, woman and child in this state without exception. In that department we have the Department of Consumer Affairs. Several speakers have mentioned the consumer. Department of Agriculture does have the Department of Consumer Affairs. To name a few things other than that, it regulates the composition, for instance, of fertilizer to see that the farmer, when he buys a sack of fertilizer, gets what he pays for. It regulates storage in all sorts, more particularly by importer and that that farmer, when he buys any kind of seed, gets what he pays for. And Mrs. Consumer, he has the job of insuring that the citizens of this store in this state to see that when you walk out of that store, there's not someone's thumb laying on it, and you're getting what you have paid for. Checks all the sanitary conditions and sales in all of our livestock markets. Checks on plant diseases that are hauled from one end of this state to another. Checks on meat, milk and poultry products.
to see that the consumer is getting a fair shake and that you are getting a good product. And as I have already said, our most valuable products, nationwide and worldwide. Mr. Drew brought up a very good point. We have amendment to the section that says something to the effect that is it not to be elected. This merely puts it in the constitution. I haven't heard anybody argue against it being a constitutional office whether it was elective or appointive. When we get to Section 2 or 3 whichever it is, there will be amendments to add it to the elective offices. Mr. Burson, a good friend of mine, is opposing this. I would like to remind Mr. Burson of what someone said here the other day. That the delegates to the convention weren't running for anything. We're not running for reelection, which Mr. Burson, may be a good thing. I have use the St. Landry Parish Farm Bureau is, I believe, the largest in the state. And Mr. Segura, if Mr. Schwengmann runs for this office, you have listed a load of reasons for you to vote against him. If there are any questions, I'll try to answer them. Ladies and gentlemen, let me beg of you to go along with us and let's keep this office close to the people and let's keep it elective.

Question

Mr. Alexander Mr. Munson, remember my statement was that agriculture is not as large as industry because when...

Mr. Munson That's where you and I differ. In Louisiana it is.

Amendment

Mr. Paynter Amendment proposed by Mr. Derbes.

Amendment Noted. Page 1, line 18, to the word and punctuation "treasurer," insert the words and punctuation "custodian of voting machines".

Explanations

Mr. Derbes Ladies and gentlemen and Mr. Chairman, I didn't have strong feelings one way or the other about the commissioner of agriculture. This thing, custodian of voting machines, does not belong in the constitution in any way, shape or form. My basic notion, and I don't know how many will agree with it or not, but that when I start voting on these matters that are going to go into the constitution, that we're going to dignify with constitutional sanctity, then I want an officer that develops statewide policy. If you can show me an officer or an office that develops statewide policy, then I am going to generally stand for that office being in the constitution and for getting those people by the people's vote because I'm one of those types of democrats. But the custodian of voting machines and that office is nothing more than a ministerial type of office. He does other than the law tells him to do. It does not deserve constitutional sanctity and I wish you would vote against it and take it out of this present amendment form. Thank you.

Further Discussion

Mr. Roy Mr. Chairman, ladies and gentlemen of the convention, if I'd known that I was going to miss out on the Emmy by just 8 votes at it, I think I could have remedied that. In any event, I've heard a lot of rhetoric and I voted for constitutionalizing the commissioner of agriculture. This thing, custodian of voting machines, does not belong in the constitution in any way, shape or form. My basic notion, and I don't know how many will agree with it or not, but that when I start voting on these matters that are going to go into the constitution, that we're going to dignify with constitutional sanctity, then I want an officer that develops statewide policy. If you can show me an officer or an office that develops statewide policy, then I am going to generally stand for that office being in the constitution and for getting those people by the people's vote because I'm one of those types of democrats. But the custodian of voting machines and that office is nothing more than a ministerial type of office. He does other than the law tells him to do. It does not deserve constitutional sanctity and I wish you would vote against it and take it out of this present amendment form. Thank you.

Mr. Alario Mr. Roy, where would you have this function performed if you eliminated it were a state-wide elected office?

Mr. Roy Well, it could be performed just as it is now by statutory law. All I'm saying is that it does not deserve constitutional dignity, and it should be performed either the secretary of state, who in turn, really, is in charge of elections in any event. All the custodian does of voting machines, this, the care of them and sees that they're at certain places at certain times. He develops no policy.

Mr. Alario You don't see, then any conflict in interests in the person that certifies the results of the election also being in charge of the voting machines?

Mr. Roy Absolutely not.

Mr. Anzalone Mr. Roy, you said a few minutes ago that you would vote to keep in the constitution people who make decisions, policy making decisions, on a statewide level. Is that correct?

Mr. Roy Generally, yes.

Mr. Anzalone Could you tell me what policy decisions on a statewide level the secretary of state makes?

Mr. Roy Well, the secretary of state, of course, is not only in charge of implementing all the election laws and what have you, but...

Mr. Anzalone Mr. Roy, you set the criteria; I didn't.

Mr. Roy Mr. Anzalone, I thought that was so obvious with the rest of the delegates felt you wouldn't need any enlightenment on it. But in my opinion, the secretary of state historically has been a constitutional office. That's one thing and I think tradition is an important matter here. This office of custodian of voting machines was only constitutionalized some several years ago as a result of a political fracas and that's why I'm opposed to it. But that's not the issue. If you want to ask me what about the secretary of state, the issue right now is the custodian of voting machines, in my opinion.

Further Discussion

Mr. Jenkins Mr. Chairman, delegates to the convention, a few years ago I had some friends of mine from out of state who the results are tabulated, they had been driving through and it was at election time. They said you know we heard about Louisiana politics before we got here, and we knew you had a lot of problems. But we saw a sign on the road over here that really made us understand why you have problems. And what they had seen, they had seen a sign for some running for custodian of voting machines. They said, you know where we come from in our little community we elect the dog catcher, but not yet do we elect the custodians for the difference between. He had seen a sign that said Doug Fowler, Custodian, and they thought we were electing janitors. Well we haven't gotten to that point, but the point that I want to make is this, the custodian of voting machines has been much criticized as an elected official. But there is merit and value to having him elected and I want to point out why. Our election process is the key to winning our whole state. And in this election process, the result are tabulated by the law tells him to do. It does not deserve constitutional sanctity and I wish you would vote against it and take it out of this present amendment form. Thank you.
When the functions of this office was under the secretary of state. I can recall when the legislature took those functions from the secretary of state. It was submitted to the people by way of constitutional amendment. And the people overwhelmingly voted to make that a constitutional office and elect him for four years. This is just recently, so I would ask that you yield to the expression of the public in this state, they have spoken in my judgment, their views on this particular office, and that you retain it as a constitutional elected office in state government.

[Previous Question ordered. Record vote ordered. Amendment rejected: 54-60. Motion to reconsider tabled.]

Amendment

Mr. Poynter Amendments proposed by Mr. Derbes. On page 1, line 18 after the word and punctuation "treasurer" insert the word and punctuation "commissioner of insurance.".

Explanation

Mr. Derbes Again this amendment merely inserts at your pleasure an office left out by the committee's proposal. I personally feel that the office should not be in the constitution and I urge you to defeat the amendment. I understand that the legislature has in fact abolished the office, so this was not... as I understand it this was not in any of the original amendments but I thought as a matter of completeness and thoroughness that we should give you an opportunity to vote on it. Thank you.

[Previous Question ordered. Amendment rejected: 14-96. Motion to reconsider tabled.]

Amendment

Mr. Poynter Sent up by Mr. Derbes. Amendment No. 1. Page 1, line 18 after the word and punctuation "treasurer" insert the words and punctuation "commissioner of insurance."

Explanation

Mr. Derbes Well, of course this restores to the committee proposal the commissioner of insurance something that I think we should consider independent and that is the function of the state. I frankly haven't made up my mind on it and I would like to hear some discussion. I have nothing further to say.

Point of Order

Mr. Perez My question is whether or not a person who says he is a proponent gets up and then says he doesn't know whether he is voting for or against and a proponent has the right to close as to whether or not we are not doing an injustice to a proposal unless that party who is supporting the proposal has the right to close. My point of order is. Is the motion or the proposed amendment in order by a person who does not know whether he is in favor of that proposal or not?

Mr. Henry I think that Mr. Triche proved a long time ago, that a man is entitled to change his mind when he gets up and handles a bill or an amendment but what's happened so far Mr. Perez, is that the gentleman introduced the advice and then he allowed a proponent to close and I would assume he would do that on these.

Mr. Perez That is the reason I raised the point of order hopefully that a proponent will...

Mr. Henry I think we will have to have a proponent to close on it, and I don't think Mr. Derbes would do anything but agree to that.
Mr. O’Neill  Mr. Chairman, members of the convention, I think that we have proved to the saying, that about fifty-four or fifty-five of us strongly feel that all of these people should be elected in the constitution. I simply want to point out to you that we are not voting on the personality, who’s in the office, at this moment, nor are we voting who is governor at the moment, nor who will do well. I think we got that out of the way that a couple of the officers combined spent only one-half of one percent of the total state budget. Well, do you know how much the people of the state of Louisiana spend in their insurance? They spend two billion dollars a year on insurance. That is the total amount of the whole state budget combined. Personally, I would favor abolishing the insurance rating commission and being able to elect a commissioner of insurance. And I think that if the people had this as an alternate they would overwhelmingly vote to keep the insurance commissioner elected. Those of you who feel that may be this isn’t worthy of constitutional status, I want you to think twice before you vote against this amendment. The people of Louisiana have faith in our current commissioner and as long as they have the right to elect a commissioner they will turn on him if they don’t. Remember two billion dollars a year for insurance in Louisiana. Do you want an appointee, then probably an insurance man taking care of these and setting rates for insurance are not voting the people want? Thank you.

Mr. Stinson  Mr. O’Neill, don’t you think the fact that the present commissioner and the present governor are due to the influence of the people have profited and found out a lot of a tax that they didn’t know about the insurance matters that they would not have found out if the governor had appointed and thereby the quiet act on his appointee? Mr. O’Neill  Mr. Stinson, I agree wholeheartedly and I would like to add to that that they turned out the previous insurance commissioner because I think they found out a little more than they were supposed to know about him.

Mr. Nunez  Mr. Chairman, and members of the convention, I believe this position is an important position to use the phrase that has been used on television recently in this point in time to be elected as governor of the state of Louisiana. I think the people have proven that in the past elections. I think Mr. Bernard has openly admitted the reason why he is insurance commissioner today is because his name begins with a “B” and he was the first man on the ballot. And the people voted for him because they voted for a change and they voted for a change because they were dissatisfied with their insurance rates; just basically that’s it. Their rates are too high and they want a change. Now I don’t know whether that change and those rates will be improved by Mr. Bernard’s presence there but I think he has made an effort to do that and I think if in fact the truth comes out that the insurance commissioner doesn’t make the rates, that the legislature in return will have to abolish the rating commission and then the insurance commissioner will be responsible for rate making. And I think this is the ultimate goal that we should be trying to reach. I believe that this position, insurance commissioner of the state of Louisiana rating commission, next important, is a vitally important position for the people of this state and I think if we abolish it and allow the rating commission and the appointed people to think and keep on making as I have known and time again but I think we should say it because I believe that it is true, I believe we jeopardize seriously the passage of this constitution that we submit to the people. I think it is vitally important that we leave this position of insurance commissioner, just as important an election as the commissioner of agriculture and just as important as we have the other five offices, I believe that this position is vitally important to the people of this state because I don’t think there is any issue that I feel, if I read the people right, and I believe I do, I think it is insurance rates. And I think the present commissioner has got the sentiment of the people that he is trying very hard to lower insurance rates and I think him in time, he will lower insurance rates. But I think that the present commissioner must be re-elected in the fall or he must be re-elected at some time in the future. I would plead with you to go along with this position and keep it in the constitution. I think that the people have spoke time and time again on the proposition and if we take it out, we jeopardize what we are trying to do, so I would ask you to go along and keep the position in the constitution and keep it elected.

Mr. Wall  Senator Nunez, I variance in one remark you made about the legislative abolishing the insurance commission当作 Commissioner and this is the first time you have ever introduced any legislation as a member of the House or Senate to abolish such rate making bodies? Mr. Nunez  Yes, sir and I voted for it too. Twice in the past session, I would like to know how you voted.

Mr. Wall  I am not allowed to answer.
people of the state and you and all of us a favor. So I urge you to select and elect and vote for the elected commissioner of insurance.

[Previous question inserted.]

Closing

Mr. Darby. Mr. Chairman, I waive in favor of Mr. Alario on the closing.

Mr. Alario. Mr. Chairman, and members of the convention, I find myself standing before you rather nonchalantly for the last time but I felicitous-ly at that time for the agriculture commissioner. I feel so strongly for each of these offices, that I think that I must come before you in what I consider one of the most important offices that we have in the state at this time. When I ran for office last time the big cry in this state was that the taxes have been raised on the people and they were very high and had more than they could afford. At the same time we saw an insurance commissioner thrown out of office because the people also expressed themselves that insurance rates were too high. They were having to pay too much for automobile insurance, sky-high rates. I suggest to you that if we allow this important position to be appointed that we are going to be opening the pocketbooks of our people even wider than what they are now. I am mighty afraid that these giant insurance companies through this state are going to do what many people I see around racetracks do, bet on every horse to make sure they have got a winner, to impress someone; and when they do that they are going to make sure that they have laid themselves in a position to have their man elected or their man appointed rather to the insurance commissioner's job, a job that should be responsive to the people. Presently, the people of this state are paying some two billion two hundred million dollars in insurance premiums; you know that is three times the amount of personal taxes that are paying the state to the federal government. That is more than the combined amount of sales taxes and income taxes and alcoholic beverage taxes, public utility taxes that they pay. Three times as much. It's a big office in the proper and then to the pocketbooks of this state to let it be appointed. Let's cast a good vote for the people of this state and vote for this amendment.

[Record in order. Amendment adopted. Amendment inserted.]

Amendment

Mr. Paynter. The next amendment sent up by Delegate Darby is as follows:

Amendment No. 1. On page 1, line 18 after the word and punctuation “treasurer” insert the word and punctuation “superintendent of education.”

Explanation

Mr. Darby. Mr. Chairman, delegates, I wish to speak to you on the election of the superintendent of education. Of course you know that education is my profession and I would be remiss in my duty to my profession if I didn't come before you and tell you that every teacher that I have spoken to and I speak to all teachers of the state in my duties with the state association, all teachers wish the superintendent of education to be an elected office. Therefore, I wish that you would consider the will of so many teachers. Teachers who have families, teachers who have families, look up to them to take decisions about such an office as the superintendent of education. Thank you.

Questions

Mr. Lobb. Could you tell me why this particular provision has to be in the executive department proposal, that this not be properly considered in the education department proposal?

Mrs. Corne. Well, of course as an educator, I feel that the department of education is one of the or if not the most important department of the state and I think it should be considered at this time as well as in the Education Committee.

Mr. Stovall. Mrs. Corne, are you in favor of an elected board of education?

Mrs. Corne. I think that the Committee on Education had a very good plan in that the board of education would be a combination, appointed and elected board.

Mr. Stovall. Are you in favor of an elected board of education, Mrs. Corne?

Mrs. Corne. I am very much in favor of an elected board of education and an elected superintendent of education with the responsibilities well drawn for each.

Mr. Stovall. Mrs. Corne, if you have an elected board of education, are not the people represented and do they not have the opportunity to express their wishes if you have an elected board of education?

Mrs. Corne. Reverend Stovall, I do not wish to put any tilit on representation of the people.

Mr. Stovall. Thank you.

Point of Information

Mr. Bollinger. I have a question of the Chair, Mr. Chairman. I think it is a problem with all of the delegates that the decision is going to be made once we decide how the state board of education is going to be set up, if it is going to be elected or appointed. And first it is not my intention to go into great detail of what kind of office our state legislature would like to know if it would be in order to move that we pass over this particular office until that decision has been made by the convention.

Mr. Henry. Well, you would have to pass over the whole section, but you understand that it appears to me that you are just talking whether you are going to list right here this superintendent of education as one of the members of the executive branch in this particular section rather than whether or not you are going to elect or appoint. So I think your question is sort of moot there, Mr. Bollinger.

Further Discussion

Mr. Burns. Mr. Chairman and fellow delegates, my explanation will be very brief. You will recall I appeared here and spoke in favor of the election of the commissioner of agriculture and I mentioned at that time there were two offices that I thought was the closest to the people and that was the commissioner of agriculture and the superintendent of education. Between the two, I think the superintendent of education is much, much closer to the people than the commissioner of agriculture, you approved his election by more than a fair majority and I ask that you do the same thing with reference to the superintendent of education.

Further Discussion

Mr. E. J. Landry. Mr. Chairman, and member of the delegation, if there ever was a time that I felt it was a privilege to talk to you, this is it. I have experienced the turmoil that has taken place over the year of being in the educational field over a period of forty-six years on this issue. Every superintendent that I can remember ran on the platform of an appointed superintendent. Every superintendent that I can remember ran on the platform of an appointed superintendent. Every superintendent that I can remember ran on the platform of an appointed superintendent. Every superintendent that I can remember ran on the platform of an appointed superintendent. Every superintendent that I can remember ran on the platform of an appointed superintendent. Every superintendent that I can remember ran on the platform of an appointed superintendent. Every superintendent that I can remember ran on the platform of an appointed superintendent.
In my area. And if there is one issue, one strong issue that needs to be considered in this, the elected superintendent in the state of Louisiana is the way to go.

Further Discussion

Mrs. Warren Mr. Chairman, and fellow delegates, I hate to come before you again, but this is something that lies closest to my heart than any other thing in this convention. And there are many that touch me closely. Two ministers got up and spoke some time ago and I agree with them. Mr. and Mrs. Corne got up here and she mentioned the teachers and their connection with them. I would like to say to the teachers that I think both systems are good problems and the State of Louisiana on that, I would like to say to them. And as Mr. the Board is going to meet at the same time whether they would be elected. However, as to my recommendation, I am on the State Board of Management and I have contact with parents and teachers all over the state of Louisiana. We would prefer an elected superintendent and we do want it in the constitution. I am going to ask you at this time, would you think about it. I am not here representing myself and if anybody has any questions to what I feel about it, have feelings about it but my chief concern is what the people feel about it. So I urge you to vote for this amendment.

Further Discussion

Mr. Slaughter Mr. Chairman, and fellow delegates, I am a little bit confused as to what we are really voting on at this time. I heard Mr. Stegh when he got up here say that he was voting for these offices which is also for these offices at the same time whether they would be elected. However, as Mr. Drew pointed out in the commissioner of agriculture, Section 3 deals with which offices are elected and as I understand this provision it is which offices are going to be constitutional offices. I certainly think the commissioner or the superintendent of education should be a constitutional office, but I hesitate to do anything with some of the other speakers as to whether it should be an elected office. Our committee has proposed both, an elected state board of education and an elected superintendent of education. I personally believe that this has not worked in the past and it will not work in the future where you have two elected groups accounting for one particular subject. If this convention votes to support an elected superintendent of education, then I think we ought to have a state department of education and no elected board of education for elementary and secondary education. On the other hand, if you vote for an elected board of education, has been recommended by the Committee on Education, then I think the superintendent should be appointed by the governor but by the elected board. And I think that is the difference, the governor will not appoint, the elected board of education will appoint. Thank you, Mr. Chairman.

Further Discussion

Mr. Robinson Mr. Chairman, and delegates, educators and good conscience can advocate both an elected and appointed superintendent. I, myself, have in the past waivered between these two positions or two systems. And actually I do agree with one or the previous speakers that we are probably wrong in making decisions at this point, an isolation from a discussion of the structure of public education. Nevertheless, the issue has been raised and we must. Suppose, resolve it. I know that the immediate issue is whether this should be a constitutional office. I certainly think that the office is important enough to be in the constitution. The pattern of the basic argument in favor of the appointed one is something like this. You are going to have yourself a board of lay citizens, this board represents the public interest, and it is responsive to the people, and this board shall have an administrative officer to advise it and to carry out the policy determinations made by that board. But I think what we have in this ideal is a situation is most likely to break down in truth the board is not fully responsive to the people. If it is an appointive board, as most state boards of education are, it is probably more responsive to the appointing authority than it is to the people. If it is elected, which not too many are in this country, the members are likely to be the voters from districts than from districts and for overlapping terms. In either case the meetings of the board are held far from where most of the people live, the people don't know the reasoning of the decisions, they don't know the identity of their board members, and I would suspect that in Louisiana today, few people could ever tell you who was state's education, or who represents them. Neither system will guarantee you a good superintendent, neither appointment nor election automatically solves all the problems of state education in Louisiana. Neither method eliminates politics from education. They change from one method of selection to another, just change the terms of reference and the frame of reference of the politicians. It doesn't eliminate it. I don't think it is either necessary or desirable to eliminate all politics from educational decisions anyway, because of funding and the support of education is based upon public consent all the way. The schools are the people's business, inherently. Basic decisions affecting public education from free textbooks to career education are necessarily made through the political processes. In the twenty-one years of observing state government, I cannot recall many fundamentally important issues which were not essentially political in their nature. Now, I think that leadership at the state's level in education necessarily involves a certain amount of political expertise and judgment. Not just professional competence and administrative expertise. And I think there is a distinction to be made between the role of a parish superintendent who functions at the operational level and the state superintendent of education who functions at the leadership level and at the state level state's education is unquestionably the head of the state public school system. An appointed superintendent is merely the executive officer of the board which appoints him. And to me that is a distinction. A very important distinction. Because in state government we usually elect our leaders and our major officeholders. We appoint or we hire our technicians and our administrators. An elected state superintendent of education can take his case to the people, and on occasion he may need to. An appointed superintendent has a duty to be the representative of the board, or whatever authority appoints him can take his case only to retirement. Now, there are some teachers and administrators on both sides of this particular issue. But if I may say so as to the great majority of the teachers stand on this issue, they favor the elected superintendent. I don't think you may be too much concerned about this, so far as what the teachers think themselves, but in expressing themselves in our convention on this issue, I don't think they perceived any self interest in this whole proposition. I think they were expressing themselves purely as citizens or almost purely as citizens. They voted I think first as citizens and secondly as teachers. I think when it comes right down to it, what they were saying is that they want to have something to say about who runs the school system and unless I think they are fairly represented...
Mr. Smith Doesn't the parish school board elect their superintendents? Aren't they well qualified? They get the best qualified men, is that right?

Mr. Jack No, sir. They don't. I wasn't for the one there now, and a lot of people that I know. I think that the people ought to get to elect them, too.

Mr. Smith Regardless of whether they're qualified or not, Mr. Jack?

Mr. Jack Of course not, Mr. Smith. We both think alike. We want good qualified people. I just believe that you get better ones electing them, and you think better appointed.

Mr. O'Neill Mr. Jack, isn't it true that the Executive Committee...Executive Department Committee has said that the State Superintendent...I'm sorry, the Education Committee...haven't they said that he shall have at least the qualifications of the parish superintendent?

Mr. Jack I don't know what it says.

Mr. O'Neill Well, that's my understanding...

Mr. Jack Well, I don't know what it is. I just believe in electing people to most offices. I am not voting for it on the State Land Office, and I didn't vote for it on the Controller. Because those offices are too minor now. But on the others, I'm for electing them.

Further Discussion

Mr. Ullo Mr. Chairman, fellow delegates, I just rise for the record to report to you that some of my constituents have telegraphed to me from back home. The Jefferson Unit of the Louisiana Teachers' Association respectfully request that you use your veto and vote to insulate the State Superintendent of Education of Louisiana is selected by the ballot of the people, rather than be appointed puppet of the governor. I would just like to say. I support the elective position of the State Superintendent of Education.

Further Discussion

Mr. Leithman Mr. Chairman, fellow delegates, a number of questions have been asked regarding this present proposal to retain the State Superintendent. I'm not so much here to attempt to convince you to vote one way or the other. However, I think we all should be enlightened as to what is happening in the Education Department Committee as far as our proposals are concerned. It's simply this, we have two plans, one is a delegate proposal and the other is the committee proposal. The committee proposal for elementary-secondary education has a combination of appointed and elected people, eight and seven. Now, under this plan, the committee plan does call for an elected Superintendent. We have just one problem in this, on the qualifications that Mr. O'Neill just raised. It's a serious problem in that if we do call for an elected Superintendent and we place qualifications on this man, we certainly cannot eliminate someone from running for public office. On the other proposal, a delegate proposal, we have the Public Education Board elected by the people, eight elected and three appointed. Under that proposal, the Superintendent is appointed by those eleven persons. So, I just wanted you all to know there is obviously a dilemma here because we know not what proposal you all will accept here on the floor, and, of course, it varies extensively. So, I just wanted you all to know where the committee stands as far as the State Superintendent. So, on one it's appointed; on the other it's elected. If there are any questions, I'll be glad to answer them.

Further Discussion

Mr. Stagg Mr. Chairman, fellow delegates, I rise to oppose the amendment. One of the previous speakers stated that in the Superintendent of Education, under the Education and Welfare Article, that the Superintendent of Education for the state of Louisiana should have at least the qualifications of a parish superintendent, and I think that point is highly significant. In the Committee on the Executive Department of Education, we found current retirees at odds with the Committee on Education and Welfare. They have at various times during their deliberations felt that the Superintendent ought to be appointed if the board was elected, and then their final product, which is in the books on your desks, they feel that the Education Superintendent ought to be elected. I think it felt that the Superintendent of Education for the state of Louisiana ought to be the highest qualified individual in these fifty states, who can be found to come to Louisiana, whose qualifications have to do with educational management. All of us are familiar with, to a greater or lesser extent, with the record of failures and the record of successes in education around this state. That point need not be belabored from this microphone. It is time we felt in this convention to chart the future of state government, and in charting the future of state government, to have an awareness of the history of this state and what it needed for the people. What it needs for the future in education is the strongest mind in the field of educational management that can be found, to be appointed, not by the governor, but by the Board of Education, and responsible to an elected Board of Education of the people of this state that has been going on in this state for years between an elected Superintendent and an elected board can finally be brought to an end...that educational management would be centered in an office or controlled by those elected board members of education who have seen to the appointment of a very highly qualified manager of education in this state. It is for these reasons that in our committee we felt that the management of education would best be achieved through that system. We differed from our brothers on the Committee on Education and Welfare, in this view. That is it should be. The decision on the Superintendent of Education could better be met by this body after it had gone through the extended arguments we will have on this floor on how education be governed in this state. It is premature to say that the Superintendent of Education shall be elected. For that reason, I urge the rejection of the amendment at this point in time calling for the election of the Superintendent of Education.

Questions

Mr. Drew Mr. Stagg, with reference to your last statement in particular, is there anything in Section 1 that mentions the word "elections"?

Mr. Stagg No, sir. The coverage of elected state officials appears in Section 3 of Committee Proposal No. 4.

Mr. Drew All right then, with that clear, then are we not then voting on whether or not we want a constitutional guarantee to have a Superintendent of Education for the state?

Mr. Stagg I think that that answer to the question is probably yes and probably no, because we have not yet got to the structure of government of education in this state. How shall education be governed? If there is going to be a fully elected State Board of Education, that could appoint their own Superintendent of Education, then I would feel that that would be the proper thing to do. If we then want to change the secretary into office, not as a constitutional officer.

Mr. Drew But you would agree that that is an issue with this amendment?

Mr. Stagg Yes, sir. I do, sir.

Further Discussion

Ms. Zervigon Mr. Chairman and delegates to the convention, what we're doing right now disturbs me...
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terribly from a procedural point of view. As Mr. Drew and Mr. Stagg just pointed out, all of the arguments that have been made up here have been made as to whether the Superintendent of Education ought to be elected or appointed. Yet, all we're really voting on is whether or not there should be a Superintendent of Education established in the constitution, not whether that person should be elected or appointed, and whether that office should be in the executive branch as opposed to the legislative branch or the judicial branch. It worries me that we are making this decision on this particular section at the wrong time, in the wrong way, and for the wrong reasons. It disturbs me that those of us who would like to base, in part, our decision on whether this office should be a constitutional office and whether or not it should be elected, which we'll consider again in Section 3, must vote today and perhaps reconsider when we come to the executive department discussion on the Board of Education. So, Mr. Chairman, I would like to urge the delegates that speak after me, if there are any, to confine their remarks as to whether or not this should be a constitutional office as opposed to whether or not it should be an elected office. In addition to that, Mr. Chairman, if a motion is made to reconsider the vote by which this vote is adopted or rejected and lay it on the table, I plan to stand and object because I would like to be able to reconsider this easily at another time when we take our position on the Board of Education.

Motion

Mr. Burson I rise not to question but to make a motion in accordance with Ms. Zervigon's remarks. Under Rule 69, Section 10, I move that we postpone to a day certain, that is, the day that we discuss make-up of the governance of education in this state, the issue of whether or not we want the Superintendent of Education to be a constitutional officer.

Mr. Henry What certain day is that, Mr. Burson? I'm not being cute with you, but...

Mr. Burson Mr. Chairman, I presume that that day will come. That may be a rash presumption on my part.

Mr. Henry I think that that's the fallacy of your motion, because we don't know for certain when that day will be.

Mr. Burson In that case, I'll move to lay the amendment on the table.

Mr. Henry You move to table the amendment?

Mr. Burson First of all, I'd like to have a ruling from the Chair and I don't pretend to be an expert on parliamentary procedure, but I'd like to have a definitive ruling as to whether or not a day certain does not include the day as I have described it.

Mr. Henry In my opinion, it does not. No, sir.

A day certain is envisioned by those rules as Tuesday of next week or Wednesday, the third Wednesday in October, but...

Mr. Burson Very well. Let me make my motion thusly. Then, I move that we postpone consideration of this amendment until September 1, 1973, and then, if need be at that time, I'll move that we postpone it to a later day certain until we get to it.

Mr. Henry Will we be in session on September 1? We can be, I guess, to consider that. I'm just trying to play by the rules.

The gentleman has moved that we postpone any action on the amendment. Mr. Burson, is that correct...on this amendment until September 1.

Mr. Stinson, why did you rise, sir?

Point of Information

Mr. Stinson I don't suppose he intended it, but he had a double motion and said that if he wasn't satisfied when September 1 came that he would then move further. I don't think it a fact that he's got to set September 1 with our vote, first?

Mr. Henry I think, if at all his motion is in order, that it would be proper to move that it not be taken up until September 1; however, we don't have any assurance that we're going to be able to take it up on September 1.

Substitute Motion

Mr. Gravel I was going to move as a substitute that the date be August 31. Now, whether or not we're meeting or not isn't too important under the rules because that is a date certain. I would so move as a substitute that the date be August 31.

Mr. Henry Mr. Gravel, you never cease to amaze me with the way you can put up some of these things, and I'd like to say that I'm sort of confused as to how we're going to go ahead and do whatever we're going to do with this section, or maybe this entire proposal, and then we've got this amendment dangling way off out here that doesn't have anything to do with anything, man.

Mr. Gravel Well, I disagree with you, Mr. Chairman. I don't think that anybody, any delegate to this convention can really properly analyze matters relating to the Superintendent of Education until after we've considered the Article on Education.

Ruling of the Chair

Mr. Henry It has nothing to do with whether this proposal is passed over or not, Mr. Gravel. We've got to consider procedure in the midst of all this, Mr. Gravel. I'm going to rule that the motion, under the circumstances, is out of order because I don't know how we're going to deal with it otherwise. I think that the motion is out of order.

Do you withdraw the motion, Mr. Burson?

Appeal from Ruling of the Chair

Mr. Burson I'm reluctant to appeal the ruling of the Chair, but I'm just trying to express in some fashion permissible under our rules what I feel to be the desire of a great number of delegates, not to decide this point until we know if we're going to have an elected or appointed State Board of Education because I think that's going to have a lot to say about how we're going to want to decide it.

Point of Information

Mr. De Blieux Mr. Chairman, isn't the only motion that would accomplish what Mr. Burson wants to do, a motion that we pass over the entire section until that time.

Mr. Henry It is my opinion that that would be an appropriate motion, sir.

Recess

[Quorum Call: 100 delegates present and a quorum.]

Mr. Burson Mr. Chairman, I withdraw my motion since I have been convinced by you primarily that it is possible for us to make the Superintendent a constitutional officer without necessarily deciding whether he's elected in this executive article in Section 3 later on...that we can delay that decision, at least, until the education article.

[Motion withdrawn.]

Mr. Henry Just for the record, what I talked with Delegate Burson with respect to was the fact that in Section...Paragraph A of Section 1 of this pro-
posal, what we're, in effect doing, as has been pointed out several times today, is establishing the Superintendent of Education as a constitutional ...executive officer in the executive branch. Now, this doesn't mean that the Superintendent of Education will be elected, but it does mean that he will necessarily be appointed. What it does mean is that the Superintendent of Education as set out in this paragraph of this section will be a constitutional officer. Now, we have on Section 2, one of these days, page 2, I would assume that we will spell out who will be elected and who won't be elected, but since there is such a great concern by the delegates as to what we're going to do about the Superintendent of Education and wanting to wait until we get the report of the Education Committee, then we can very easily do anything in Section 3 about appointing or electing your Superintendent and waiting until we get into the section, the proposal, by the Education Committee so that that committee can let us know what it's recommending relative to the State Board of Education and everything, and we can spell out in that proposal whether the Superintendent of Education will be appointed or whether he will be elected.

Personal Privilege

Mr. Landrum I would just like to read something that I found on my desk, just now: "I feel... well, it has my name on it... I... I feel that it is my duty to report a story concerning your political involvement with the Muslim movement. Your room is being monitored by the F.B.I. with the aid of hotel security. I have heard over this two days ago, I feel the invasion of your privacy invades us all. I will remain unknown for obvious reasons. Good Luck." May I say to whoever put this on my desk, I have nothing at all against Muslims. My philosophy of life is far different from that of Muslims, but I'm not equipped to hate anybody. Now, whatever reason... you say you put it on my desk... and the F.B.I. could monitor your room all day and all night, you haven't finished this by saying "good luck", but don't live on luck. Luck comes by chance. Lessons come from God, and God gives me whatever he wants me to have. So, thank you, whoever you are, Mr. Good-Luck, or Mrs. Good-Luck.

[Previous question ordered, quorum called. 108 delegates present and a quorum.]

Closing

Mrs. Corne Mr. Chairman, before I close, there's still a question in my mind about the procedure here. I understand that this amendment is to place in the constitution these different departments. Am I right?

Mr. Henry It would place the Superintendent of Education in the executive branch as set out in this paragraph of this section.

Mrs. Corne Yes, sir. I seem to recall that we voted for others like the Commissioner of Agriculture with very many discussions as to whether he should be elected or appointed. It seems to me that we voted to have the Department of Agriculture in the constitution, and also to elect the Commissioner of Agriculture. Did we not?

Mr. Henry No, ma'am, we did not. We just voted to include the Commissioner of Agriculture in this sub-paragraph, or paragraph.

Mrs. Corne Very well, then my closing remarks to you are to emphasise too much to you, the importance of the Department of Education. I think that certainly the Department of Education deserves a place in our constitution and should be placed in the constitution. I would urge you to adopt this amendment. Thank you.

[Record vote ordered. Amendment adopted. ]

Amendment

Mr. Poynter Amendment No. 1 [As Mr. Derbes], on page 1, line 18, after the word and punctuation "treasurer," insert the words and punctuation "Register of state lands.

Explanation

Mr. Derbes I'm sure you all understand the amendment. I'm not going to express any feeling on it at this time, and I would invite discussion by anyone who is in favor of it.

Further Discussion

Mr. Lebleu Mr. Chairman and fellow delegates, I have some reservations as to whether this office should be given the privilege of being in the constitution, however, because of the work that this office has performed in the past, I'm going to vote for it. I just want to bring this to your attention that, especially in south Louisiana where we have so many lakes, streams and rivers and water bottoms, that all of this property comes under the jurisdiction of the State Land Office. They also have jurisdiction over the deeds to various properties that the state owns where they have jurisdiction over the land that is owned by the state and used for game refuges, but no matter who controls this property, it is a vast resource for the state. On a basis of what might happen if this office would be abolished or transferred to some other jurisdiction, I'm just going to go along with the way it is today and vote to keep it in the constitution.

Further Discussion

Mr. Bollinger Mr. Chairman, fellow delegates, I think that it's hard to distinguish between the Register of State Lands, the Chairman of the Mineral Board, the Conservation of Wildlife and Fisheries, and I think that if you give constitutional status to one you should give it to them all. If you don't give it to them all, you shouldn't give it to any of them. For that reason, I hope you reject this amendment. Thank you.

[Previous question ordered, quorum called. Amendment referred.]

Amendment

Mr. Poynter Amendment No. 1 [As Mr. Derbes], on page 1, line 18, after the word and punctuation "treasurer," insert the words and punctuation "Commissioner of the Office of Consumer Affairs.

Explanation

Mr. Schmitt I believe throughout the different people coming forward today, they have shown a concern for the consumer. When Mr. Roemer came forward he indicated that the person who is the Commissioner of Agriculture was concerned with the interests of the consumer. I believe that there should be an office of Consumer Affairs, which is already statutory, and that there should be a Commissioner of the Office of Consumer Affairs, in order to give this person equal stature with the Commissioner of Agriculture or Equivale on with certain other people who head other departments. In the past, we have seen how the legal philosophy of caveat emptor or consumer bedamned has prevailed in the state of Louisiana and throughout the United States. I feel that we must step forward and look to protect the interests of the consumer. We must, at least, give them equal billing with certain other types of departments in the state. We have seen the teacher come forward and request that their particular mark be protected. We have seen the agricultural interests come forward and request that the Commissioner of Agriculture remain within the protection of the constitution. I have come forward to request that there be made a Commissioner of the Office of Consumer Affairs. All of those other departments which
have previously been discussed were departments which existed in the past. I do believe it is the function of the Constitutional Convention to look just toward the future. There are many cobwebs in our past which must be cleared out, but we must look forward to the protection of the interests of those who cannot protect themselves. I feel that this Commission of Agriculture and Affairs could do this. One area which particularly concerns me and I believe it’s an example of this, is in the L.L. and T. situation, in which thousands and thousands of farmers have had their life savings stolen from them, and only through the intervention of court proceedings did they get a percentage of their money back. This Office of Consumer Affairs should look into the wholesale rape of their life’s earnings, and could help to protect them from industrial corporations who are not particularly interested in their best concern. One other example...I recently filed a case in federal court against certain lending institutions, particularly pawning institutions. In the investigation of this case I have found that they have charged in many instances more than 100% interest per year. Also, that they might confiscate and seize without any type of judicial hearing, a four hundred dollar piece of property or a maybe forty dollars. I have sought the protection of the federal court and the matter is presently under determination by the federal judge but he has not issued a decision one way or the other. I don’t feel that we should have to go to federal court to have our rights protected. I feel that we should have the power to look into the life and work of this commissioner, that this commissioner could look out for the poor man. That this commissioner could look out for the consumer. For too long have we looked out for certain special interests who have to a certain extent benefitted the state but the consumer is not protected. I feel that we must look forward in this constitution and look into the problems of the future, and one of the problems of the future is that of the consumer. Many of you have said that you are in favor of protecting the institutions which are already in the constitution. This institution or this office was not in the constitution in the past, but I believe that we must look forward to the future and let’s give it a little protection. Let’s look out for the interests of the small person. Let’s not just look out for the interest of the farmer. I’m not saying that all farmers are big farmers and laying this office on the back of the people who have vested interests shouldn’t have their rights protected, but I believe that the consumers represent probably one of the largest bloc votes in the state. I believe this type of protection in it, won’t do any harm, but what it will do, it would give us hope for in the future where our interests might be protected. I feel that if you would go forward with this that you will show that we’re not just interested in protecting the interests of the past but we have a concept...we’re looking forward to protect the interest of the future.

Question

Mr. Shannon Delegate Schmitt, are you trying to create another office to run for in the Agriculture Department?

Mr. Schmitt No.

Mr. Henry Let’s be nice.

Further Discussion

Mr. Jackson Mr. Chairman and delegates to the convention, I first would like to commend Delegate Schmitt for offering such a proposal. I think that the remark that he has presented here are to be given the fullest consideration. As you know, we live presently in an age where we have numerous amounts of consumer questions and consumer problems. It seems to me that this is not just a fallacious, shirk-of-the-moment sort of amendment to this institution, but more an amendment that has been presented after thought, but particularly after hearing people throughout the state of Louisiana complain about the many abuses that have occurred to them. It seems to me if there is a need for an exception of the various provisions of the constitution then this very amendment as proposed by Mr. Schmitt provides us with the mechanism. I would show to you that the numerous amounts of complaints that have filled the office of the state office, particularly if you check with your local parish officials, would indicate that the rise and the determination of the size of the consumer has reached great proportions. I would be one and I would hopefully suggest to you that you give some serious attention and some serious consideration for expanding our constitutional protection to allow such a mechanism to be created whereby we can assure that as much bigger, that constitutional officers would pursue in other areas, that we would have the same amount of vigor and the same amount of independence being fostered. For those reasons and the reasons that I firmly believe that we ought to begin to address ourselves, I guess more adamantly and more sincerely, to the problems of the consumer...that you give favorable adoption of Mr. Schmitt’s proposal.

Further Discussion

Mr. Velazquez Mr. Chairman, fellow delegates, I think that when we speak of the current problems of the constitution we have to think in terms of balance. I supported the position of an elective Commissioner of Agriculture, because I feel the farmers should have that protection. I supported the position of a Commissioner of Consumer Affairs, because the urban people deserve protection. I supported the idea of an elected Commissioner of Agriculture even though the numbers of rural people are steadily decreasing, and the numbers of urban people are continually increasing, because the question is not the size of the election, or the size of the electorates of fairness and of justice to those people. This will not just help the city dweller at the expense of the farmer, because the farmer himself is a consumer. If you think that you have been made a victim because your automobile is a lemon or because your air conditioner doesn’t work or because your washing machine broke down, just think of the problem you would have if twenty or thirty thousand dollar tractor broke down and you had trouble on your warranty with it...or an expensive cotton picker. The farmer himself is a consumer. He consumes gas, oil, seed, fertilizer and he should be protected in these products to make sure that he is taken care of. I think that the only way that we can have balance in the future is if the constitution is involved. Schmitt’s question in Agriculture and to have a Commissioner of Consumer Affairs.

Amendment

Mr. Poynter Amendment No. 1 [as Mr. John's], page 1, line 18, after the word and punctuation "treasurer," insert the words and punctuation "Commissioner of Elections."

Explanation

Mr. Kelly Mr. Chairman and ladies and gentlemen of the convention, I am submitting to you a constitutional office which would be entitled the Commissioner of Elections. You have previously voted by a narrow margin to remove from the constitution the Office of Custodian of Voting Machines. Therefore, it is quite frankly, maybe that particular name should not be in a constitution..."Custodian of Voting Machines," and maybe the name "Commissioner of Elections" bears this dignity to the office that it should. I submit to you that this is an important function in this state. As Mr. Jenkins pointed out to you in his argument earlier today, think it is absolutely essential that we keep the election process as far
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over to one side as we can, without having it brought down to the levels of the political arena. I would also like to remind you that we’ve considered many offices here today, and I’m going to refer you back to the present constitution which we’re operating out of now, and that is what it states the department shall consist of a governor, a lieutenant governor, comptroller... "We’ve removed comptroller... Treasurer, Secretary of State, register of land offices..." that’s been remedied... "Commissioner of Agriculture and Immigration, Commissioner of Conservation, Commissioner of Insurance, and Custodian of Voting Machines." Now, the point here is the latter and the last sentence in Section 1 of Article V of the present constitution, and now this is what it says. "The legislature shall have the authority to consolidate any of the above offices except that of governor, lieutenant governor, treasurer, secretary of state, commissioner of insurance, and custodian of voting machines." Now, this is in the constitution at this particular time and to me, as Mr. Flory has stated to you earlier, the people have spoken on this already. Apparently there was a constitutional amendment passed after the creation of this office, which constitutional amendment said that it could not be consolidated or merged with another office. Now, I want to remind you that you have-removed one of these offices except that of Custodian. If you didn’t want to vote for it because of the name "Custodian", I’m submitting to you that now you may refer to him as our Commissioner of Elections. But bear in mind that you have kept every one of these offices that was mentioned with the exception of this one. Now, I agree, that you have taken out vote" and "vote", you’ve taken out register of land office. Those offices were not protected to that extent by the present constitution. I’ve heard much said here today about what the people want. I voted for the continuation of each one of these offices that has come up here today, and I’ll tell you this, because that was what, in an informal poll that I took in my community, that is what the people of my particular representative district wanted. They want to be able to elect their public officials. I submit to you and encourage you to endorse this particular amendment.

Questions

Mr. Derbes Mr. Kelly, are you familiar with the expression "a rose by any other name would smell as sweet"?

Mr. Kelly Mr. Derbes, I do not proclaim to be a poet. I deal in rationality and on a business-like basis.

Mr. Denery Mr. Kelly, I didn’t understand from your remarks exactly what duties this office would have. Would you limit it just to the duties of the present custodian?

Mr. Kelly Mr. Denery, of course, at this particular time, we can’t say what the duties are going to be of any of these offices, that have been incorporated already into Section 1A. I have no strong feelings concerning the duties and responsibilities of the office.

Mr. Denery Well, what I was specifically getting at Mr. Kelly, is are you aware that in Section 7 under the powers and duties of the secretary of state in the proposal that it provides that the secretary of state shall serve as the chief elections officer and administer the election laws, administer the laws relative to voting machines or other voting devices?

Mr. Kelly Yes, sir. I am aware of that, and I am also aware, I assume, that if this amendment should pass them, of course, there would have to be an adjustment made in that particular article.

Mr. Denery Well, is it your idea that all of these duties should then be transferred to the Commissioner of Elections?

Mr. Kelly As I say, I have an open mind on that. I’d be willing to listen or to comment on what duties and responsibilities. If they wanted to increase them, fine. If they wanted to keep them the same, that would be fine also.

Mr. Denery Thank you, sir.

Further Discussion

Mr. Stagg Mr. Chairman, fellow delegates, I said when I first took this microphone this week, that the Committee of Committee Department was very proud of Committee Proposal No. 4. I have not had occasion since we began this debate 24 hours ago to change that attitude. I think our proposal is of merit, and it is the product of a committee of your fellow delegates who labored over these same questions long and hard. I stated yesterday, and I suppose I can be borne out by you, the repetition of what I said yesterday. When Governor Long ran for Governor in 1956 he requested the current secretary of state to speak on behalf of his ticket. This was in 1956. For reasons well enough felt by him, Wade Martin turned it down. When Governor Long was elected, and the legislature met, one of the administration proposals was that the functions of insurance and regulatory services except that of the director of insurance and regulatory services except that of the insurance commissioner be taken away from the secretary of state’s office and a constitutional amendment to have that done was passed by the legislature, and to add a clinger to it as our chairman does each time we vote on a section, the clinger on it was that these offices could not be consolidated into any other offices. That clinger was approved for these 16 years, and I think it’s time now to take that clinger off. I think it’s time we move into the ‘73’s and that we not load down the executive department of government with a considerable plethora of elected public offices. This afternoon, the convention in it’s wisdom, turned down the election of a custodian of voting machines. I am in agreement, and I think it would be wise to turn down an elections commissioner in order not to duplicate and to reduplicate the numbers of state-wide elected officials. We will, if you persist, end up with a ballot so long that we may have to alter those voting machines in order to accomplish the election of all these state-wide officers. I so very urgently urge that this amendment be defeated.

Questions

Mr. Anzalone Mr. Stagg, do you think that it is entirely fair to judge a man’s office by the reason for which it was created or for his performance and service to the state over the years since it has been created?

Mr. Stagg Mr. Anzalone, nothing that I have said in any time that I have been to this mike would denigrate the holder of any governmental office in this state. I’m not judging the Office of Voting Machine Custodian by Douglas Fowler, and if you think I did then you’re wrong.

Mr. Stinson Mr. Stagg, you referred to a clinger, but isn’t the real clinger was when the people state-wide in Louisiana voted in a constitutional amendment and said that they wanted this to be?

Mr. Stagg Mr. Stinson, before I got to my feet I asked the staff to call out to the law school to the research library to get for you the number of people in this state who voted on that constitutional amendment. As they were in those days, they were adopted by about 15% of the people who voted in the election, and sometimes the vote was 70% of the people or 85% of the people in that constitutional amendment. Now, that has changed and people have approved constitutional amendments in recent years for which I am quite proud, and that is also why you and I are here in this room tonight.

Mr. Stinson Isn’t it a fact, though, that it got a two-thirds vote of an independent legislature?
Mr. Stagg  No sir, it did not get the two-thirds vote or an independent legislature even if you were there.

Mr. Stinson  You mean that a constitutional amendment was submitted without getting a two-thirds vote?

Mr. Stagg  The word I took issue with was "independent".

Mr. Stinson  In other words, you don't think the legislature of Louisiana is independent when they vote?

Mr. Stagg  At that date and at that time, Mr. Stinson, I highly doubt it, and I think history would bear me out to the letter.

Further Discussion

Mr. Jack  I'll just be brief on it. As to Mr. Stagg, what he said, he wasn't in the legislature then. That was an independent legislature. Now, the people passed it on it and whether there was 15 or 30 members and 30 voting in the constitutional amendment, everybody that was registered had a right to go. Now, Mr. Stagg is going to want us to override the decision of the legislature that didn't get that office into the constitution. Now, I want to point this out to you. We took up first, Commissioner of Agriculture. That passed. That's the one in the book up there under Agriculture. That passed. We took up Superintendent of Education. That passed. Now, I voted for all three of those. Those were heavily lobbied. We next on these... the two for Register of State Land Office is a minor office, the reason it's passed out to have it there. The comptroller... the reason. I voted against those two amendments. Those failed. Now, what I'm getting at is this, Mr. Douglas Fowler did not get around and lobby. He was tending to his business like he always has. He runs that department, he didn't have the time to show you a couple of things. This is a slap in the face to him when he didn't get out and lobby it like that and he has the main office. Now, we started voting machines... the first time they had them in Caddo, where you have to vote for four for representative, you spoil your ballot, about 12 in Ward 4 there, for Police Jury you spoil your ballot and all those kind. You had to have a gadget on it. They had more trouble than you can shake a stick at, and they would have still had trouble if you had of had an appointed man, but Mr. Fowler loved that job and he went to work and he got those things going fine. Whenever you wanted people to understand splitting ballots and splitting votes and doing all they could to help. Republicans was there trying to get in and did get in when Charlton Lyons ran, Mr. Fowler came up there three times and explained over radio, television and to the newspapers how you could split your vote. I'm not saying Mr. Stagg is sore because he's a Republican and didn't like it, but if that hadn't been explained there would have been a lot of other Democrats turned out in that general election when I lost by 65 votes. Now, I'm saying Mr. Fowler has proven he knows how to handle it. If I had my way I would have Mr. Fowler as Commissioner of Elections and put his over all of it. The secretary of state's office, and Mr. Martin is a life-long friend of mine, knew him when he was in college, his office couldn't handle all of the different things that it was getting. That was an independent legislature. He was trying to handle it, but it was too much. I say let's do not treat Mr. Fowler different from the other offices. Let's treat this time. Now, the count on before the close, it was 54 votes for and 60 against. Now, let's don't send that office that man down the drain, by any six votes. Thank you.

Further Discussion

Mr. Alario  Mr. Chairman, members of the convention, I'll try to be brief here.

Mr. Henry  Please don't say that. Everybody goes five minutes that does.

Mr. Alario  The proposal as presented by the Executive Committee on the first draft that they gave us and what we looked at, and they did a wonderful job at working at it, and they said that they were presenting it as such that the constitution could call would be with the Custodian of Voting Machines and the Register of State Lands. I don't want to put my governor through that... meeting in this session with an oil can to look at some voting machines. So, let's keep this office responsive to the people. It's been an office that's been doing a good job. Let's keep it an elected position and vote for the amendment.

Further Discussion

Mr. Fulco  Mr. Chairman, I'm almost embarrassed to get up here, but I am going to be brief. I say that this is big business. You have all sorts of elected officials who have an organized systematically throughout...in our state government. Ladies and gentlemen, this is an extremely important office that should be elected and in the constitution. Now, the secretary of state has already an enormous amount of responsibilities. The Custodian of Machines is another division of our election system. There's a registrar, a registrar's a registrar. We should consolidate all of these divisions into one department, put it into the constitution, give the people a systematic, intelligent way of handling our elections in the future and I urge you to vote for this amendment. Thank you.

Further Discussion

Mr. Rayburn  Mr. Chairman and fellow delegates, I rise in support of the amendment. Mr. Stagg, let me say this to you. I've spent my adult life in the legislature. Whether you call it independent or non-independent, it is still a political office. I could say here today that I don't think that there's much independence going on in Washington, but that's a matter for the people to decide at the proper time. I was there when the office of Custodian of Voting Machines was created. I was also there when we had a Superintendent of State Buildings, one man and one secretary. Today there's over 350 employees doing the job Mr. Stagg and one secretary used to do. We've grown in this state, and the argument that something that worked 20 years ago will work today is not true. I wish it was true budgetwise. Our budget has increased tremendously, and it is increasing every year. I think that this is an office that deserves every consideration. A Commissioner of Elections and the people of this great state place this office regardless of what type of legislature submitted it to them... they must have had faith in them because they voted for it and placed it in the constitution, and I hope, my friends, that you leave it in the constitution, and let the people name the Commissioner of Elections in this state or the Custodian of Voting Machines or whatever you might want to call it. I remember when we had one that was appointed, Mr. McLenore, and he got it so fouled up that about a year later the legislature came back and said to let the people elect one. Later we came back, and the people were so pleased with it until they put it in the constitution. I don't know anything about what I'm going to be talking about, but I want to create a lot of opposition to the final product that the people are going to have a right to do or if we ever wish and even if I think that this has worked well. I have not one person in my political life since this office has been in effect to make one complaint to me about the office was not running right and run honorably. I was in politics when they held boxes out for three and four days until they got them like they wanted them, and then they brought them in.
or as my grandpa said, "they fetched them in." I've been through those trails, and I say the procedure and the mechanics we have for election in the state today are working well. I see no reason to change them. In closing let me say that regardless of what kind of legislature we had at that time, there's a limit to the things that can get done, but I see wellborn Jack, I see Ford Stinson, and I see several others that was in that legislature at that time, and I think that they're all fine honorable men.

Further Discussion

Mr. Drew Mr. Chairman and ladies and gentlemen of the convention, I know Don Kelly well enough to know that this is not an attempt, as Mr. Gerbès would have you believe that his poetry of a rose is a rose and so on. This is the first step in what I think is one of the most important and major governmental reforms that we'll be able to accomplish in this convention, and that is the establishment of a Department of Elections and put all election procedure in one department. You say that it would be borne by putting it in the secretary of state's office. I have not as of this date seen the advantage of these umbrella agencies. I think that Don is doing what possibly should have been done years ago. We could create a Commissioner of Elections and it's not merely an attempt to change the title. It is the first step in creating a Department of Elections which can be major and good reform for this state. I urge your adoption of the amendment.

Further Discussion

Mr. LeBleu Mr. Chairman and fellow delegates, I urge you to adopt this amendment for this particular reason. I just assume that since we have abolished the Voting Machine Custodian that the duties of this office will now go to the secretary of state. Of course, we have done anything to stipulate that but it's just my assumption since the secretary of state now handles elections that these responsibilities will fall under his office. Let me tell you that I just don't believe the secretary of state has time to do all this. The reason I believe that is because recently he had to resign from the Atchafalaya Basin Study Commission and I suppose those who are intensely interested in the environment, is one of the most important commissions that this state or the legislature has worked on in the last several years. It is one of the last frontiers in the whole United States. But he had to resign his place on this commission, and he was well qualified to serve because of his familiarity with the region. He having been born and brought up in that area. Now, if we get to the point where we're going to give him more duties, it would just be impossible for him to do a good job. If we recreate this Commission on Elections, and provide later that the Commissioner of Elections will also be custodian of the voting machines we can consolidate two areas that would be more efficient and better serve the people of Louisiana. I ask you to favorably consider this amendment.

Questions

Mr. Lanier Delegate LeBleu, I'm looking at Section 7 which deals with the powers and duties of the secretary of state, and it says that he shall serve as the chief elections officer and administer the election laws and that he shall administer the laws relative to voting machines and other voting devices. Is it the purpose of this amendment to take away from the secretary of state this authority and put it in this particular office?

Mr. LeBleu I couldn't say, Mr. Lanier, for the simple reason that this is my amendment and I don't know what the proposal would be later on, but I'm sure that some alteration would have to be assumed in that particular section when we get to it...to consider the duties of the secretary of state and the Commissioner of Elections, provides this amendment passes.

Mr. Lanier Do you think that it might help some of us, like me, if someone later on in the discussion would say what specific duties they intend to take away from the secretary of state as proposed in Section 7?

Mr. LeBleu I'm sure, since Mr. Kelly has proposed this amendment that he has some ideas in mind as to what those duties should be.

Mr. Fontenot Mr. LeBleu, if I understand correctly, the job of the Custodian of Voting Machines at the present time is spelled out in the statutes. Is that correct?

Mr. LeBleu That's a constitutional office, Mr. Fontenot, and as I understand that's what we're considering here.

Mr. Fontenot No, but I mean the job of the Custodian in the present constitution...he's a constitutional officer, but the requirements of his job...isn't that in the statutes...the legislature controls that at the present time?

Mr. LeBleu I couldn't say.

Mr. Fontenot So, the point that I'm getting at...wouldn't it be possible for the legislature to take away from the secretary of state and give the jobs of election laws to the Commissioner of Elections?

Mr. LeBleu If we provide that when we reach the section that Mr. Lanier was talking about, we can provide that the legislature shall take those actions.

Mr. Fontenot O.K., thank you.

Mr. O'Neill Mr. LeBleu, do you feel like when we get to this section that these people who are a little bit worried about it right now that we might be taking something away from the secretary of state, don't you think their objections would be a little more appropriate then?

Mr. LeBleu Mr. O'Neill, I have confidence in every delegate here. If he tells you something, I think he intends to do it. I think all of us have enough integrity to have that much.

Further Discussion

Mr. Schmitt It seems kind of interesting to me that Senator Rayburn would come out in favor of having elective position for the commissioner of elections, yet, he would not favor to have a commissioner of the Office of Consumer Affairs. Throughout this entire convention many people have appeared to be advocates of the poor person and have come forward and claimed that they represent the farmer and have claimed that they represent the people in a lesser economic condition than others. Why when we push forward with something which will help them out, with something which is a little bit different from the past, did they back up? Senator Rayburn and Mr. LeBleu and Mr. Chehardy and many others voted no when we had the question of whether or not there should be a commissioner of the Office of Consumer Affairs. Yet, Mr. Chehardy in our committee has continually stepped forward to help defend the rights of the poor individual. Senator Rayburn has stepped forward continually in order to protect the rights of the farmer and this individual has stepped forward and attempted to protect the rights of the individual who doesn't have the economic power to defend himself. When the question was brought forward of the commissioner of the Office of Consumer Affairs they shied away from this. It's beyond me to understand why these
Mr. Roemer. Mr. Schmitt, don't you agree that we tread a fine line in this debate between personal- 
ities and policies? It seems to me that you might be guilty of overstepping that line. For example, 
don't you think by the use of name whether it be Roemer or Rayburn or Chehardy or whatever that 
you're not doing anything but cementing people into positions that may be different from your own. I 
think that your alienation that everybody who spoke in favor of the former and then turned around and 
didn't vote for your particular bill were trying to do an in-service to the state is just absolute- 
ly wrong. Don't you agree?

Mr. Schmitt. No, I disagree. I think that it's an 
absurd position for Senator Rayburn to come forward and 
claim he should be constituted protection for a person in the position of the com- 
misioner of elections and then to go farther and say that he's in favor of the poor man but he does 
not support a commissioner of the Office of Con- 
sumer Affairs. I just don't understand this. I 
don't see how it fits in with his philosophy.

Further Discussion

Mr. Abraham. Ladies and gentlemen, I think we've 
reached the point where we simply need to decide 
just how far do we go with naming all those offices 
in the constitution. This is the sum and substance 
of what we need to decide. Are we going to name 
them all? Are we going to try to hold them down? 
Or what are we going to do? This is for this con- 
vention to decide. Now the remark was made awhile 
ago that we ought to keep these various offices, the 
state's running good, or not, as they are. Well, if the state's running good and we 
don't have any questions or problems with it, 
then what are we doing here today? Why did the 
legislature create this convention to begin with if 
everything's all right. Those of you who say 
that the office should be installed because this 
person or that person can't handle the job. He's 
too busy. Well, I submit to you, then, maybe we 
had better take a look at the duties of the gover- 
nor. Let's make a separate commissioner of public 
works and one for highways and one for health and 
welfare and one for revenue. Really, gentlemen, 
let's just decide now how far are we going with all 
these various offices?

[Previous Question ordered. Referred 
Vice-Chairman. Amendment ad-opted: 
K-112. Motion to reconsider tabled.]

Amendment

Mr. Poynter. Amendment No. 1 [as Mr. Schmitt and 
Mr. Abraham]. Page 1, line 19 after the period 
add the following: "The legislature shall have the 
authority to establish any of the offices, except that of governor, lieutenant governor, secre- 
tary of state, attorney general and treasurer."

Explanation

Mr. Schmitt. This language essentially tracks the 
old language of Article V, Section 1, with reference 
to executive offices. The purpose of this was so 
that in the future at some time if the legislature 
would decide that it would not be necessary to have 
these as separate offices that they might be able to 
be abolished.

Mr. Denney. Mr. Schmitt, in view of the various 
amendments which have been adopted today, do you 
your amendment is now sufficient?

Mr. Schmitt. I beg your pardon.

Mr. Denney. In view of the other amendments which 
have been adopted today adding more offices in 
here do you think your present amendment is suf- 
ficient?

Mr. Schmitt. I don't think it's... I feel that it's 
nice to give them constitutional status, but I 
think that we should have the ability in the future to 
let the legislature have the authority to con- 
solidate these different offices, if it should be 
necessary.

Mr. Denney. Now, are you aware that in Section 19 
of your proposal before now that the legisla- 
tion provision specifically provides that the re- 
allocation of functions, powers, duties and re- 
sponsibilities of all departments, etc., except 
those powers, duties, functions and responsibilities 
allocated by this constitution, amon and within 
not more than twenty departments. Don't you think 
that would really cover the situation?

Mr. Schmitt. No, it does not because it doesn't 
allow for the consolidation of those which you 
 tasted on.

Further Discussion

Mr. Flory. Mr. Chairman and delegates, I rise in 
opposition to the amendment and call your attention 
to the fact that what you are doing in effect is 
allowing and making constitutional officers by 
the amendment that has been adopted, and 
now allowing the legislature after the people have 
elected the constitutional officers, the authority 
to abolish those offices or consolidate them. 
I would just suggest to you that the amendment would 
just undo everything that we have done this after- 
noon and ask that you reject the amendment.

Question

Mr. Stinson. Mr. Flory, suppose someone was elected 
to each of the different offices. Of course, 
then they're consolidated. Are you going to have 
four heads or half and half or none?

Mr. Flory. I believe if the constitution provides 
for a constitutional office, the people ratify the 
document which we submit to them, we ought to keep 
it as a constitutional office unless the people 
choose to remove it by referendum ballot.

Further Discussion

Mr. Arnette. Ladies and gentlemen of the Constitu- 
tional Convention, I'd like to point out one 
thing to you. That this particular amendment that 
is proposed is word for word what is in your pres- 
ent constitution. Since 1921 the legislature has 
had this power and they consolidated one office, 
and that was the office of controller. The only 
reason they did that was because it became obsolete. 
I think we need some sort of provision like this 
if an office would become obsolete, that we would 
need to get rid of it. We would not need to elect 
a person to an office that no longer accomplished 
any function. I think this is a good amendment and 
I think we need to have it in there. It doesn't 
hurt any of these elective offices. It doesn't 
get rid of any of them. All it does is allow the 
legislature to consolidate if it becomes a problem
later on in the future. I urge the adoption of this amendment.

[Previous question ordered. Record vote ordered. Amendment rejected: 21-91. Motion to reconsider tabled.]

Amendment

Mr. Poynter Amendment No. 1 [by Mr. Jenkins].

Page 1, line 18 in Delegate Floor Amendment by Delegate Derbes and adopted by the convention on August 2, delete the words "commissioner of insurance" and insert in lieu thereof the words "secretary of commerce".

Explanations

Mr. Jenkins Mr. Chairman, delegates to the convention, I supported the concept of having an elected insurance commissioner. I think that the people have a right to elect the person who handles that responsibility in our government, but I do feel that that is a narrow area and that someone in that sort of position could have much more responsibility in the affairs of the state. The commissioner of insurance has little authority at present with regard to his function. I think he could handle other areas. Here are the areas that I suggest a secretary of commerce could handle. He could be in charge of the same functions that the insurance commissioner has at present, but he could have a number of other important functions as well. For example, regulation of banking, savings and loan institutions, regulation and licensure of other businesses; he could have the Office of Consumer Affairs; he could have the Board of Commerce and Industry under his jurisdiction and every other aspect of state government which we might want to delegate properly to him.

A secretary of commerce would be much greater constitutional dignity, I think, than a commissioner or insurance. But by substituting such a proposal we would allow the people to continue to elect a person who is directly in charge of insurance regulation, but we could also accommodate the views of those who suggested an Office of Consumer Affairs. Possibly, he could be in charge of registering state lands, an office which apparently we will abolish, as well as the other vital duties with regard to promotion of industrial development in the state. I think this would be a step forward and a move in the right direction, so I move the adoption of this amendment.

[Previous question ordered. Record vote ordered. Amendment rejected: 28-72. Motion to reconsider tabled.]

Amendment

Mr. Poynter Further amendments go to Paragraph B of Section 1, Mr. Chairman.

Amendment No. 1, Page 1, line 24, this amendment is offered by Delegates Flory, Rayburn and O'Neill...

Amendment No. 1, on page 1, line 24, after the word "functions" change the comma to a period and delete the remainder of the line and delete line 25 in its entirety.

Explanations

Mr. Flory Mr. Chairman and delegates, what the amendment purports to do is to delete the language where you allocate according to function, after that delete the language "within not more than twenty departments." Let me give you the reasoning behind the amendment. First, if it is determined in the wisdom of the legislature that they should be grouped accordingly, it may be five, six or any number of departments, but you would not necessarily have, as I appreciate what the article purports to do is that it is, twenty new positions created in state government. This of course is the objection that I have to the creating of the twenty departments with a department head—particularly in light of the fact that some of the agencies of the state, boards and commissions, operate on self-generating revenues which are not state funds and they are not subject to budget regulations. Therefore, I'm basically opposing those boards and commissions which are created by statute primarily for the purpose of licensing doctors, dentists, barbers, plumbers, beauticians, watchmakers, etc. If you had a department over all of these entities with self-generating revenues, it would control budgets of those agencies. I do not think it would be proper to adopt an amendment which would put to you that we adopt the amendment and leave it up to the legislature as to what the grouping should be and as to the number that there should be. I would yield to any question, Mr. Chairman.

Questions

Mr. O'Neill Mr. Flory, if these departments were put into twenty, wouldn't they be able to create different subcommittees and different committees themselves within the twenty? Don't you see just a mushrooming of these departments into all sorts of committees?

Mr. Flory I don't know what was discussed in the Executive Committee relative to this particular provision. However, I might say to you that nothing is spelled out here as intended in the duties and responsibilities of those individuals that would head the twenty departments and what their duties and responsibilities relating to those agencies, boards and commissions. I think that could best be left to the legislature in its wisdom.

Mr. O'Neill another question; is there anything now which would prohibit the legislature from doing just what the intent of this article is?

Mr. Flory Not as I appreciate what is proposed by the various committees of this convention.

Mr. Hunez Mr. Flory, in the description of boards, commissions, agencies which operate solely on self-generating funds. Things like the barber board, the pharmacy board, the cosmetology board, the dental board and various other boards that are just solely for the purpose of either licensing or in some places regulating their own industries.

Mr. Flory That's correct.

Further Discussion

Mr. Arnette Delegates to the convention, I'm greatly disturbed. I'm greatly disturbed because we're going back to the 18th century instead of moving forward into the next century. We're sitting here and we're not consolidating any departments. We're expanding and expanding and expanding and making this thing totally unworkable. This is something you had maybe 200 years ago when you didn't know about management. You didn't know how to manage people and agencies and departments, but now we have no excuse for preventing a consolidation of these departments like this. Do you want to greatly increase the power of the governor? If you do, adopt this amendment. Right now he has over 200 agency and department heads to appoint. Do you want to increase this to maybe 300 or 400? If you want to do so, fine. If you want to greatly increase the power of your governor, go ahead and do it. But, if you refuse to adopt this amendment and adopt the committee's proposal you will reduce his appointments down to 20. There will be 20 department heads not 300 or 300 departments. That means to be the only logical thing you can possibly do. I don't see how you can adopt such an amendment that would not meet the cabinet of the head of state. This would also greatly increase the business-like nature of state government. Right now the state government of Louisiana is totally unworkable. No governor can possibly know what over
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200 agencies are doing. He can not possibly have reports from over 200 different people. He can not possibly keep up with that many people. It would take 24 hours a day if he only wanted to talk to the 200 agencies. I don't see how you can accept this particular amendment. If you reduce it to 20, a person can properly organize state government according to functions as the more progressive states have done. Do you want to still be classed as one of the least progressive states in the nation? If you do, fine, go ahead and adopt this amendment, because that's exactly what it does. We're going to be right back in the horse and buggy era. We're going to be classed down there...all those stupid idiots down in Louisiana...they've got a horse and buggy government. I strongly urge you to defeat this particular amendment. Thank you.

Questions

Mr. O'Neill Mr. Arnette, you've already said that you don't see how a governor could operate all these state boards and agencies. Are you saying that our current governor is incompetent?

Mr. Arnette No, I'm not saying he's incompetent. I'm just saying no human being alive, save possibly the son of God, could control that many people. There is no possible way to do anything that one person to do it is something you shouldn't ask him to do. Now, 20 is a good workable number. If you know anything about business administration you know that no one person could administrate more than 20 people.

Mr. O'Neill Well, Mr. Arnette, you've implied now that if we kill this amendment that we're allowing government to grow to 300 or 400 agencies, and I don't see that way. I already see that the legislature has put an umbrella agency over the, you know, the welfare, medical, you know...

Mr. Arnette That's exactly right, but if you kill this amendment, you will force the legislature to get it down to a workable number, and that's what we need to do right now.

Mr. O'Neill Well, don't imply then that we're allowing it to grow.

Mr. Arnette You are allowing it to grow because you're not prohibiting it from growing.

Mr. Stinson Mr. Arnette, I understand that we have just recently had a big consolidation to reduce the number of personnel and expenses and according to the paper, we've got 200 now than we did to start with. That is that the new century wants or are we supposed to go back to the horse and buggy days and be...what did you say...ignorant?

Mr. Arnette Well, Mr. Stinson, how many agencies do we have right now in state government? Over 200, am I correct?

Mr. Stinson I imagine so.

Mr. Arnette Do you think that 200 is a workable number? Can you imagine yourself trying to work with 200 different people every day?

Mr. Stinson No, I'd get the legislature to reduce them, I think.

Mr. Arnette You think that you can get the legislature to reduce them. How about if we force the legislature...

Mr. Stinson If I was the governor, I know that I could get them to reduce it.

Mr. Arnette Well, how about if we force the legislature to reduce them?

Further Discussion

Mr. Champagne I thought perhaps I'd go by one day without getting up here, but I've seen them come from the dead today so I'm in opposition to this amendment. It seems peculiar to me the governor of this state ran on a ticket of consolidation. We talk about a new constitution and then we come here and do everything we can to prevent him from carrying out his campaign promises and we say we are working for the people who sent us here to this convention. It seems very peculiar to me that we vote time and time again for more power but then when it comes to the governor we want to put him into a back position in this thing. We want to give him a little bit of power, we don't want him to have anything to do with this government of this state. I submit to you that this amendment that you are now...before you...would put us further back that we were with the constitution of 1921. The governor of this state ran on the ticket that he would consolidate agencies. I think that he had a mandate from the people to do that. In writing this constitution we are attempting to give him that authority, but there are those among us who would give all authority to the legislature, who would let them run the state as they see fit. They would give them more and more authority and I submit to you that we have separate branches of government. It is high time that we recognize that fact and vote for some executive branches of government rather than putting it all in one. I say that it's time that this convention go on record as having fewer heads and more workers in this state of Louisiana.

Further Discussion

Mr. Burson Ladies and gentlemen of the convention, I want to speak in opposition to this amendment because I construe the Section 18 differently, apparently, than the present form or substance of government. That proposition tells me that we would have written into our constitution a guarantee to the people of this state that we could not have more than 20 executive departments. I am for such a guarantee because I believe that the people of this state and the United States have in many ways all the government that they can stand now, and I don't believe that it is wise or good constitutional draftsmanship to leave the gate open for a multiplicity of state departments. I remind you that in the processes we've been through today we have provided, for 9 constitutional officers. I presume that each one would head a department of sorts. That would, by my calculation, if we had the full 20 departments, which is not the case, again, but I say not more than 20 departments...would leave 11 other departments. At the present time, in the present constitution, we have to specify the agencies and positions that are required. So by my calculation if we leave in here what the committee has recommended, we would be insuring the people of this state that we would cut the number of governmental departments at least in half. Of course, I am not at all convinced that the 40 executive departments that are in the present constitution are all we have. We have others created by statute. I think that we should be for legislative power where legislative power is called for, and that have been for the past in such arrangements, where the will of the people should speak. But we have a tripartite system of government. We've got three branches, the executive, the legislative and the judiciary, and it is in the executive, an administrative area, that the governor properly has power and should have power. We will be helping him in this in some such area as appropriations, where the will of the people should speak.
that he does not have to deal with more than 20. I suggest to you this would be a help to the legislature because the legislature in dealing with administrative reorganization could just tell the department heads when they come up, "well, look old buddy, I'm sorry to have to cut your department out or merge it with another one, but you know the new constitution says that we've got to have just 20 and we've already approved 18. Somebody's got to go." I suggest to you that whether you look at it from the point of view of good government or good politics, that it is a good idea to leave alone the committee proposal that we have not more than 20 departments.

Question

Mr. Avant. I've heard the statement made that you've got to leave this thing like it is because it will reduce the power of the governor to appoint people, and then they use the figure twenty in here. There are approximately twenty, maybe a few less, maybe a few more, boards that regulate various professions and occupations. The Louisiana State Board of Medical Examiners, the Louisiana State Board of Examiners in Watchmaking, the Louisiana State Board of Examiners in Insecticides, professional boards that regulate particular trades and occupations according to a legislative act setting up standards for those trades and occupations. My problem is what's going to happen to those boards, or those regulatory bodies, if this amendment is not adopted? You're going to put them all under the governor will only appoint that one and the doctors will be passing on people who want to be TV repairmen...

Mr. Henry. Mr. Avant, I'm sorry, you've exceeded his time, sir.

Mr. Burson. I would like to have the opportunity to answer the question.

Mr. Henry. Well I'm sorry, but the rules are as they are, sir. You can go back there and talk with him, but the time is up.

Further Discussion

Mr. Duval. I'd just like to reiterate one point that's been previously made, but I think it's very important. In the present situation as it now exists, the governor ran on a platform of reorganization as did the second candidate, the person who came in second, and the people elected him governor. I think it was one of the prime issues in the campaign and the people elected him when they elected him. I think we should consider that if we are going to consider what the people want. Thank you.

Further Discussion

Mr. Dennehy. The purpose of the Executive Committee in...rather the Committee on the Executive Branch in drafting this provision may be more clearly understood if you look at Committee Proposal No. 19 which provides for the mandatory reorganization of state government and provides that the legislature shall allocate within not more than twenty departments, and more is the important phraseology here. It is conceivable that now that we have added some more constitutional officers, if they become elective officers and therefore are required to head departments, that this must be changed in some small increase. But to do away with the limitation of the number of departments seems to me, as a member of the committee which worked on this, to be striking at the very heart of our proposal to try to provide for the state of Louisiana an efficient form of running the state of Louisiana. Now, Mr. Florie, made some statement about the self-generating fund agencies. There is no problem there because right now the Department of Agriculture, for instance, has under it the Orderly Milk Marketing Commission and the Structural Pest Control Commission which get one hundred percent of their funds self generated. So I don't see that there is any real problem on that. All of these commissions, right now, are under the secretary of agriculture. The purpose of this entire section, as far as the amendment is made for the governor of the state of Louisiana a method of operating the state's business in an efficient manner. It seems to me we take out the twenty department limitation, or if we amend it to many more than twenty, we are losing the whole efficacy of this entire article.

Questions

Mr. Rayburn. Mr. Dennehy, let me just ask you this question, and my purpose for signing the amendment that's now up for discussion is I'm not clear as to what departments would mean. Do you mean, when you say departments, do you mean agencies, boards, commissions like the Television Board? That's the only reason, because I could see with twenty departments you could be in trouble in this state...the minute this was adopted if you got a ruling from the attorney general that department means any board or agency. That was my purpose because it's not clear in my mind as how you define a department.

Mr. Dennehy. Well I think the definition is contained, if you look at Proposal No. 19. Senator Rayburn, it says "the legislature shall allocate within not more than twenty departments the functions, powers, duties and responsibilities of all departments, boards, and agencies..." Those are the mentalities within the executive branch except those allocated by this constitution." Now the whole theory of it is to put all of these various boards and commissions under a department head who can then, in a pyramid fashion, report for those commissions and agencies directly to the governor, which we believe would give the governor a little more efficacious control over them.

Mr. Rayburn. Well then, Mr. Dennehy, really what we're doing, and nothing is the same thing when we say twenty, if we wanted to create in the legislature in the next session if this provision in the constitution was enacted, we could just create fifteen new agencies and put them under "X" department, or twenty new agencies and put them under "X" department. Am I correct?

Mr. Dennehy. I think that's quite correct, sir.

Mr. Rayburn. So really what we're doing and nothing is about the same thing then. I mean it can be easily circumvented if you so desire to do so.

Mr. Dennehy. Well I don't think it would be circumvented, Senator. I think what would happen is that these various agencies that you would create, if you created them, would report to the governor through one particular department head. This would give the governor an opportunity, in the nature, if you will, of a cabinet form of government although we didn't specify that's what it was to be called.

Mr. Rayburn. But Mr. Dennehy, take the Law Institute and the Barber Board. Where would they go? Could we just put them under some department?

Mr. Dennehy. I would take it, for example the Barber Board, that you would probably, there would probably be some sort of a licensing, a department of licensing. All of these various licensing boards would report to the governor through the department head. Now the department head would not control what those boards do. The boards would remain independent.

Point of Order

Mr. O'Neill. My comprehension of the new Rule No. 90 which we enacted yesterday said that all materials placed on delegate's desk must bear the name of those persons or organizations who submitted
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such materials. I just had this put on my desk this morning, and I want the name of the organization or person who placed it on my desk, and I simply want to raise that point of order.

Mr. Stagg I would like to reply to the point of order. This material was printed long before Rule No. 90 was adopted, and it is a part of the presentation by the Committee on the Executive Department. Now, I don't think we should get reoriented in time to put Committee on Executive Department at the bottom of it.

Further Discussion

Mr. Conroy I speak in opposition to the proposed amendment. I've read through the proposal as a whole. It strikes me that Mr. Stagg is justifiably proud of the work which his committee did. I think they did a fine job. I did not rise to speak on Section No. 1A because to a large extent I don't think they have any particular substantive content. It is descriptive of a lot of different offices, but it doesn't say much about what they are or where they'll go. Section No. 1B, begins to get into substance and content of what their proposal is. As I understand it, at the heart of their proposal is the concept that the executive department should be reorganized. I think the purpose of the reorganization is responsibility. That's a word I hold dearly in this whole constitutional convention. I've been one of the chief sponsors of the effort here is to try to say that there are a few people in this state, that at least you'll be able to go to only a few, to find out what's happening, what's going on within various state organizations and boards and whatnot. Right now, it's bewildering, as I'm sure that you can begin to gather from the show that was distributed, as to what, exactly, the executive department or what the administrative branch of this state government is and how it functions and what it does. I don't think that the Executive Committee, or the proposal the Committee on Executive Branch intends to answer all these questions. It asks the executive department to propose a reorganization program. It asks the legislature to act upon this program. This is only the beginning. This is the framework. This is the foundation on which all these other things are going to happen. I think that foundation. I urge you to reject the proposed amendments to Section No. 1B and adopt the committee proposal largely as it is. Thank you.

Further Discussion

Mr. Roy Mr. Chairman and ladies and gentlemen of the convention, I can't believe we've now come the full circle. I came here with the notion of making a more independent legislature and having it more flexible and we've done that. To make the executive branch somewhat less powerful. Now the Executive Committee has come up with something that I think is really, really good and is needed, especially when you look at that sheet that was passed out. We are now going to where we are going to saddle the governor with the idea or the notion to have to carry two hundred and a half, or to two hundred different department heads or agency heads when he can hardly know twenty or thirty. We're going to make him responsible for whatever they do. Now I just sit here awhile and had a bunch of legislators, and there's nothing wrong with it, come and talk with me about voting for the position of commissioner of elections, and to represent it to the citizens of all of these same people, now for some reason, now are trying to involve the legislature in something that is, in my opinion, the executive branch. I just don't see how we're going to tolerate the idea of a three branch, separate branch, government and at the same time continue to emaculate the provisions of the Executive Committee that, in my opinion, are good. Thank you. I'm against it.

Further Discussion

Mr. gravel Mr. Chairman, ladies and gentlemen of the convention, I think there's been a real misunderstanding by many of you with respect to the purpose of this proposal. What the Committee on the Executive Department sought to do was to determine, first of all, I suppose as we all have, that there are three branches of state government. Now within the executive branch of state government, we intended by this provision under consideration to provide that not more than twenty departments, that would be major divisions or major parts of the executive branch would exist. That only, as Mr. Conroy correctly suggested, creates the superstructure for the organization of the executive department. Now within that manageable structure, we think, there are certainly going to be divisions. There are going to be agencies, boards, commissions, committees, and so forth that will fit into a logical, formal reorganization of state government. This, ladies and gentlemen, is at the very heart of the proposal that Governor Edwards made to the people of the State of Louisiana when he campaigned for governor. He appeared before the committee and supported in concept the proposal that is now before you. I urge that in order that we can carry out a full and valid reformation of our governmental structure, that you vote against the proposed amendment and vote for the provision as it has been approved by the executive department.

[Previous Question ordered.]

Closing

Mr. Florio Mr. Chairman and delegates, our purpose in submitting this amendment, of course, was not in any way to detract from the program espoused by the present governor when he was running for office. The amendment does nothing to his program of reorganization whatsoever. And to Mr. Arnette, let me say to you, what's proposed here does not call for the abolition of state agencies, boards and commissions. It merely gives to the governor twenty more additional appointments than what he now has. My only purpose in proposing the amendment was to take care of those boards, agencies and commissions who operate under self-generated revenues. That's the whole purpose of the amendment. Therefore, Mr. Chairman, if I have been assured that "department" does not mean those agencies operating under self-generated revenues, I'd be more than happy with the amendment. But nothing contained in this proposal makes such a definition. That's my whole purpose in proposing the amendment. After the explanation, with the approval of the Chair, leave of the convention even though the previous question has been ordered, Mr. Chairman, if I'm in order, I'd like to move that we withdraw the amendment.

Mr. Henry Mr. Florio, the previous question has been ordered.

[Amendment rejected: 13-93. Motion to reconsider tabled.]

Point of Order

Mr. Blair Is there any way when a gentleman comes up and asks for his question, that the previous question has been ordered for him to be shown the courtesy to withdraw it in our rules?

Mr. Henry Yes sir, we could reconsider the vote by which the previous question was ordered. If we do that and then get through those mechanics, the problem is the journal on the thing. We've gone through the process, you see, of debating it and then the previous question being ordered, and in the journal it's going to reflect that the previous question was ordered and then the amendments were
Mr. Blair. I wish there was some way, Mr. Chairman, that we would give the courtesy to a person, if he sees the light, he wants to change his mind, even if the previous question has been ordered, to let him withdraw it.

Amendment

Mr. Poynter Amendment No. 1 [by Mr. Lanier et al.] On page 1, line 25, after the partial word "ments" change the period to a comma and add the following: "as provided by law.

Explanation

Mr. Lanier. Mr. Chairman, fellow delegates, this amendment may at first blush appear rather innocuous, but in fact, it goes right to the heart of the reorganization of the executive branch in the manner in which this will be accomplished. In order to understand the full meaning of Paragraph 8 of Section 1, you have to read it in conjunction with Committee Proposal No. 19 which is to Article XIV of the schedule and Section 19 of the executive proposal. Now, I don't think that Committee Proposal No. 19 has been distributed to everyone except it was referred to by Mr. Chairman when he made his presentation to you a few minutes ago. But in essence, this is what it means. As you will not find it says that all offices, agencies and other instrumentalities of the executive branch of state government and their respective functions, powers, duties and responsibilities, except for the offices of governor and lieutenant governor, shall be allocated according to function within not more than twenty departments. This provision does not say who will do the allocation. Now, in order to determine that, you must first go to the Committee Proposal No. 19 which is not in general distribution at this date, which would provide a schedule article on the mandatory reorganization of state government. And so that you will understand what this proposal says, since I think that most of you probably don't have it, I'd like to take the liberty of reading it to you. "The legislature shall allocate, shall, that's mandatory, within not more than twenty departments, the functions, powers, duties and responsibilities of all departments, offices, agencies and other instrumentalities within the executive branch except those allocated by this constitution. Such allocation shall not be subject to any limitation or any condition by which the governor shall become operative not later than eighteen months after the effective date of this constitution. Should the legislature fail to make such allocation, the governor, within six months shall effect such allocation by executive order." Now, after this has taken place, the procedure for reorganization will be as set forth in Section 19 of the Executive Article. And if you will refer to Section 19, you will see that it provides that the governor may, which is discretionary, propose to the legislature a plan of reallocation, at which time the legislature can only accept or reject the reallocation plan by the governor and cannot make substantial amendments to that plan. This is a deviation from our present law. Our present law is embodied in Article III, Section 32 and Article V, Section 1. If you would refer to the digest on your desk, which has been handed out, it shows what the present law is and what the proposed change is. The thing that my amendment is designed to do by putting in the words, "as provided by law," is that the reallocation shall be subject to the limitations of the legislature under all circumstances as is the present law. This way, when you have a reallocation of functions in the executive branch, it will be done in the form of a bill. It will be introduced, you will have committee hearings, you will go through the process of enacting a bill and this law will then be put in the statute book which are arranged and published by the West Publishing Company where everyone can know what that reallocation is. The problem, as I see it, is that Section 19 has been really written so that if the legislature rejects the plan of the governor then nothing happens and there would be no further reallocation. If you then go back to the legislature will make the reallocation if the governor wishes to initiate a program, he can do so by contacting a legislator or group of legislators as has been done and with Section 19 it is that if the legislature rejects the plan of the governor then nothing happens and there would be no further reallocation. If you then go back to the legislature will make the reallocation if the governor wishes to initiate a program, he can do so by contacting a legislator or group of legislators as has been done and with Section 19, and they can submit his proposal to the legislature which would then be handled as a law. If we have a reorganization by executive order, the problem with the reorganization by the executive order is that the executive orders are not in general publication and you would not have the ordinary hearing procedure or legislative procedure that is attached to the enaction of a bill. My feeling is, and the reason for this amendment is, that the procedure for reorganization as suggested by the proposal of the Executive Committee in the schedule, should be by the legislature. The governor can introduce his bills through legislators and this will be handled in the same manner as a law. We would then go through all of these procedures with public hearings, etc., and we would have a permanent record in the statutory law and West Digest of what the substance of our executive department would be. Now, this, of course, goes to the heart of the reorganization program. To me it is a very critical issue and that's why I said these four little words don't look like much at first, but in effect, they're locking into the constitution the present law that the legislature will actually do the reorganization. Now coupled with the proposed section, schedule article, this would mean that if this is adopted and the schedule article is adopted, there would be a mandatory reorganization by the legislature. That is, the reorganization would be done twelve months after the effective date of the new constitution. If the legislature failed in its duty, then it would be done by the governor. I'd be glad to yield to any questions.

Questions

Mr. Abraham. Walter, under this language here, where you say "as provided by law", there is still nothing to prevent the legislature for providing within the law for the governor to effect various reorganizations on his own, is there?

Mr. Lanier. No, not at all.

Mr. Denney. Mr. Lanier, as I understand the legislative section which we recently adopted, when you use the language, "as provided by law," that means as provided by statute.

Mr. Lanier. By an enactment of statute. Yes, sir. That is my intention.

Mr. Denney. Well now, if per chance your argument, when we get to Section 19, is not adopted by the convention, and the convention determines that it is best to let the governor do his voluntary, if you will, or discretionary reorganizations, and if we have amended here "as provided by law," those two sections will be in direct conflict.

Mr. Lanier. Yes, sir.

Mr. Denney. Then it seems to me, therefore, that you are bringing this up at the wrong time. Because if the convention decides that it should be by the legislature then you don't need it. If the convention decides that it should be done by the executive, then you have created an impossible conflict. If it is done by you, that you, if I may respectfully suggest it, should withdraw that amendment and wait until Section 19 comes up. The argument is a sound one, it has merit in it and we discussed it at length, but
our conclusion was that the executive should have this power after the first mandatory...

Mr. Lanier Well as I see it, really, we can solve the whole problem right now with this language, at this point in time. That is why, in the presentation of my discussion I brought up the fact of the provision in Section 19 and the schedule provision. I think we can lay the matter to rest right now. If the convention, in its wisdom does not choose to do so, of course we can and this raise in the latter time. I feel we ought to face the issue now. To me, this is one of the most critical parts of the executive article, right here. Section No. 1, setting forth who will be your elected and constitutional officers and setting forth the framework for the reorganization of our government. I agree with the previous speakers that there has been a mandate by the people of our state for reorganization of our state government. I think that this should be done by the legislature, and I think this language will put that to rest. Thank you, Mr. Chairman.

Vice Chairman Miller in the Chair

Mr. Tate Mr. Lanier, if the convention adopts your amendment and if it also adopts Committee Resolution No. 13, well then, the reorganization would be properly provided for. In other words, enactment being the schedule attached to the constitution by Committee Resolution No. 19.

Mr. Lanier Judge, as I appreciate it, I do not think my amendment and Committee Proposal No. 19 are in conflict. As pointed out by Mr. Denney, and I think he was accurate, my amendment, if adopted, would be in conflict with Section 19. Thank you, Madam Chairman.

Further Discussion

Mr. Stagg Madam Chairman and fellow delegates, in the book on your desk, the large book, there is a sheet toward the rear of it on white paper called Committee Proposal No. 19. There is, in your yellow copy of the Executive Article, a Section 19, and unfortunately, those two may be confusing by both being numbered 19. Let me please try to explain why I oppose Mr. Lanier’s amendment. In Section 18, the committee has stated that the "powers, functions, duties except for the governor and lieutenant governor shall be allocated according to function within not more than twenty departments.

Mr. Perez Questions do we have that this body will adopt the schedule?

Mr. Stagg What assurance do we have, Mr. Perez, that we’ll adopt...

Mr. Perez Questions do we have that this body will adopt the schedule?

Mr. Stagg That the body will adopt the schedule because without the schedule, this whole thing is totally incomplete.

Mr. Perez What do we do in case the body does not adopt the article on local and parochial government?

Mr. Perez Question. You asked me a question, so I’ll answer it and that’s not proper procedure. But, we would be adopting an article which would say that the respective functions, powers and so forth shall be allocated. But we do not say by whom. The problem becomes that if we don’t adopt this schedule, and we may not ever have schedules to begin with, the problem becomes what does this particular section mean?

Mr. Stagg Then Section 19 would become the method of allocation and then it would be the duty of the governor to do it. I would urge the convention to adopt the schedule and to adopt the mandatory reorganization so that the legislature could have the first shot at it...

Mr. Perez But in that event, then, wouldn’t it be that the total concept and the total intent of your article, that the legislature would first adopt the proposal, and it, in turn, the whole schedule, then the whole concept of your article would be changed. Is that correct?

Mr. Stagg I have no reason to believe that the convention would refuse to adopt the schedule.

Mr. Perez, in the first instance.

Closing

Mr. Lanier Thank you, Madam Chairman. One of the primary reasons that I have proposed this amendment is because as understand this, and I wanted to ask this question to Mr. Stagg but we didn’t have time. As I understand this if we adopt these provisions as they are and in particular Section 19 of the proposal, that would mean that after the initial mandatory reorganization that the legislature would be locked out from taking any action to reorganize unless there was an initiating action made by the governor. That, to me, is a very drastic and substantial change from the present law, which allows the legislature to do it when it deems fit. And for this reason I think that this should be settled and that the legislature should, and with this amendment it could, initiate the action itself in the future to reorganize and it would not be
mandatory that the initiating action come from the governor because at some time in the future we could have a reverse situation where the governor wanted a multiplicity of boards. For some reason, some of us feel the legislature would be locked out from taking action without an initiating action by the governor. For this reason I think we have flexibility in the system for the legislature to do this if it, in its wisdom, it deems it appropriate.

Questions

Mr. Anzalone Where is there anything in here that would prohibit that?

Mr. Lanier There is a no grant. The problem here is not a prohibition, it is a grant. We are dealing with the executive branch and the legislature can't meddle with the executive branch under the separation of powers. So, unless you authorize the legislature to do this they can't, in my opinion.

[Amendment rejected: 21-69. Motion to reconsider tabled.]

Amendment

Mr. Poynter The next amendment is offered up by Mr. Anzalone and Mr. Asself.

Amendment No. 1, Page 1, at the beginning of line 23, delete the words "offices of governor and lieutenant governor" and insert in lieu thereof "statewide elective offices".

Explanation

Mr. Anzalone Ladies and gentlemen of the convention, I have proposed this amendment strictly for clarification. You are going to constitutionally provide for several offices in Section 1A. Section 2 is going to provide for the departments. I do not want to confuse the powers, duties and functions of the elected officials and by any guile give any of the legislature the authority to play with a constitutional authority which is granted to an elected official. My amendment simply makes it abundantly clear what this constitutional authority you give to a statewide elected official, it is his and can only be changed by an amendment to the constitution.

Questions

Mr. Newton Mr. Anzalone, doesn't your amendment also have the effect of increasing the number of state departments?

Mr. Anzalone Mr. sir, it does not because we haven't gotten to the allocation of the state department yet with these elected officials.

Mr. Gravel Mr. Anzalone, you say that the purpose of this is to make sure that the duties or functions of the constitutional officers are not adversely affected, is that the purpose of your amendment?

Mr. Anzalone Yes, sir.

Mr. Gravel Well then, the purpose for which you introduced the amendment doesn't exist.

Mr. Anzalone Yes, sir. I want to make it abundantly clear, Mr. Gravel, that when these 20 departments are created that there will be no infringement whatsoever on the powers, duties and functions of an elected official.

Mr. Gravel Where there is any such infringement?

Mr. Anzalone We don't have any yet.

Mr. Dennery Mr. Joe, your amendment provides, as I understand it, that the present, as we have it written now before we have made any changes in it, there are three other state elected officials ...secretary of state, treasurer, and attorney general. Is it your intention, by means of this amendment, to provide that those three agencies shall not be within the 20 departments mentioned in the article?

Mr. Anzalone Yes, sir.

Mr. Dennery So what you are suggesting then, is a considerable change in what the Executive Committee came up with? The 20 departments were to include those departments which were headed by elected officials.

Mr. Anzalone No, sir, they did not. The 20 departments included three of five.

Mr. Dennery Excuse me, three of the five, but now you are removing those three?

Mr. Anzalone I am removing those three.

Mr. Dennery Thank you sir.

Chairman Henry in the Chair

[Previous Questions Tabled. Amendment rejected: 21-69. Motion to reconsider tabled.]

Amendment

Mr. Poynter Amendment No. 1 [as Mr. Mcgoff and Mr. Rodd] Page 2, line 23, after the words "lieutenant governor" and the punctuation, and before the word "shall" insert the following: "and boards, commissions and agencies which operate solely on self-generated funds;".

Explanation

Mr. Weiss Fellow delegates, the hour is late. I won't take much of your time, but this is, I believe what Mr. Florey had in mind, and perhaps Delegate Rayburn also. This is significantly and very personal to you no matter what's your profession or occupation in that this chart you received is confusing in this respect. I'd like to point out that we're speaking only one of boards, commissions and agencies which have self-generating revenue. In other words, they exist at no cost to
the state. Now, the reason I suggested this be included is not to reduce the power of the governor, but to give him the power of the governor. Please understand, if you will, as I have learned in studying the governor's appointments, that two things will happen if it is passed. One is that the governor will be more powerful and go directly to the people. That is the Blue Ribbon Board, the people who are selected by you and I in any office, it is the right to represent your state levels. This is not state funds going toward these commissions, towards these boards or to the salaries. The other thing is, it will reward the people who serve on these boards and commissions and the like, who serve at not cost to the state. In other words, let me read to you some of these commissions and boards that now exist and then I'll explain one in particular...the Medical Examiners, for example, that concern me. But, these include such diverse boards, commissions or agencies as the barbers, contractors, cosmetology, dentists, embalmers and funeral directors, engineers, heating aid dealers, horticulturists, liquefied petroleum gas boards, water boards, brand commission, livestock sanitary board, medical advisory board, medical examiners, motor vehicle commissions, namely the dealers, nurse examiners, optometry, pharmacy, public health, radio and television boards, sanitarians, seed commissions, shorthand reporters, social workers, speech pathologists and audiologists, speech language therapists, street board, veterinary medicine and watchmaking boards. Now, each of these boards represent, at least in the medical sense that I will use that since I know it best, the blue ribbon physicians of the state that are presented to the governor when he is elected. In other words, the physicians would select ten members and the governor would select 3 or 5 or whatever the requirement is. Now, that is how the governor has his power, but not money. If the governor wants to spend money involved and no exchange of funds in these types of self-generating funds or the committees and commissions. Therefore, the governor will get to know these people better. He will be closer to the blue ribbon people and will know them better and these are the people that the governor should have direct contact with. I do not feel that an intermediary between the governor and these types of boards and commissions is necessary. It would represent to me bureaucratic bungling, and this to me is unnecessary. At the present time, these members, when they are selected and serve, it is the governor and they should be rewarded for their positions which they hold at no expense to the state to at least see the governor. My legislators back home will make there's all the difference in the world between an elected and an appointed official. When they write for you or me, to an elected official, then they get an answer immediately. They are taken care of promptly. I'm sure you legislators appreciate this. On the other hand, if a man is appointed, frequently the problems that may arise whether it be in the plumbing or the radio or sanitation or medical division, are buried in the bureaucratic process and somewhere along the line the chain of command has pushed it aside because perhaps the person who appointed it that way or otherwise. I would like to feel that our governor is strong by virtue of the fact that he is reaching the strongest members of the state in any given field, and I think this will be maintained if you will pass this floor amendment which says and boards, commissions and agencies which operate solely on self-generating funds. I urge you to accept this floor amendment.

Questions

Mr. DeBlieux: Mr. Weiss, you made a statement that kind of intrigued me a little bit and that's the right appointed official to send the governor. Do you think that every person that the governor appoints to office has the right for an appointment with him?

Mr. Weiss: No, absolutely not, Senator DeBlieux.

Mr. DeBlieux: Well, I just wanted to clear that up because that seemed what you indicated in your remarks.

Mr. Weiss: Not at all.

Mr. Stovall: Dr. Weiss, don't many of the decisions of different boards affect the people...the welfare of the people of the state of Louisiana?

Mr. Weiss: The state's authority is supreme, Rev. Stovall, and I think that the state is responsible in any action of any board that exists.

Mr. Stovall: And because they are, should they not be under direct state supervision in some administrative channel?

Mr. Weiss: Absolutely not, and the reason I say that is that these boards are specialists in their own fields. If the funeral directors don't know more about funerals, I don't know who does, and they are the one that are responsible for licensing the funeral directors in a given area. Now, the governor or the legislature may take action, certainly, but they are the boards that qualify these individuals and are expected to know more about it than anyone else.

Mr. Stovall: But the decisions that they make do affect the people of Louisiana?

Mr. Weiss: Of course, they do.

Mr. Duval: Dr. Weiss, you've been talking about professional boards, but don't you know that your amendment says "self-generating funds". It doesn't mention professional boards, and are you aware, sir, that there are certain boards that are self-generating and are not professional boards such as the milk marketing, the structural pest control and levee districts just as a few examples. Are you aware of that, sir?

Mr. Weiss: The levee districts I've checked on and I do not believe that's correct, but I do understand the milk commission may be, the insurance rating bureau may be, and the public employees board may be. But these are still self-generating revenue boards and I think they're entitled to be separate and apart from any bureaucratic process which is necessary if the governor is to have a strong hand on these.

Mr. Duval: You do understand that these are subdivisions of the state and state agencies, don't you?

Mr. Weiss: No, anything created by the legislature, or course, is a state agency. That's correct.

Mr. Duval: But, I happen to know that levee districts are self-generating, but you don't know that, is that correct?

Mr. Weiss: It's my understanding that they are not, and I'd appreciate a researcher's comment, Mr. Flory, and I know that I haven't spoken to anyone but Mr. Flory. It was his understanding that they are not. If someone knows otherwise, I'd appreciate their comments.

Mr. Mire: Did you know, doctor, that the Lafourche Levee Board is absolutely today operating on self-generated funds, 100 , with an abundance of those funds?

Mr. Weiss: It has a legislative act...well, then, that's controlled by the legislature, certainly.

Mr. Landrum: Doctor, could you tell what happens if this amendment should fail to the barbers and beauticians?
Mr. Weiss. Right, I'm glad you asked that Delegate Landrum, because that's my concern—that if this is not included in the constitution, what I understand is that the State of Louisiana, where it may be that whatever arrows and Wanderings they may have to which ever department head they are placed under. For example, the master H.E.M. scheme that is now in effect for some state of Louisiana has one man over this tremendous agency...some 300 agencies spending a half a billion dollars in the state at this time. My understanding would be that he would or she would or whatever the agency...cosmetologists would do would be to report to this department head before they could reach the governor for any type of minor or major problem which they may have. This to me is very disturbing because these people are selected as the most outstanding people in any given field. I think they should have the governor's ear, and I think that the governor would want to have their ear, and this is something that would enhance the governor's position.

Further Discussion

Mr. Gravel. Mr. Chairman and fellow delegates, I rise in opposition to the amendment. There's nothing in the present constitution, nor has there ever appeared to have been any need for the kind of protection that Dr. Weiss's amendment suggests should be in the new constitution. But even if we were to permitting that, if there is any necessity to give consideration to the boards and commissions that operate with self-generating funds, that can be handled under Section 10 of the proposal. Now, I'm not suggesting that it should be handled at all, but I do believe that this particular amendment should not be considered at this time and this particular part of the constitution and I move that you reject the amendment.

Further Discussion

Mr. Conroy. I am opposed to this amendment. I think I addressed myself to the basic substance of this amendment previously with Mr. Flory's prior amendment, but I do want to raise one additional question, not so much just for this amendment, but for in general what some of those who worked on the Committee on Revenue, Finance and Taxation will recognize. That's the use of the phrase in here of self-generating funds. We had a great deal of difficulty with this conception in the Revenue, Finance and Taxation Committee. I think that anybody who studies it would have the same sort of concern about self-generated funds, and I think that anybody who does attempts to use it in this constitution will find that it will cause you nothing but headaches in trying to define what you're doing, and for that reason alone, I would urge you to reject this amendment.

Mr. Henry. You have the right to close, Dr. Weiss. Do you pass? Dr. Weiss? The gentleman passes. Oh, Excuse me, I thought somebody said that you had passed. I guess that I was just hoping that.

Closing

Mr. Weiss. I'm with you in spirit, and we'll soon learn. But I must make it clear that I want to hear that there's confusion in the term "self-generating revenue" other than in my mind. But none-theless, that's the best term I would figure out here. And I think that the Supreme Court has, as Chairman Henry has said, will make a large number of decisions, and certainly the levee board will not be included in these types of boards, commis-sions and agencies which are so border lined, and so constructed that there's a tremendous amount of legislative responsibility, which the floor amendment adopted, and I think that we are doing the people back home a real service, particularly the list of organizations that I read a moment ago. Perhaps this should be introduced at another section, but I'm introducing it here for you to be familiar with it in the event it is introduced later in another section. I would ask you to adopt it and hope that we can dispose of this properly now.

Mr. Stinson. Dr. Weiss, were you not a little shocked at Mr. Gravel objecting to this because it's not in that old antiquated constitution? Hadn't the argument always been we're supposed to plan for the future? That's what you're doing, isn't it?

Mr. Weiss. I am, and as a matter of fact, it's somewhat unwritten in the present constitution. There's no need to have a problem if I understand it, over what is currently going on.

[Amendment rejected: 21-82. Motion to reconsider tabled.]

Mr. Poynter. Amendment No. 1 [by Mr. Flory, et al.], page 1, line 17, at the end of the line and after the word "state" delete the remainder of the line. Amendment No. 2, page 1, line 18, at the beginning of the line, delete the portion of the word "eral".

Mr. Deshotel. Ladies and gentlemen, I want to apologize to you for coming up with this at this time, but we had this on the table since yesterday. For some reason or the other, it was overlooked when we were going over Section A. It involves taking the attorney general out of the executive article and putting him back into the judiciary article where he has been in our past constitutions and is presently in our 1921 constitution. Our rules that we adopted in January provided for the committees on taxation and finance. The amendment on the floor is in Section A, and the Department of Revenue, Finance and Taxation. Our committee proposal is with our committee now. We have not reported it back to the convention, we're still working on this particular section. There are some very valid reasons besides having been assigned a particular subject. One, is that our attorney general is more of a judicial officer. All of you are concerned and realize and have been acquainted with the many opinions that our attorney general gives throughout the course of his term of office. The attorney general has an inter-relation-ship with our D.A.s and our county judges, and he's a judicial officer, and for that reason, I would ask that he be considered in due course, and that our Committee on Judiciary be allowed to continue consideration and deliberation on this particular article, and provide you with a good proposal with a continuity between the attorney general and the workings that he has. D.A.s tonight and in closing that the attorney general specifically requested that he be included in the judiciary article if he were not given an opportunity, which I think it's only fair to the executive and judicial. His second choice was to be in the judiciary article, and gentlemen and ladies, quite frankly, we have enough to consider.
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in our executive article without lapsing over into judicial matters which is what we'd be doing if we'd try and confront this at this time. So, for that reason, I'd respectfully request that you vote for this amendment, allow our committee to continue its work, and present you a good proposal that has been constructed and which I hope will create less debate once it is brought onto the floor.

Further Discussion

Mr. Perez: Mr. Chairman and fellow delegates, I know that we're all very tired. I know that usually at this time of day we all are pretty much accustomed to throw those red lights and say "let's get out of here", but this is a very serious and a very important matter. The only way that the attorney general of this state can be intelligently acted upon by this convention is to consider the responsibilities and duties of the district attorney, of the courts and of the grand jury. As a member of the Coordinating Committee, I know that the responsibility of the attorney general was designated to the Judiciary Committee. As a member of that Coordinating Committee I cannot recall any question being raised with respect to the executive department, considering this particular office, that is the office of attorney general. I don't know whether we're all very tired and want to be brief, but please, let's remember that the attorney general serves as it is in the present constitution, under the judiciary article, and should be considered there so that we can have an intelligent consideration of all of the various offices in the judiciary department together. Thank you.

Further Discussion

Mr. Gravel: Mr. Chairman, ladies and gentlemen of the convention, it's very difficult for me to imagine how anyone can successfully contend that the attorney general of the state of Louisiana belongs in the judiciary article. He does not perform any judiciary functions, whatsoever. He is the chief legal officer of the executive branch of state government, and that's what he is. Now, what his duties and functions may be will be prescribed by this convention. It may be what has been suggested by the Committee on the Executive Department, it may be varied in the manner suggested by the Committee on the Judiciary Department, but let's don't complicate the problem. If we are going to devise and confect an orderly constitution with proper checks and balances, let's begin by doing so here and now. I just suggest to you that there is no way that it can be successfully contended that the attorney general is a judicial officer of the state of Louisiana or any judicial function. He's the lawyer for the state. Sometimes a good lawyer and perhaps, sometimes, a lawyer that's not so good, but nevertheless that's what he is. He represents the executive branch. He doesn't represent the legislative branch. He doesn't, under any circumstances, represent the judiciary. I submit to you that it would be a grave mistake to take him out of the executive department, which is what this amendment proposes to do.

Questions

Mr. Perez: Mr. Gravel, isn't it correct that under the present constitution the attorney general is under Article VII which is the judiciary department?

Mr. Gravel: It is and I don't think that we should perpetuate that error.

Mr. Perez: Isn't it also true that under all proposals that the district attorney would be to institute, prosecute and intervene in legal actions before the courts?

Mr. Gravel: Under what proposal?

Mr. Perez: Under all proposals, that is both the executive proposal and the proposal by the judiciary.

Mr. Gravel: I don't think that the executive department yet has any provisions specifically with respect to the district attorneys.

Mr. Perez: Well, I refer you to Section 8 on page 7, which provides that the attorney general shall have the authority to institute, prosecute or intervene in any legal action or other proceeding, civil or criminal, exercise supervision over the district attorneys and the attorney representing the state in any civil or criminal proceedings so therefore I ask you, isn't the attorney general performing strictly a judicial function under those circumstances.

Mr. Gravel: Absolutely not. He's performing a function as an officer in the executive branch of government, as the chief legal officer of the executive branch. He doesn't make any decisions. Mr. Perez, that are binding at all. His opinions, like the courts, have held, are only advisory and suggestive, just as much so as a good brief by an attorney representing a litigant in a law suit. He does not perform any judicial function.

Mr. Avant: Mr. Gravel, isn't it a fact that under the present constitution and also under the rules of this convention, that the Judiciary Committee and the judicial article in the present constitution contain not only the attorney general and the district attorneys, but the sheriffs, the clerk of court and the coroner?

Mr. Gravel: I think it is correct that the sheriffs, clerks of court and others were considered by some committee other than the Executive Committee, if that's what your question was.

Mr. Avant: And are not those officers presently in the judicial article of the present constitution?

Mr. Gravel: I think that they are. I don't think, personally, that the district attorney should be under the judicial article, because neither do they perform judicial functions.

Mr. Avant: Don't all of those officers, though, have to be considered together because their functions are so interrelated?

Mr. Gravel: Not necessarily, no, sir. Absolutely not. Keep this in mind, too, and let me expand upon my response to you that we're talking about the structuring here and that's all we're doing in Section 1 of the executive branch of government. Certainly there are going to be some areas of the constitution where you may have to refer to, in one article to positions, to jobs, or to functions that may be considered to some extent in another article. My position is simply that basically the office of attorney general belongs in the executive department of state government.

Mr. De Blieux: Haven't the United States attorneys always been considered a part of the executive department of government.

Mr. Gravel: As far as I know, they have.

Thank you very much.

[Previous question ordered: Amendment adopted: 50-49. Motion to reconsider tabled. Previous question ordered on the Section. Section passed: 95-1. Motion to reconsider tabled. Motion to revert to other orders adopted without objection.]

Report of the Secretary

[Journal 246-250]

Announcements

[Journal 250]

[Adoption to 9:30 a.m., Tuesday, August 1, 1973]
25th Days Proceedings—August 3, 1973
Friday, August 3, 1973

ROLL CALL
[9 delegates present and a quorum.]

PRAYER
Mr. Abraham Direct us O Lord in these our doings. Guide us in our actions. Keep us mindful of the needs of others, and may all our efforts be in Thy name. Amen.

PLEDGE OF ALLEGIANCE

READING AND ADOPTION OF THE JOURNAL

RESOLUTIONS ON SECOND READING AND REFERRAL
[2 Journal 251]

PROPOSITIONS ON SECOND READING AND REFERRAL
[2 Journal 251-2]

UNFINISHED BUSINESS

PROPOSALS ON THIRD READING AND FINAL PASSAGE

Mr. Poynter Committee Proposal No. 4, introduced by Delegate Stagg, Chairman, on behalf of the Committee on the Executive Department, and Delegates Abraham, Alexander, Arnette, Brien, Denney, Duval, Gavel, Stovall and Tapper, provides for the establishment of a commission for the apportionment of representatives to the executive branch of government, for the filling of vacancies in certain public offices, and with respect to dual officeholding, a code of ethics, and impeachment.

Personal Privilege

Mr. Lebretor Mr. Chairman, members of the convention, I thought you might be interested in an article in News and Review, which is the old municipal review magazine. The state of Alabama has just completed their study of a constitution. That's a neighboring state, I thought you would be interested. It's very short, it will take me two or three minutes to cover it. I think it's interesting. I might observe before I give you the report of how similar we have been and how we have differed in some parts, and that's what makes a bunch of good US states, 1 imagine. Alabama Commission reports on constitution. In its final report the Alabama Constitutional Revision Commission provided guidelines around which the proposals were framed. These basic principles include, one, preservation of stress and stressing certain aspects of the Bill of Rights. Two, preservation of the separation or powers. Three, assurance of flexibility for the legislature in dealing with changing conditions. Four, recognition of increased responsibilities of the governor as head of the administrative branch should be improved by adequate authority. Five, responsibility and authority of the courts must be restated and strengthened. Six, local government should be granted more authority, flexibility and initiative. Seven, excessive provisions and language should be omitted so that the document provides clearly the basic principles and the structure of state and local government. Highlights of articles pertaining to rights, divisions of power, representation, the executive, the legislature, the judiciary and local government follows.

I'll skip over that and get to where we just finished, Provision No. 3, legislative powers. In Alabama they call that the distribution of powers of government, and you can see how close our report came to theirs. Regular annual sessions and an annual salary for legislators to be determined by an independent compensation commission are recommended. Several changes are proposed to speed up procedure in enacting legislation and local and general laws are clarified. Next, the legislature will be required to adopt a code of ethics governing conflicts of interest for the legislators, state employees and nonjudicial offices. Representation, the state will be divided into House and Senate districts consisting of compact and adjoining territories with a ratio of members of legislature to population, in nearly equal as practical. A reapportionment commission is established and directed to report after each census. The commission plan would become law if the legislature fails to act on it in the next session. Last, provision of a plan by the State Supreme Court is authorized on the petition of a citizen of the State in the event of a conflict between the legislature and the executive department where we are right now. The one paragraph is, and I quote: 'Executive Department. Nonpolicy making offices are eliminated from the constitutional state laws. Only the governor, the lieutenant governor and the attorney general. Age and residency requirements are reduced for these offices.' Thank you.

Reading of the Section

Mr. Poynter Status of the proposal to date is that the convention has adopted Section 1 relative to compensation.

Next section. Section 2. Qualifications.

Section 2. Paragraph A. To be eligible for any statewide elective office, a person must have attained the age of 25 years by the date of his election and be a citizen of the United States and of this state for at least 5 years immediately preceding the date of his election. He shall hold no other public office except by virtue of his office during his tenure in office.

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

Examination

Mr. Stagg Mr. Chairman, delegates to the convention, in the present constitution, the age requirement for governor has a minimum age requirement of 30 years of age and that he must be a resident of this state for 10 years. The Committee on the Executive Department felt that it was in line with practicalities and 1973 as against 1921 controversy that the age for statewide offices be reduced to 25 years and that 5 years of state residence was sufficient qualification for such office. There is in this provision, also, a provision, also, a provision that the statewide elected officials shall hold no other public office during his tenure in office except those that he might hold ex officio. I understand, Mr. Chairman, that there is an amendment, concerning circuit judges, and I'll withhold any comments on that until such time as we get to it. At this point in time, Mr. Chairman, I move adoption of Section 2.

Recess

Amendments

Mr. Poynter Amendment No. 1 [by Mr. Poynter, Mr. Dunn, Mr. Denson, Mr. Crame]. Page 1, delete lines 27 through 30 in their entirety and insert in lieu thereof the following:

"Section 2, Paragraph A. To be eligible for any statewide elective office, a person must be an elector who has reached the age of 18 years at the time of qualification for office and must be a citizen of the United States and of this state for 5 years."

Page 2, at the beginning of line 31, delete the following words: "preceding the date of his election."

Explanation

Mr. Tobias Mr. Chairman, fellow delegates, this amendment purely and simply reduces the age at which a person can qualify for running for the state elected offices. I am aware that a lot of people believe that an 18 year old or a 19 year old or a 20 year old is unqualified to run for this office, or these offices. As a practical matter, and I urge the practicality of it, strenuously, how many 18 year olds do you or any of us think that can raise the funds or have the political power to run for this office, these offices? How many people do you actually know that can do this? Is it not fair that any elector should be allowed to participate in
every election of this state to the maximum extent that he ought to? At 18 years old, I probably would have been unqualified to run for a statewide elected office. I might even venture to say that I'm 25 now, and I would probably consider myself unquali-

fied to run for a statewide office at this time. But it's fair, it's fair to everyone. I move it's adoption, Mr. Chairman.

Questions

Mr. Lanier Mr. Max, I notice here you say that "has reached the age of 18 years at the time of qual-

ification for office." Do you mean by that at the time of qualification for candidacy for office or at the time that they are sworn in to office?

Mr. Tobias At the time of qualification. This

means the same thing as we did in the provision for the legislature.

Mr. Lanier Well, we found we had a little bug in that.

Mr. Tobias No, this is the language that we track. It takes care of the situation. You have to be 18 when you qualify.

Mr. Lanier Is that qualify for candidacy?

Mr. Tobias Qualify for candidacy, yes sir.

Mr. Belt Mr. Tobias, only one thing worries me. I'm not against 18 year olds, but what about the attorney general?

Mr. Tobias Well, as a practical matter, as you are aware, the attorney... the qualifications for

attorney general include that he must have practiced law for five years. Since he must have practiced law for five years, and as a practical matter, you're not going to find very many 18 year olds who have prac-
ticed law for 5 years.

Mr. Lanier I was just wondering, he'd have to be 13 when he graduated.

Mr. Tobias Yes, that would be very difficult.

Mr. Smith Mr. Tobias, do you think someone just

18 year olds is mature enough to run for office?

Mr. Tobias Yes, sir, some, not all.

Mr. Smith Well, I mean anybody could run though, at 18 couldn't they?

Mr. Tobias Yes, sir.

Mr. Smith They were just recently given the vote. Is that right?

Mr. Tobias Correct.

Mr. Smith Why do you think they are mature enough at that age? Why do you think that particular arbi-

trary age makes them mature enough to run for an office?

Mr. Tobias Well, my firm belief is that every indi-

vidual at the age of 18 is mature enough to run for that office. But if a person is mature enough to run for that office, the people will know who he or she is.

Mr. Smith Well, usually at that age they are still under their parents and hasn't finished high school. Isn't that correct?

Mr. Tobias Many of them, yes, sir.

Mr. Smith Still you think they should be able to run for office?

Mr. Tobias Definitely.

Mr. Jenkins Mr. Tobias, do you think that all 40

year olds are mature enough to run for statewide office?

Mr. Tobias I know of several that are not.

Mrs. Warren Mr. Tobias, as a champion for the youth, and I say that I am, I'm wondering what qual-
icifications an 18 year old would have for being gov-

ernor? You mentioned, this is kind of a twofold question, that an 18 year old might not have the financial funds to run statewide. There might be an 18 year old who has it, who has gotten some kind of an inheritance who gives him the money to run for anything that he wants to run for. In that event, if he is elected, what situation would our state be in if he wasn't qualified?

Mr. Tobias Well, the point is that if the voters want to elect an 18 year old statewide elected of-
ficial, they ought to be allowed that right. It would have to be a fantastic young person running for the office to actually succeed in getting elected, as a practical matter.

Mrs. Warren I agree with you that it would be an exception for one to do that, yet I'm still concerned with knowing the juvenile situation as it is today, I'm just wondering if we would have one.

Mr. Guerisco Mr. Tobias, you said the reason you didn't think that you were possibly qualified to

be governor even though you were 25 but you thought that you'd have to be for it because it's fair. I want to ask you, fair to whom?

Mr. Tobias Fair to all young people below the age of 25 in this state and qualified electors.

Mr. Guerisco Do you think it's fair to the rest of the citizens of the state to have someone who

just got out of his pampers being the governor of the state?

Mr. Tobias They have the right to either vote for

them or not to vote for them.

Mr. Guerisco Do you think that the framers of the

United States Constitution were unfair when they

made the president reach the age of 35 and Senators reach the age of 30 and a Representative reach the age of 25 before he can hold those offices?

Mr. Tobias The United States Constitution was
drafted in the late 18th century. I think times have changed considerably and a lot of young people are better educated than some of their children at that time.

Mr. Guerisco Don't you think that you are miscon-

structuring education and knowledge for experience and judgment and good sense?

Mr. Tobias No.

Mr. Jack Mr. Tobias, I'm afraid of this happening and I want to see if you don't think it. I've done checking, like I always do, and to many 18 year olds are still in high school. Now if they can run for these offices, don't you think that's going to cause a lot of high school dropouts? How about it?

Mr. Tobias I don't think it will cause a lot of high school dropouts.

Mr. Jack All right, now one other one. I did some further checking and I find there are a whole lot of boys and girls not quite 17 that are smarter than the 18 year olds. Now you think you ought to lower this to catch those 16, not quite 17, or you're being unfair to juveniles? How about that?

Mr. Tobias Well, I've often maintained, I'll answer you this way. I am the youth representative in this convention and 4 year olds are young people. How what do 4 year olds want? Do they want toy stamps instead of food stamps? I don't know.
Mr. Jack I don't know, there are some of them smart, might want to be governor.

Mr. Rachal Mr. Tobias, I'm getting a little confused by the questions, and I'd like to ask, aren't you simply trying to make it possible for those people who are able to be taken away an go to fight and risk their lives for their country, that upon registering to vote that they can also run for office in this state?

Mr. Tobias That is included, yes, sir.

Mr. Rachal So then, aren't you, in fact, making a provision which will give wide as possible selection on the part of the people?

Mr. Tobias I am trying to.

Mr. Rachal Then the questions of their qualifications to run otherwise is irrelevant.

Mr. Tobias Generally, yes, sir.

Mr. Landrum Mr. Tobias, don't you think that... would you believe that there are people in the school system today who have finished college at the age of 18?

Mr. Tobias There are a few, I would gather.

Mr. Landrum So you did say exceptionally someone who would be an exceptional young person that the people would elect. Right?

Mr. Tobias Yes sir.

Mr. Champagne Mr. Tobias, aren't you simply saying that the people deserve what or who they elect. Is that right?

Mr. Tobias Yes sir.

Further Discussion

Mrs. Taylor Mr. Chairman, and delegates, I certainly hope that you will give deep consideration to lowering the age to 18 year olds. I've heard many questions asked that certainly seem to be making fun of the seriousness of the amendment. Just think back awhile to how many 18 year olds who were actually sent to overseas to protect you here in these United States. Think in terms of many of them who for the first time had a gun placed in their hands to represent you, to protect you, and now they're coming back home thinking they're coming back to a democratic system where there would be no discrimination against any person. If you allow them to register at the age of 18, if you allow them to go abroad for your protection at the age of 18, then I would think that you would be broad-minded enough to give them the opportunity that other persons have who are electors, and that is if it is their desire to run as governor of the state of Louisiana to give them that opportunity also. I would think we are talking about a government of the people. The people will make the final decision as to whether they want an 18 year old or not. We're not saying that 18 year olds are going to control the state of Louisiana. The final decision lies with the people, and all we're asking that we have no forms of discrimination. In this instance we're talking about discrimination against 18 year olds. I urge your support of the amendment.

Questions

Mr. Jenkins Mrs. Taylor, did you now that Alexander the Great conquered the world by the time he was 21?
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Mr. Abraham That's correct. All he needs to do is get a filing fee.

Mr. Duval Mr. Abraham, I agree with your position but I just wanted to ask you if you know that Mozart was 4 years old when he wrote his first opus?

Mr. Abraham No, I'm not a musician.

Mr. Alexander Mr. Abraham, have you ever known anyone to be elected who just filed and went home?

Mr. Abraham Yes.

Mr. Alexander Governor?

Mr. Abraham Not for governor, no, but I've known people to be elected who just filed and went home.

Mr. Alexander No, that was the question.

Mr. Rachal Mr. Abraham, I'm a little disturbed by what I consider your lack of confidence in the integrity of the people. Are you suggesting, on the other hand, that all of the persons elected by the people have been topflight, efficient in the carrying out of their responsibilities once elected?

Mr. Abraham I don't mean to infer and I do not infer that I have any lack of confidence in the people. The think that I'm saying is that we are charged here with presenting a document to the people that makes some sense. I think that's our responsibility to do it and I think that this thing here of elevating the age requirement to 18 is really not what it should be.

Mr. Rachal Yes, but my only question was just concerned that you were denying the people the opportunity to make that selection. Don't you think that you are suggesting to the people that they don't have the wisdom to select whom they could represent them and to say that we're going to restrict whom we allow to run for office?

Mr. Abraham By your line or reasoning we are denying the people the right to make the laws. They are electing Representatives to make the laws for them and they are trusting these Representatives to make the laws for them. They are trusting us to come up with a recommendation for this constitution.

Mr. Rachal All right, well aren't we also allowing 18-year-olds to run to be Representatives to make those laws? I was just wondering why you think we need to restrict the age of those who run for statewide office.

Mr. E. J. Landry Mr. Abraham, by the same reasoning that you're giving, would you be willing to consider placing restrictions on the other end of the spectrum? A lot of us are much older, some of us are senile and there is a danger that the people of the state of Louisiana shouldn't allow older people, like myself and some of the other people in the convention. Would you believe that we ought to consider placing restrictions on some of the older people are not able to function as well as you middle-aged people.

Mr. Abraham Well, Mr. Landry, since you are on the other end of that spectrum there, I will be more than willing to listen to your recommendations on that.

Mr. E. J. Landry Well, I'm going to ask you to...

Mr. Abraham I've been on the lower end of the spectrum so I know what I thought when I was 18, but I'm not at your level yet so I'll have to go along with how you feel on some of these things.

Further Discussion

Mr. Abraham Mr. Chairman, delegates to the convention, statements have been made up here to imply that when you have youth involved, the possibility of youth obtaining office, that that increases the potential for misrepresentation in office. I would like to suggest to you that all you would have to do is to turn on today's television and you will see that most of the participants in some of the hearings and some of the discussions about national and state government are nowhere near the age of 18 years of age. It seems to me that we talk about providing the age of 18 to run for the office of House of Representative and Senate which are those bodies that are going to be passing laws that effect every part of this state, it seems to me that young people at the age of 18 or somewhere close by ought to be able to hold those offices. I think we are going to create a barrier through the legislature and if someone is 18 and they create that office, it seems to me that they ought to be able to hold that office. I think that the arguments presented here are some of the same arguments that we heard when we discussed the legislative proposal. The same merits that were fostered and which this convention adopted are the same grounds. I don't think that there's too much difference between an office of being a Senator and someone being able to hold statewide offices because both offices have statewide implications. I would suggest to you that it would be a contradiction if in this executive proposal we maintain the age of 25 but yet in the legislative proposal we say that the age is 18. I think we open the door for some kind of constitutional court action against this proposed constitution. I think that all the merits of age have been stated about the adoption of the minimum age and for those reasons I would ask that you adopt it. Mr. Chairman, if there are no more speakers, I would move the previous question.

Further Discussion

I think this is a serious matter. I think we are charged with the responsibility of setting some standards in this constitution with regard to a statewide office. Now, I think there is a marked distinction between a statewide elected office and a legislator. If you adopt the logic that is behind this amendment, well then when you vote on the attorney general it would be incumbent upon you if you adopt that logic to say that if someone graduates from law school that year, that the public should have the right.... it is their decision. Don't you think there is a five-year requirement on if they want a lawyer right out of law school to go ahead and have him as an attorney general. I think that the same thing applies with the statewide office. I think that we ought to require at least some degree of age and experience and having lived in the State of Louisiana and for that reason I would be in favor of retaining the proposal as proposed by the Executive Committee. Thank you very much.

Questions

Mr. Sutherland Pat, isn't it a fact that if you are elected a member of the legislature, you are one of many?

Mr. Juneau That is correct.

Mr. Sutherland But if you are the governor or lieutenant governor of the state, you have sole responsibility, and isn't there a difference between the qualifications for that office as opposed to a legislator?

Mr. Juneau Not only is that true, but there is a marked difference between the person you are representing and the locality you are representing.

Mr. Tomiy Pat, are you aware of the age that was recommended by the student constitutional convention on this matter?

Mr. Juneau As I recall, their recommendation was [551]
Mr. Juneau My answer to the question is that I think that the age twenty-five is a reasonable standard on a statewide level and if that is true, Mr. Jackson, you would vote for the proposition that an attorney general or a person should be able to vote when he got out of law school, they should make that determination. It is the same logic in my opinion.

Mrs. Taylor Would you agree that there is no place for discrimination in the constitution?

Mr. Juneau That is correct. In further response to the question, I am in favor of reasonable standards which apply to all people regardless of race, creed, color or religion.

Further Discussion

Mr. Roy Mr. Chairman, ladies and gentlemen, I rise in opposition to this particular amendment. I do not think that this is an issue of just a legislative type position but some executive background that is needed which comes only with experience. I am reminded of what Mark Twain said when talking about an old man about what these eighteen year-olds say. Mark Twain said, "When I was fourteen years old, my old man was so dumb that I could hardly stand to be around him, but when I became twenty-one years old I was amazed to find out how much he had learned in just seven years." Now that is exactly what we are talking about here. If we reduce the age down to sixteen years of age to vote, then we are going to have some of these proponents saying that since you can vote at sixteen, you ought to be governor at sixteen. If we reduce it down to fourteen, the same reasoning of change. Well, that is illogical. To me a man gets experience, and I have learned a world of stuff here and I happen to be a good bit older than twenty-five years of age, and I do not think that I would be competent to serve as governor of this state with the little experience that I have had. I think we need a minimum age of some sort and I am opposed to this amendment and I hope you vote it down and if there are no other speakers I move the previous question.

Amendments

Mr. Paynter Amendment No. 1 [as amended], page 1, line 29...this is the Abraham set of amendments...immediately after the word "his" and before the word "and", delete the word "election" and insert in lieu thereof the words "qualification for office". The amendment has been changed to read "qualification as a candidate for office".

Amendment No. 2, page 1, line 31, immediately after the word "his" and before the period, delete the word "election" and insert in lieu thereof the words "qualification as a candidate for office".

Explanations

Mr. Abraham This is more or less a technical amendment simply to bring this article in agreement with what we have already approved in the Legislative Article. If you will remember in the Legislative Article, on Section 4 B, we defined or we spelled out there that the person shall be eligible for membership in the legislature unless at the time of qualification for office he shall have been a resident, etc. So this is simply to bring this in agreement with that one. In view of the fact of the question that Mr. Lanier brought up a while ago when we were talking about candidacy for office, inserted the words "as a candidate", so there would be no doubt as to what was meant by as to when this person would qualify. So I urge your adoption of this amendment.

Mr. Paynter Amendments proposed by Delegate Fayard as follows:

Amendment No. 1, on page 1, line 29, immediately after the word "election" and before the word "and" insert a comma and the words "an elector".

Explanations

Mr. Fayard Mr. Chairman, ladies and gentlemen, I have discussed this with the Chairman of the Executive Department Committee and several of its members who agree that this is mainly a technical amendment which would conform the qualifications section on statewide elected officials with Section 4 of the proposal Section 4 of the Legislative Committee with reference to legislators. If you will read on page 3, of your first enrollment copy of the Legislative Committee Proposal, provides that every person who is an elector and has reached the age of eighteen years at the time of qualification for office shall be eligible for membership in the legislature. What this amendment does is merely conform the Executive Branch Proposal with the Proposal of the Legislative Committee. It requires for a person to be an elector in addition to the requirements set out by the committee. It makes no other change. It does not mean that a person who is eighteen years of age can run for an office. It still requires him to have attained the age of twenty-five, still requires him to be a citizen of the United States, and of the state, for at least five years, merely conforms it with the Legislative Proposal and requires him to be an elector. I would consider it a technical amendment and move for its favorable adoption. Any questions?

Questions

Mr. Gennery Mr. Fayard, in view of the adoption of Mr. Abraham's amendment, which deletes the word "election" would you not agree that this has to be technically changed?

Mr. Fayard Exactly, it should be after the word "office", instead of after the word "election."
amendment because my copy may be wrong but i can't quite fit it in gramatically.

Mr. Fayard "To be eligible for any statewide elective office, a person must have attained the age of twenty-five years by the date of his qualification for office, be an elector, and be a citizen of the United States of the state for at least five years."

Dr. Weiss Delegate Fayard, isn't this redundant in that you have to be an elector to qualify for office?

Mr. Fayard It does not say that in this article.

Dr. Weiss But that is the requirement for qualification of office that you be an elector, isn't that true?

Mr. Fayard Not necessarily.

Dr. Weiss Well how can you run for office if you are not an elector?

Mr. Fayard By reading Section 2 as presently proposed you could be.

[Amendment withdrawn.]

Amendment

Mr. Poynter Amendment No. 1 [by Mr. Fayard], page 1, line 28, immediately after the word "office" added by Floor Amendment No. 1, proposed by Mr. Abraham, and adopted by the Convention August 3, 1973, insert the following: "be an elector". So it would make that first sentence read as follows: "To be eligible for any statewide elective office, a person must have attained the age of twenty-five years by the date of his... using the Abraham language... qualification as a candidate for office, be an elector and be a citizen, etc."

[Amendment adopted without objection.]

Amendment

Mr. Poynter Amendment No. 1 [by Mr. Gravel], page 2, line 4, after the words "general shall" and before the words "have been", insert the following: "be the state's chief legal officer, head the Department of Justice, and shall"

Explanation

Mr. Gravel Mr. Chairman, ladies and gentlemen of the convention, on yesterday this committee voted in effect that the functions and qualifications, that is the functions, duties, powers and responsibilities of the attorney general's office, should be considered at the time that the judiciary article is going to be considered in order that such functions, duties and responsibilities could be interrelated with the powers and duties and responsibilities of the sheriffs, district attorneys, etc. I think most of the delegates agree that the office of attorney general really properly belongs in the executive branch of state government. There are a number of provisions in the article dealing with the executive branch that relate to the attorney general. Such as, the succession article, the article that deals with statewide elections of some of the public officials. We have had several discussions with those who felt very strongly that the language be kept as it was qualified by the judiciary department and I think that most agree that the actual office itself should be retained in the Executive Article. Now the purpose of this amendment is to see that that is done.

Section 8, then would be the vehicle by which ultimately Drafting could very frankly replace the attorney general with the Section 1 A. Now let me make this point very clear. The Committee on the Executive Department unanimously agrees and commits to this convention that it will support a motion to delete from consideration by the convention Section 8 of this article at the time that this article is being considered and further agrees that it will commit itself to a consideration of that article at the time that the convention considers the article on the judiciary, so that later on and not while we are considering the Executive Department we will go into the question of the functions and the powers, duties and responsibilities of the attorney general.

[Previous Question ordered. Record vote ordered. Amendment adopted: 96-5. Motion to reconsider tabled.]

Amendment

Mr. Poynter Amendment No. 1 [by Mr. Deneny], page 2, line 4, immediately after the words "lease the" and before the word "years" delete the word "five" and insert the word "four".

Explanation

Mr. Deneny The purpose of this amendment is that to be eligible for a statewide elective office according to Section 2 A, a person must have attained the age of twenty-five years. Under 2 B, it says the attorney general must have been admitted to the practice of law for at least the five years immediately preceding his election. However, an attorney is not admitted to practice under the present setup until he is at least twenty-one years of age. Therefore, he would have to be at least twenty-six years old at the time of his qualification for office. It was my feeling although the balance of the Executive Committee did not agree with me, I mean the balance of the Committee on the Executive Branch did not agree with me, that there was no reason to have the attorney general twenty-six years old at the date of his qualification and have other statewide offices only twenty-five years old. That is the purpose of the amendment.

Questions

Mr. Stinson The present constitution I believe it says "will have practiced law five years", believe the way it is written there, it is "admitted to the bar for five", why was the change?

Mr. Deneny The change was made in view of the language that was originally suggested in the draft of the Judiciary Committee which has used this language for the determination of eligibility for judicial office.

Mr. Stinson But wasn't the intention for putting that requirement was experience and not necessarily that he was a member of the bar and never practiced. Aren't you defeating the purpose of the experience requirement?

Mr. Deneny Well you have this problem, Delegate Stinson, and that is suppose the judge, an elected judge, decides to run for attorney general. He will not have practiced law for at least the four or five years immediately preceding his election because he would have been a member of the judiciary.

Mr. Stinson Well you could have taken care of that or said served in the judiciary five years, couldn't you, instead of throwing the entire experience out of the window?

Mr. Deneny Well you are quite correct in one sense; on the other sense, suppose a man has served as a clerk for one or more of the courts in this state for a couple of years immediately preceding his election. It was the opinion at the time that this language was drafted that admission to practice was the best test.

[Previous Question ordered. Amendments rejected: 36-62. Motion to reconsider tabled. Previous Question ordered on the Section. Section passed: 96-5. Motion to reconsider tabled.]

Reading of the Section
Mr. Poynter Section 3. Election and Terms

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

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

Paragraph C. If two or more persons have an equal and the highest number of votes for an office, the shall be elected. In the event of a tie, the secretary of state shall arrange for the drawing of the lots within ten days after the election results are promulgated and the decision as to the winner shall be final and conclusive.

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

Paragraph E. No official shall be elected statewide except as provided by this constitution.

Explanation

Mr. Stagg Mr. Chairman and delegates, in this section, the purpose of the Executive Branch was to delineate those who should be elected statewide when they would be elected, and how the returns would be promulgated. We retained the four-year term for office. We changed the re-election of an incumbent governor provision slightly by requiring a person who occupies the job of governor for more than one and one-half terms cannot be then a successor in office. In other words, if the governor should die in office and the lieutenant governor would take over for two years or more of the term of office and then be elected for an additional term, then he is out of the state. In the promulgation of returns this ties in very closely with the sections provision or the suggestion by the Committee on the Executive Branch that the governor and the other statewide officials take office in advance of the opening of the legislative session. By providing that the elections be promulgated by the secretary of state, rather than by the legislature, we advance the date of the promulgation of the results and have them routinely done by the office of the secretary of state. There is a broad new provision in our law that we are suggesting in our constitutional provision in Committee Proposal No. 4, and that is in the unlikely event that there is no tie vote from any of the state elected officers, that the tie be settled by the drawing of lots. Now this is not exactly new in our law because we do it in local levels of government and it is contained in the revised statutes that ties in such elections at local levels be settled by the drawing of lots. This is now being provided in order to cut down on the excessive number of elections and the problems which would be presented by the unlikely event of a tie vote.

In the Section D, it reads that the term of office of each elected official shall begin at noon on the second Monday in March, next following the election. The reengaged legislative article provides that the new legislature shall also be sworn in at that time.

The final section is that no other official shall be elected statewide except as provided in this constitution and that is a new section.

I will be glad, Mr. Chairman, to answer any questions on the committee’s proposal.

Questions

Mr. Avant Mr. Stagg, I just want to make sure that I understand what the committee means by “who has served as governor”. It is my understanding that if the governor would leave the state for thirty days as has happened on occasions that the lieutenant governor would serve as governor in his absence or he would act as governor, and it is not my understanding that it is the intention of the committee that the office of governor would be included in this phrase. I just want to make sure what the intent of the committee is.

Mr. Stagg Mr. Avant, I think that’s probably settled by our position in Section 14 and 15 on vacancy when we determine and determine what a vacancy is and the lieutenant governor would serve and the term of governor. He would serve as acting governor if he served throughout the term of governor if the governor was out of the state but he would not serve as governor.

Mr. Reeves Mr. Stagg, would you not agree that we have fought the battle of elected officials yesterday and to repeat the battle in Section 3 would be just simply repetitious? Would you and your committee just agree to go along with what the convention decided yesterday on the elected officials other than possibly the superintendent of education which we may not have decided, but the others I think we did?

Mr. Stagg Reeves, I am not a die-hard by nature and I don’t wish unnecessarily to prolong the business of this convention. I think we proceed into this article and I think that the language and the provisions you will find some amendments that are sponsored by the committee, whether that meets fully with your approach, we’ll just have to submit that to the floor. But the committee does realize that we spent quite a bit of time yesterday talking about the commissioner of agriculture, whether he should be a constitutional officer or not. The commissioner of insurance whether he should be constitutional in nature but not selected by the people here in this provision. When we come to the superintendent of education I think it is the feeling of those who spoke yesterday that there’s not a settled agreement among the delegates to this convention as to how that job ought to be handled until we come to the governance of education in a further proceedings before this convention, as perhaps that office ought not to be included. Then we come to Mr. Kelly’s commissioner of elections which is a new office in this state. It takes on the meaning and the import of the custodian of voting machines but it may have other duties assigned by the delegates. If those duties include the full-scale management of elections in this state then it would be for the people of the people of this state to select a statewide elected official and the appointee of any governor because that power…There will be no amendment which you will probably agree with sponsored by members of the Executive Committee, Mr. Reeves.

Mr. Burns Mr. Stagg, I just wanted to see if I understood Section E. Assuming there were four men running for governor, and two of the high men both received the same vote, does that mean there would be no second primary and if the two high men would draw cards or straws or flip a coin or what have you?

Mr. Stagg This would be in a primary rather than in the general election? It is possible that in the general election, Mr. Burns, that there could be three candidates. One representing each of the major parties and maybe an independent as was in the case of the race for Senator last year. If there was a dead heat, then those who had the equal …and if the vote was between two or more persons it could be through some...who had an equal number of votes and if that’s the case then they would draw lots to see who served in the office.

Mr. Burns You’re speaking of general elections. I was asking you about primary elections.

Mr. Stagg Well, it just says higher number of votes for an office. That, in my opinion, would apply to any election, sir.
Mr. Burns: In other words...

Mr. Stagg: Along with statewide elected officials.

Mr. Burns: That would in effect deny the people to have a second primary in an election for governor if the two highest men received the same number of votes?

Mr. Stagg: No, that's not the case, Mr. Burns. There would still be a further election if it happened in the first primary.

Mr. Burns: I see.

Mr. Champagne: I had two questions, Mr. Stagg. As I read Section E, "no official shall be elected statewide," would mean that if the legislature decided twenty years from now if they wanted to create a new position and have it elected, they could not. They would have to go back and amend the constitution.

Mr. Stagg: That's absolutely correct.

Mr. Champagne: On Section C I have some concern about that also. Could this not be settled in statutes rather than in the constitution?

Mr. Stagg: It could be, Mr. Champagne, we felt that in the election of statewide officers that the provision for an unlikely event of a tie vote could be done by lots as it is done in the election for lesser officials. It's not a new provision to our law. I'm sorry I don't have the section of the Revised Statutes here to read it to you, but we have it in the statutes considered this for lower elections.

Mr. O'Neill: Mr. Stagg, was it the intent of the committee that there shall be no appeal after the drawing of lots?

Mr. Stagg: No, sir. That's not the case. Any decision or any contested election...say there was in the final vote a draw or a tie, but one of the candidates for election claimed there was fraud in his election or absentee ballots were jiggled with, that man has a perfect right to go to court and contest the results of the election. That provision is not changed one whit. We believe that a man ought to have his day in court and this provision does not preclude that.

Amendment

Mr. Poynter: Amendment No. 1 (by Mr. Asseff), on page 4, line 7, immediately after the comma which follows the word "general" and before the word "and" insert the following: "Commissioner of Agriculture, Commissioner of Elections, Commissioner of Insurance."

[43 co-authors added to the amendment.]

Explanation

Mr. Asseff: I have no desire to prolong the discussion. In voting on Section 1 it is my opinion you also voted on Section 3, as the issue became election versus appointment rather than what it really was. That is why I have submitted this amendment which will add the Commissioner of Agriculture, the Commissioner of Elections and the Commissioner of Insurance to the list of officers who will be elected statewide. In my opinion the convention has spoken and it has spoken wisely. The decision was not acceptable to me and I have the permission of the Chairman of the Committee on the Executive Department to say that the committee now joins me in urging you to approve this amendment.

Questions

Mr. O'Neill: Dr. Asseff, the Superintendent of Education has been left out of this Section 3. Now, we've included him in Section 1, and the motion has been laid on the table, am I correct?

Mr. Asseff: No your pardon? The motion has been made, what?

Mr. O'Neill: The Superintendent of Education, he has been listed as an officer of the executive branch in Section 1 of this executive department proposal.

Mr. Asseff: Mr. O'Neill, mine adds these three offices. It does not preclude adding anyone else that the convention wishes to add. As I understand, someone will present the Superintendent of Education separately. Others may be presented. I am simply asking the convention to add these three offices which we approved on Thursday to the list. You may add others if you wish with convention approval.

Mr. O'Neill: Well, Dr. Asseff, I just wanted to clarify it so everyone knew what we were doing.

Mr. Asseff: Good, thank you.

Mrs. Warren: Mr. Asseff?

Mr. Asseff: Yes, ma'am.

Mrs. Warren: I wasn't around the table when you all were discussing putting your amendments together, and I'm just wondering why the Superintendent of Education was left off of this particular amendment when we could have adopted it all at the same time and saved some time. Why wouldn't you put the Superintendent of Education's amendment first and then let this come behind?

Mr. Asseff: The reason is, that there was great objection at the time, and I feel that the education people are divided. I feel that there is general unanimity on these three offices, consequently I decided to submit these three and leave to another delegate who will submit his immediately after mine, Mrs. Warren, and that is why I did it. I had no objections, really.

Mr. Lanier: Dr. Asseff, I'm noticing further down here in Section 3, in the B part, it says that the returns of the election of such officials shall be transmitted to and promulgated by the secretary of state in a manner as shall be provided by statute. Do you know if it is intended that this function shall be taken away from the secretary of state and given to the Commission of Elections?

Mr. Asseff: Mr. Lanier, I have no idea what this convention will do. It is a decision the convention must make. The sole issue before you at this time is do you wish to add the Commissioner of Agriculture and these officers to be elected statewide. The other may be changed in the discretion of the convention. It is not at issue on this point. I mean, you are incorrect that a decision will have to be made on it, but that will come up later.

Mr. Fulco: You have a later amendment...after adding Commissioner of Agriculture, Commissioner of Elections and Commissioner of Insurance...you have another amendment that is going to delete the Commissioner of Insurance. What...

Mr. Asseff: I don't have another one, and if I do, Frank, I withdraw it. I didn't think I had one. Frank, but if I did, I withdraw it.

Mr. Fulco: Well, you have because I've got the copies.

Mr. Asseff: Well then, consider it withdrawn. If I may, Mr. Chairman.

Further Discussion

Mr. Mason: Mr. Chairman and members of the convention, I will be brief. I don't know of anything that I can add that wasn't said yesterday when we voted on all three of these offices in regard to the Commissioner of Agriculture, which I spoke on
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yesterday. I would like to remind you again that the farmers of this state are unanimous, I believe, in their desire to have an elective office. The farm organization that represents all farmers are unanimous in asking that this be done, and I would suggest to you today that let's vote and fin-
ish what we started yesterday with Section 1, and make it elective in Section 3. If there are any questions, I'll be glad to try to answer them. If not, I move the adoption of the amendment, and I would like to point out also since it was brought up a moment ago, when the next amendment comes up in regards to the Superintendent of Education, I intend to support that one also. Thank you.

[Previous Question order]

Closing

Mr. Asseff. I would waive the right to close except that I may have given the impression that all members of the executive committee agreed with me...two said they did not; I want to be certain, Mr. Chairman, that that is understood.

[Amendment adopted: 92-39. Motion to reconsider tabled.]

Amendment

Mr. Poynter. Amendment No. 1 [by Mr. Rayburn], in Amendment No. 1, proposed by Dr. Asseff and adopted by request of the convention on August 3, 1973, after the word "insurance" insert the following: "Superintendent of Education.

Explanation

Mr. Rayburn. Mr. Chairman and fellow delegates, this is rather a simple amendment. It just adds the words "Superintendent of Education." I think we've made a tremendous step in the right direction, by adopting the amendment that we just adopted and I hope that we will adopt the one that you're fixing to vote on in a few moments. The people that have talked to me...the majority of them that understand education far better than I do...feel that the state superintendent should be elected. The vast majority of the teachers and the people in the various school circles that we talked yesterday with shared my feel-
ings that our superintendent should be elected, personally, for electing all officers. As I have said before, a public office in my opinion is a public trust. I have heard the argument made that you might get a person that didn't know anything about education. I don't think our people have quite got that stupid, yet. I certainly hope they haven't and if they had had a lot of requirements on a man to serve in the legislature educationally-wise, I would have never made it, because I have no formal education. I wish I did have, but some of the smart people I've seen have seen some of the hardest people that I've ever seen to understand. You want to see a real dilly, you see an over-edu-
cated smart fellow, and you'll see one. You'll see a dilly, dilly, and he knows he's a dilly. A lot of other people don't, but he does, and I say to you that I do not believe you can do wrong by letting the people of this state speak on who they want to operate the educational program of our state. I move the adoption of the amendment.

Questions

Mr. Fiery. Senator Rayburn, would you have any objec-
tion to them opening the machine and let some of us others be co-authors of your resolution?

Mr. Rayburn. Not at all, and I suggest, Mr. Chair-
man, that the machine be opened at this time, if nobody has objection.

Mr. Bollinger. Senator, isn't it not true that if your amendment is defeated that the convention could decide in the educational proposal to elect the Superintendent of Education?

Mr. Rayburn. You mean...they could do what, now?

Mr. Bollinger. Is it not true that if this amend-
ment is defeated, I would put it in the same place the Superintendent of Education in the elected officers of the executive department, couldn't the convention decide that they want to elect the Superintendent of Education, but decide at the time we discuss the article of education?

Mr. Rayburn. Sure, they could, if they so desire to put it there, but if they are going to decide it then, I don't see any reason why they shouldn't de-
cide it now, Mr. Bollinger.

Mr. Bollinger. Well, don't you think that the com-
position of the Board of Education will have some effect on the decision if the Superintendent will be elected or appointed?

Mr. Rayburn. Not necessarily so, I've seen the boards when they all had a big honeymoon, and I've seen them when they were like me and my wife...didn't get along too good at times.

Mr. Stinson. Senator Rayburn, isn't it a fact that we're trying to simplify it. So, why not put them all in one provision. We're trying to keep around looking all through the constitution to find things. We're just going to get back away from the other thing, and we might put the other elected officials, and since we've already said it would be a constitutional office, I think it should be placed in this particular category.

Mr. Stinson. The next question...you referred to your intelligence. Don't you think it's lucky for the people that you're not smarter than you already are?

Mr. Rayburn. I wouldn't necessarily say that, and I wouldn't say I'm smart. I will say this, since the people have placed their trust in me, I've tried to apply myself and realize my limitations. I think everybody has their limitations, Mr. Stinson, you learn a little more. Those people that I've had trouble with are the ones that don't realize their limita-
tions.

Mr. Arnette. Senator, how is your local superinten-
dent of education in your home parish selected?

Mr. Rayburn. They are appointed.

Mr. Arnette. They are appointed by whom?

Mr. Rayburn. By the local school board.

Mr. Arnette. Does it work pretty well?

Mr. Rayburn. Well, it works fairly well, you see. As far as I know it works well, but let me say this; Mr. Arnette in further anner to your question. That's a very small area. The people are in one given area, there, but the one on that handles the education department statewide is a large area, he represents a tremendous amount of people more than the local superintendent.

Mr. Burns. It's gotten a little state now, but if you carried out the question that Mr. Bollinger asked you about if your amendment were defeated wouldn't the constitutional convention still have...
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other methods of providing for the appointment of a Superintendent of Education. That would take away the right of the people to elect their own superintendent, would it not?

Mr. Rayburn I certainly would, Mr. Burns, and let me say this before I leave this microphone. I happened to know a little bit how some of those appointments come about. I followed several governors on a statewide tour speaking through every parish and every hook and nook and cranny of this state, and I've overheard a few things. It's nice to say they have independence but you know mostly how these people got appointed? They guess right and they get the benefit of it, and they leave everything as pliable as possible for the legislature. Now, don't you think that you're making it a little bit as delegates, by stating this now instead of letting us see how the entire education section is set up.

Mr. Rayburn No sir, Mr. Denney. What I'm trying to do is leave this important position to the people, and let them decide it. That's all I've tried to do...let the people vote on it.

Mr. Abraham Mr. Rayburn, I believe you answered Mr. Stinson's question a while ago that you felt that all of these offices ought to be together so you wouldn't have to look through the constitution to decide which ones are going to be elective offices, is that correct?

Mr. Rayburn Well, I think if you're going to have constitutional offices, yes it would be my opinion that they should all be together.

Mr. Abraham Then, why do you vote yesterday to take the attorney general out of this section?

Mr. Rayburn Why did I vote to take him...because he appeared before the committee and asked to be taken out, I was told. I don't want to see anybody where they don't want to be.

Mr. Abraham Yes, but you said that you felt that they ought to all be right here.

Mr. Rayburn That's right, but he said that he didn't want to be there. He didn't want to be in the executive department, so the committee members told me, Mr. Abraham, and I certainly wouldn't want to put you somewhere where you said you didn't want to be.

Further Discussion

Mr. Bollinger Mr. Chairman, fellow delegates, with 52 co-authors I rather hesitate to rise in opposition to this amendment. However, I've spoken to many delegates who are in favor of an elected Superintendent if and only if the Board is appointed and they are in favor of an appointed Superintendent if and only if the Board is elected. I agree with Senator Rayburn that appointments are bad in some cases, and they are made bad. However, what most of these delegates advocate is that the Board who is chosen by the people, elected in the different configuration is the people's choice. I think our present setup in education has problems because we have an elected Board and an elected Superintendent. By the adoption of this amendment you would be in favor of an elected Board and in favor of an elected Superintendent by adopting this you are forcing him to make a decision when it doesn't have to be made, now. Why can't the convention decide at the proper time when it sees how the governors and their reelections are pliable? That's what I have to be in this article. It's not making it any brief...the constitution...it won't make it any briefer. Therefore, in these reasons, I move the rejection of the amendment.

Further Discussion

Mr. Burson I am not here to speak against, fellow delegates, the idea of electing the State Superintendent. I simply want to suggest to you what I have known to be in the thoughts here. That it might well be wiser to wait until we can see what the whole structure of education in the state will be, when we consider the education article to make this decision. My own personal feeling, which of course is based on my own experience as a local school member, is that the system of having an elected Board appoint the Superintendent has worked well on the local level. I'm not sure that it would work well on the state level. But I would like to consider that one of the benefits of the Education Committee's opinions and reasons for their recommendations before making that final decision. I have felt that one of the big problems we have for public education concerned, is that public education on a state level at least is too divorced from the people. My own personal preference at this time before getting into the depth would he to see some sort of State Board of Education elected from single member districts that I feel would give the people more contact with state policy, and get rid of public education. However, I understand that the committee proposal, as it presently stands, is a little different from that. But there are all sorts of arguments that bear on this problem and it seems to me simply in the end, that it's premature to make your decision at this time, which if we make it to elect him now, and this is one of the reasons for considering the possibility of doing a lot of things with regard to the State Board of Education later on. I just, from my own experience, cannot imagine on the local level if we had an elected Superintendent and it seems to me that the problems between having an elected Board and an elected Superintendent both responsible for the same domain are almost insurmountable. Now, maybe it's been suggested by some people if you're going to elect a Superintendent, you want to do away with the Board. Well, I don't like that idea either. But there are other forms of government for education in this state that I've seen suggested by people who have a lot of knowledge on the problem. I would simply like to have the benefit of all of those thoughts in arriving at this decision. I urge you to consider in this regard, that simply because we reject that amendment now, we are not foreclosing the possibility of coming back later on and deciding that after all we do want to elect a Superintendent.

Questions

Mr. Weiss Delegate Burson, are you saying that delegates who vote against the inclusion of the Superintendent of Education at article 6 section 13 of this article or this section are not necessarily voting against an elected Superintendent of Education?

Mr. Burson Certainly not, I'm going to vote against the amendment, and I'm not saying at all that I might not eventually come back and vote for an elected Superintendent.

Mr. Planchard Jack, my question is this. Do you feel that we're precluding ourselves from coming back to this subject?

Mr. Burson No, because, as I read the article that we're voting on now, no one is saying that we will be elected except that's provided in this constitution. So, we could certainly come back in the constitution and provide later on that we were going
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to elect him.

Mr. Planchar: Well, don't you think that the people should vote their feelings at this time and then if we change our minds after the Education Committee has made their report, don't you feel that we can come back at that time and do something about it?

Mr. Burson: That's possible, except if we vote final approval on this article and lay it on the table, it'll take two-thirds to come back and change that decision.

Mr. Planchar: We didn't do that to the legislative article, did we?

Mr. Burson: Right.

Mr. Planchar: Do you think that we will do it to this one?

Mr. Burson: Well, I hope not for the reason that you're indicating.

Further Discussion

Mr. DeBlieux: Mr. Chairman and ladies and gentlemen of the convention, I didn't come to the mike yesterday. I thought possibly we might see what kind of progress we'd make if I didn't, particularly in view of the Chairman's statistics. I couldn't get my check then for me so I started keep-
ing my own. I've found out as a result of my sitting at my seat that there were a lot of mistakes made.

Mr. Henry: Thank God for Senator DeBlieux.

Mr. DeBlieux: So, I came to the conclusion that I just as well make a mistake up here at the mike than stay at my seat and make them. So, I've con-
cluded that I have my say right or wrong and even at this particular time even though it may not be too much avail. But, there's one thing that I want to point out to the delegates right now. You should not have in my opinion an elected Board of Education and an elected Superintendent, because each one of those particular groups can tell the other one, you go or and stay put. We don't have to follow your instructions to do what you want us to do.

You have no real leaders for management in the situation. So, I particularly implore you at this particular time, let's not put this elected office into this particular section until we find out what the educational article will be. Then, if we should decide that we want an elected Superintendent we certainly can go back to the Style and Drafting and insert that officer, we decide he should be elected ...into this particular section. It is absolutely, as stated by Mr. Bollinger and also by the last superint, preemtary to adopt this amendment at this particular time. I think that we've done that to several of the articles or several of the sections that we've previously adopted. You're going to find out when this document is finally concluded that if we don't change some of those we have made some errors. I'm just asking you at this particular time let's don't make another one. Therefore, I oppose the adoption of the amendment at this particular time.

Further Discussion

Mr. Abraham: The point has been well made by Mr. Burson and Mr. DeBlieux. Ladies and gentlemen I would ask you please let's don't decide this issue now. Let's not prejudice the position of the committee that's dealing with this particular problem. Let's wait until they've had a chance to come back to this with a recommendation, and then, if we decide then that we want an elected Superintendent of Education, then it can be inserted back into this particular article for you pleasure. I'm just hold off on this particular decision until the committee has had a chance to report to us. And Senator Rayburn, I might remind you also, that the present Superintendent of Education says he does not want

[to be elected in case you don't put them in a position where he doesn't want to be.

Mr. Poynter: Amendment No. 1 [by Mr. Schmitt], on page 2, line 7, after the word and punctuation "attorney general," insert the following: "Commissioner of the office of consumer affairs.""

Examination

Mr. Schmitt: What this amendment does is to attempt to create an elective office for consumer affairs. I had the opportunity to go around and speak to many one-on-one with reference to this idea. I did yesterday and to attempt to explain my reasoning behind the position for supporting an independent office of consumer affairs. In our state we have let the consumer take the back seat to the vested interests in the state of Louisiana. I believe it is time that this state must step forward and recognize the interest of the consumer and recognize the interest of the poor man in the state of Louisiana. I have spoken with many of the people who in the past have elected to represent the interest of the poor man, the small man in the state of Louisiana and one of them indicated that the reason he was opposed to it was because of the fact that he supported a strong position and this just added more verbiage to the constitution. I don't feel that five extra words is going to make that much difference in the length of this constitution. For some time, I have been saying well, they don't believe that any other offices should be added to those which are elective already and I wanted to find out why. Their reasoning was well since these offices were in effect for the last thirty, forty or fifty years that these offices should remain in effect, not because of the fact that they are doing a good job but because of the fact that it would be politically bad to go against these elective offices. I don't feel that this should be the ultimate consideration which we make on any consideration of this convention. I feel that we must stand upon our convictions and move forward with a pro-
gressive constitution which looks at the problems which have occurred in the past and looks forward to meeting the problems of today and many years in this state we have adopted the legal phi-
losophy which has been that of the common law states of the United States, caveat emptor. I feel that we should step forward and eliminate that antiquated philosophy and look towards the protection of those amongst us who are the consumers rather than the producers in our society. Yesterday, I brought some examples to you of what I thought were abuses which have existed in the past. These are only a small number of examples and these abuses occur not only in the cities but occur in the rural areas also. These abuses occur in areas where and which any commissioner of agriculture might not have jurisdic-
tion and would not have jurisdiction and would not have some one to protect the interest of the small farmer when they are dealing with these department stores and when they are dealing with the different types of retail and other types of outlets. We need some one who can intervene prior to the necessity of court room litigation. One of my reasons for sup-
porting this office is that I feel that there are many problems which should not get to the court-
room. These are problems which for the benefit of our community and the benefit of our society could have been worked out between the parties or by the par-
tial arbitrator or through the means of this partic-
ular office of consumer affairs. In my practice of law, I have had a lot of people come into my office and complain of certain situations where there
were legal remedies but the legal remedies were more expensive than the results which they could obtain in these cases. These are the kind of situations in which an impartial third party could intervene and more or less moderate the situation and attempt to work out a reasonable and just settlement between the parties. This would lead to a greater confidence of the consumer in business and also greater confidence of the consumer in our government and in our society. We have seen in the recent past the outrage which the consumers have projected with reference to things and actions which were done to the best corporate interests which they felt did not have their best interest at heart. I feel that by establishing this office we will take one step forward in the problem of making this constitution a constitution which does not look towards the past only but recognizes that there shall be problems in the future, problems which we can see right now and problems which we can eliminate in the future. I therefore request your favorable consideration of this amendment.

Questions

Mr. Velazquez Mr. Schmitt, would you say that almost every citizen of Louisiana is a consumer to one extent or another?

Mr. Schmitt I think everyone is.

Mr. Velazquez Wouldn't you say that even the small farmer is in many ways a consumer of many products of the system?

Mr. Schmitt A small farmer perhaps might be one of the ones who could be taken advantage of more easily than a lot of other people insofar as they would be apt to go outside of the farming area to deal with the city slickers to get an automobile or to get a truck or to get some other type of merchandise which might limit their ability to be able to adequately defend themselves.

Mr. Velazquez Don't you believe that virtually all of the major agricultural equipment used by farms of all sizes in Louisiana are produced outside of this state and if they break down or you have problems of warranty, you have problems dealing with interstate commerce rather than dealing with intra so that you would need the additional protection even if you had a commissioner of agriculture to take care of these matters?

Mr. Schmitt Yes, I agree with you.

Mr. Roemer You know I supported your amendment yesterday for a commissioner of consumer affairs. I am worried about a couple of things though and I would like to ask you some questions about it. Would this commissioner be responsible for such things as we see now on our highways like billboards that say 'Been cheated lately?' That sort of business. Is that what this guy does?

Mr. Schmitt The commissioner of consumer affairs would be responsible for protecting the interests of the consumer state of Louisiana and it also would be responsible in the areas with reference to fair advertisement and in these areas also, yes.

Mr. Roemer I don't understand and perhaps you can answer for me, but where does this kind of billboard stuff come from 'Been cheated lately' which seems to me reflects on business men throughout the state unfairly. Is that the kind of thing that this director or commissioner will be doing?

Mr. Schmitt I think this is one of the things that should not be done. Something like that. Because I think that instills distrust in our business people and I believe that in order to have a progressive society the businessmen must be able to work with the consumer and I feel that this offers tremendous problems in the future.

Mr. Roemer The final question, if I understood your argument yesterday about the commissioner of agriculture, you said that in effect he would be elected by the urban centers. Is that right?

Mr. Schmitt That is correct.

Mr. Roemer And therefore would be more representa
tive of the consumer than of the farmer. Is that correct?

Mr. Schmitt What I said is that there was a chance of it. However, if you adopt this amendment then the urban people would have the right to have their representative in the form of the office of consumer affairs and he would also be representing the agricultural area, and the agricultural area would have the opportunity of having their person in that particular field.

Mr. Roemer Well you don't share my fear then that by selecting a commissioner of consumer protective interest or whatever you call it then would just be duplicating the role of the commissioner of agriculture and in effect would let this guy concentrate on putting up billboards like 'Been cheated lately?' you know, 'When's the last time you beat your wife?'. That sort of campaign.

Mr. Schmitt I don't think there would be a duplication of effort, no.

Mr. Burns What would this be? A kind of Ralph Nader of Louisiana?

Mr. Schmitt I don't know if it would be a Ralph Nader of Louisiana but it would be a person who could look out for your interest as well as that of every other consumer in the state of Louisiana.

Mr. J. Jackson In the justification for maintaining the commissioner of agriculture, one of the arguments you know was that the farming business or the agriculture business brings in approximately two billion dollars, or is in effect one of the largest industries within the state. Would you say that the amount of money that consumers spend would be at least, it would seem to me you would say that the amount of money that consumers spend in the state would represent the total economy of our state?

Mr. Schmitt It would probably represent more than the total economy of the state insofar as a lot of times money is spent more than one time.

Point of Order

Mr. Thompson Yesterday, we discussed this thing pretty thoroughly and it was pretty soundly defeated. Are we going to take everything in another section and bring them back up again? If we do, we are going to be here an awful long time.

Mr. Henry Well, I would hope we are not, Mr. Thompson. But there again there is no mechanics for prohibiting this.

Point of Order

Mr. Champagne Point of order. All I want to say is that we have done that before so I can't see depriving one individual and doing it for another.

Mr. Poynter Amendment No. 1 [by Mr. Poynter] to H. R. 341 (printed in Journal section).

Mr. Paynter Amendment No. 1 [by Mr. Poynter] to H. R. 341 (printed in Journal section). on page 2, line 7, after the word and punctuation "attorney general" insert the following: "Speaker of the House of Representatives".

Mr. Henry Senator Kilpatrick sends up this amendment? I would love to hear this explained.

Ex planation
Mr. Kilpatrick. Mr. Chairman and fellow delegates, I think I should ask the Speaker to come down to the podium at this time, to the mike, and while he is coming down I would like to tell you it is my pleasure to submit a statement. Speaker Henry is the representative in this district. I was going to be a proponent of this measure. I think it is an awkwardly good measure. We have a number of this, and thirty-two delegates decided, there are a couple who are absent or sick, and after thinking about this and being a proponent I have just about decided I would have to be an accessory because after serving in the House I don’t believe he could go on and win in the House and he would have to run statewide. But I am going to give Representative Speaker Henry at this time a copy of the bill and let him know that we all did sign the bill, the first official document for you sir, and it says that the Speaker of the House of Representatives shall run statewide, is what it means.

Vice Chairman Roy in the Chair

Mr. Henry. You are out of order Mr. Stovall. This is my convention. I know let me make one thing perfectly clear. I have tried and tired again to explain this to you people, and my own senator does not surprise me at all. I have introduced a proposal for a rules change which I think we have got a lot of Information and points of order and this points out to me that what we need is a rule on points of ignorance, because you people have not read the rules and if you understood the mechanics of this convention by now, would know that this amendment is out of order. It should have gone in the legislative section so the amendment is withdrawn.

Amendment

Mr. Pouyer. Delegates Fontenot, Jack, Smith, Lennox and Stinson send up amendments.

Amendment No. 1, on page 2, at the end of line 9, delete the words a person and delete lines 10, 11 and 12 in their entirety and insert in lieu thereof of the following: “no person shall be eligible as a candidate for nomination, election or re-election to the office of governor for the term immediately following the term for which he was elected as governor. However this provision shall not apply to the governor in office at the time of the adoption of this constitution who shall be subject to law in effect at the time of his election.”

Explanation

Mr. Fontenot. Mr. Acting Chairman, fellow delegates, this is the first floor amendment I come here with since I have been at this Constitutional Convention since July. I think it is an important floor amendment. I have a couple of statements I would like to make in its behalf. The present constitution, Article X, Section 3, allows a person to run as governor for two terms. Then he can sit out one term and run again for two more terms. The possibility of sixteen years out of twenty years, you can have the same governor. The present constitution also allows the possibility of a lieutenant governor becoming governor the day after the governor takes office by a possible death or the governor resigning. This could possibly lead to a lieutenant governor taking office, serving three years and three hundred and sixty-four days, then he could run for two more terms. Or there is a possibility we could have the same governor for twelve years, less one day, straight. If you keep adding you see you will find that in this system a person could stay out four years and run for governor another eight years. A possible twenty years, less one day, out of twenty-four. Or go I bit bit, he could run out another four years and run for eight more, twenty-eight years, less one day, out of thirty-six years. This is what you have in the present constitution. Let’s get to the committee’s proposal, Section 3. This is how I interpret it. It starts off the same thing as the regular constitution. You can run two terms, stay out a term and come back with two more, sixteen out of twenty years; stay out another term, come back for eight more, twenty-four years out of this. However, in the committee proposal. If there is a lieutenant governor who takes office as governor due to death or resignation of the governor, it depends what half of the governor’s term he takes office in the first half of the governor’s term then he can only run once. If he takes office in the second half of the governor’s term, he can run twice. What this is leading to is the possibility of a lieutenant governor stepping into the governor’s shoes the day after the second half of the governor’s term. Having two years, less one day, then a possible eight years straight. As I say, you continue this, let him stay out another four years and you have the possibility of a person being in office a total of eighteen years less one day out of twenty-two years. Stretch it a little further and you have a possibility, like I said this is all possibility, of twenty-six years less one day out of thirty-four, we could have the same governor. My mathematical calculations may be wrong, but I studied it and I don’t think they are. Maybe somebody could find out one or two numbers wrong. My examples under both the present constitution and the new proposal may be extreme cases but I want to make it known, as far as I am concerned I don’t want the possibility to exist. My amendment cuts down the possibility of having a governor for such a lengthy period of time. The only exception is that if the lieutenant governor takes office if the governor dies or resigns. After one term, I feel the best interest of the state for the governor to stay out four years and then run again if he so wishes. This cuts out the possibility of having a governor for such a long period of time as I stated in my example. My amendment would allow a governor to be in office four years, stay out of office four years, be in office another four years, and stay out another four, or a possibility of four out of eight, for out of sixteen years he could be governor, twelve out of twenty-four, or sixteen out of thirty-two, you just keep on adding up the numbers. I know that the people changed the old constitutional article in 1966 to allow a governor to succeed himself. I don’t want to get in an argument as to whether this was a good move or not, that the people did it. I don’t want to get into personalities of either the governor at that time or the governor we have now I feel that the best interests of the state will be served. The committee’s amendment to restrict a person from serving more than one elected term in succession. As you can see on my amendment, I have excluded this from this rule because I feel that the law at the time of his election should apply to him. I don’t think it would be right to cut him off now that he is in the office and may wish to run again. Therefore I urge your adoption of this amendment. If there are any questions, with my limited scope and experience I will attempt to answer them.

Questions

Mr. Abraham. Mr. Fontenot, I have heard this expression used many times here in the last few days so I am going to ask it now. Shouldn’t we let the people decide whether they want to vote for someone for twenty-eight years out of thirty-two?

Mr. Fontenot. We are here today to write a constitution and the constitution will protect the people. I think placing a limitation as I am proposing is a protection to the people.

Mrs. Warren. Mr. Fontenot, have you had any people asking that you do this or that you don’t do this? Anybody for or against it? Have you had anybody to make any suggestions at all?

Mr. Fontenot. Anybody from where?
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Mrs. Warren: Have any citizens contacted you to say that they were for this or against it?

Mr. Fontenot: Sure. I have. Both ways.

Mrs. Warren: Both ways. Thank you.

Further Discussion

Mr. Jack: Mr. Chairman and fellow delegates, this problem came up a lot of times during the years I was in the House of Representatives. I am against a governor succeeding himself. If you will listen, I think I’ve got a little information from seeing over the years what has happened to governors not just succeeding themselves but where they were later governor. We are not discussing personalities but here is what history shows, my experience in observing. No matter how good the governor is, where the harm—let’s assume the governor is just as good, personally, the second time as he was the first— it’s the camp followers that I call. He has to put—and it is natural to put the same people back helping that he had the first time. It seems, why I don’t know, that the second go round is not as honest as the first time. Maybe the camp followers have caught on but the second time governors have served, after serving the previous term, that is when the scandals have occurred. I have never been, to my knowledge, a reporter at all a law in Louisiana, serving two consecutive terms. If I remember correctly, I always voted in favor of just serving one time. Now this amendment that I am on provides that in the case of the present governor and it should because when he ran for this office he knew you could run eight years—but he can run to succeed himself. After that, I think it passes and it should pass, then you will have no governor can succeed himself. I think that if you do find later after adopting this that you are just wishing and praying that you can go for a governor that you could do like they did way back in Texas. They wanted Governor Ferguson in spite of the fact they had impeached him over there so they elected his wife. When they finally elect George Wallace in Alabama, they wanted him again but they did not amend their constitution so he could succeed himself, they defeated that amendment then and they elected his wife Lurline. So, you won’t run any risk there but with this on the books of a governor succeeding himself when the people are not getting a fair shake and the voters are not getting the government they want. So I ask you to go along with the amendment.

Questions

Mr. Flory: Mr. Jack, if you trust the people why not let them elect a man as long as they see fit and see that he is doing a good job?

Mr. Jack: Well the reason I’m for this amendment, Mr. Flory, is because of the people. The vast majority of the people that I have discussed this situation with are in accordance with this amendment. If I thought for one minute the people wanted the other way, my name wouldn’t be on this amendment.

Mr. Silverberg: Delegate Jack, which people are you talking about?

Mr. Jack: I am talking about, naturally, the people that I have talked to and most of the people I have talked to in my area. But, I do talk to people in other places.

Mr. Silverberg: Don’t you think for the record that we should be referring to the people of all of Louisiana? Because you are not speaking for the people of Lafourche Parish.

Mr. Jack: I can’t go around, you know that, and discuss it with everybody, but if Lafourche Parish will come to Wellborn Jack I will be glad to discuss it.

Ms. Zervigon: You were talking about the governors who have been corrupt in their second consecutive terms. I was wondering how many governors like that we have had in this state.

Mr. Jack: You are not phrasing your question right. I wasn’t talking about governors who were corrupt in their second term. I specifically used a new word, the followers were crooked, not the governor. The governors were doing their best and were fine men as far as I know. They were stabbed in the back by people who were in that office during the second term. Maybe he didn’t know they were born crooked, I don’t know. But it is too important a thing in my opinion...

Further Discussion

Mr. Stinson: Mr. Chairman, fellow delegates, the question has come up always when it was attempted in the legislature on this matter, why pick out only the governor? The only logical reason is that the governor in the state of Louisiana is the most important and above all the most powerful office holder. Just think of the appointments, what he can do with his executive orders, and the governor can’t think of as far as Louisiana is, is more powerful than the president of the United States. The dollar a day is comparable to the two positions. As Mr. Jack says, we are not accusing any governor of anything unjust. It is the fact that he has been born corrupt and has been persuaded by the camp followers if that is what we are going to call them. This is such an important job, and no reflection against Governor Edwards because this doesn’t apply to him, but it is said to think that in all Louisiana for eight years at a time we only have one person who possibly is qualified to be governor. I have heard a lot of people in Louisiana who are qualified to be governor. A lot of them who are qualified can not run because they can’t raise from two to four or five million dollars to win the race, which it costs. Anyone who is governor with the prestige and appointive power and the favors that he can do for people, is like Secretariat running against a mullet, without reflection as was mentioned by the gentleman. The one that gets the money and it is certainly has an advantage over anyone else that might want to run for governor. It is almost closing the door on anyone else for a second term with a governor who has been even just a fair governor. With the contacts, powerful, rich contacts that he has made. Here of course I will guess that the larger states, if you weren’t raised in poor circumstances you couldn’t get elected but now it seems you almost have to be a millionaire to get elected. Of course the millionaires who run for governor don’t have to spend their own money. They spend others’ money and wherever there are large contributions, there got to be something done in return. There are people who put money for good government unless good government means that it is going to be good to me. Now, one of the best steps as far as an independent legislature is to have it so that the governor will not succeed himself. The governors are inclined to endorse and support those representatives who have been most favorable to their amendments. If there is a representative or senator who has opposed him on a lot of things, he is on his enemy list and he is going to try to get rid of him when he is in there in that second term. After the time I have found out, it is not only the senators and representatives who have opposed him but it is the independent senators and representatives who have not been yes-men and they will do what they want. That is human nature and I don’t think that the governor should be that powerful because when he does, that second term the governor can determine who will be the elected members of the legislature when he gets elected. As I say, the governor—you have the contacts, you make favors and different favors and people and naturally they are not going to contribute to someone else. You are almost freezing in a governor and making him a cinch for the second election. I think the number of years as pointed out by Mr. Fontenot, we have too many people in the state of Louisiana who are qualified to be governor.
to just have one governor, one governor. Everybody should have a fair chance and when the governor can't succeed himself, no opponent that will run against him, there is no fair chance of any opponent succeeding. And I would like to urge this without any reflection against Governor Edwards. I offered the amendment when it was up here and I accepted it so that Governor McKeithen could run the second time and in the legislature it didn't pass. I am still for it. I think it will be a great advancement and this is submitted to the people---and in fact if this is not adopted at this time, and we do have alternate propositions. I will go to that time attempt to have it submitted because I believe that the people of Louisiana would rather have it that way. I would like to urge at this time, let's put it in here. We are not hurting anyone and I think it is helping an independent legislature and helping the people statewide in having better government. You know I think...

Further Discussion

Mr. LeBreton Mr. Chairman, fellow delegates, I don't believe it can be anything for a difference between north and south Louisiana, but I rise in favor of keeping the governor on a two-term basis, and hence against the amendment. I have felt that we have it just right for me to get up here and speak this way because I think my legislative record will show that I have better than twelve years of trying to get our law so that the governor could succeed himself--as the governor in this is very simple. I don't know of a better way to compare the business of this state than to big business. Any big business that you want to speak of doesn't say that their president can only be president for four years. It probably takes two years or more before the governor really knows what he is doing with his powers. He has to run the state, and to give him eight years, I think, is an investment. I think the state of Louisiana has an investment in a man who has had four years, who will risk that experience to come back and like to think about himself as a legislator. We all know the joke, or the story of the congressman who goes to Washington for the first time, how long it takes him to get around, how long it takes him to find a few places and how to get from one place to another. Obviously, experience is what I am saying. It isn't that we need much; I'd like to think that a man with experience can be of tremendous help as governor of this state. Other states have this. The United States has this. There is a lot of criteria for having two terms and I don't see on reason you limit it to two terms is so you don't have a monopoly of a man who can successfully have himself elected regardless thereof. We have only tried it once and the second governor has a chance at it if he chooses to run again. Certainly we ought to not try to move it out now with the little experience that this state has with the two year term. I heard people yesterday get up here and talk about the different offices that this state should have and say we ought to recognize the fact that people speak. Well I don't know that I can go along with what the people who said that yesterday but certainly the people of this state speak on this terms. How times they have got here and say that his people are against it. He may know something nobody else knows but the last vote on the two term governor was overwhelming so if you want to take what you all have said, then you will leave this be. I know of no reason to change it. I know of very few people who have asked to have it changed. And in the term, I am in a lot of merit it keeping it going and I am on this side strongly. I would be glad to answer any questions.

Question.

Mr. J. Jackson Mr. LeBreton, is it not a fact that in all other state wide elective offices that there is no limit placed on the amount of terms that a candidate or an incumbent can seek?

Mr. LeBreton You are absolutely correct. When...

Mr. J. Jackson And wouldn't we mean in you that if the last two term governor would have limited terms of governor building empires, but wouldn't it seem that it would be reasonable that if we have unlimited terms in the dome, the governor will have particularly the same significance that we sought to at least allow a governor to have the opportunity to run for two terms. If the voters decide that he was a bad governor, that he had ulterior motives, then they could very well not elect him for his second term.

Mr. LeBreton I thoroughly agree with your analysis and certainly the people have the right to speak.

Mrs. Warren Mr. LeBreton, how often has this come before the legislature to vote on and why did it come before it in the first place?

Mr. LeBreton Well, I would say that I can remember back in the late fifties it came up for the first time that I can remember and maybe it was earlier than that. But I can remember sometime in the late fifties at least.

Mrs. Warren And the people voted for it overwhelmingly?

Mr. LeBreton Well, it only went to the people once and that was in...

Mrs. Warren That is what I am trying to find out.

Mr. LeBreton That is what I am trying to find out.

Mr. LeBreton And it went overwhelmingly and then it was in 1964, I guess, or 1963, in the early part of the sixties. That's the governor for the exact year, and that is when it was overwhelming, about ten years ago.

Further Discussion

Mr. DeBlieux Mr. Acting Chairman, ladies and gentlemen of the convention, I want to relate a few things to you. I want you to take into consideration in considering this amendment. The first thing is that this puts a limitation on the time that a person can offer himself as a candidate for governor of the state. There are only two elected officials in the state of Louisiana that I know are limited in the times that they can run for office--only two. The governor of the state of Louisiana and the mayor of the city of New Orleans. You don't suppose that limitation on any other elected official in the state--you know. I will tell you this. The reason that we have the bad government that we have in the state of Louisiana sometimes, in my opinion, is because we can't reelect the governor any more than once or twice as we have just changed our constitution in 1966. What happens? When a governor takes office he starts out doing the job that he wants to do and getting off on a good track and he is pretty popular the first couple of years. McKethen was popular in his first term because the amendment allowing him to succeed himself was passed in 1963, just two years after he got into office. But going to the latter part of the office, the department heads, the others who have received the special favors and to forth, if there are any, start monkeying and looking for locations with the governo and administration, and let the state go to pot. That is what brings about the bad government we have. You take every progressive that is in the union them. They do not have a limitation upon the number of time. The governor can succeed himself and he keeps the governor on his tail at all times. I have heard a number of spokesmen and others who I know you might trust the people yet you will get trust the people to decide whether or not they want to allow a man to stay in office or not. Now, how would you get out of the office if another one wants to run the next term and another? And I tell you this. If you are going to have a limitation in one office as to the number
times, you ought to have it in all elected offices. Not just one, but all of them. Mr. Stinson mentioned the appointments that the governor has. Now if you will just stop back and think, for every appointment he makes, he has to get an appointment—a man or woman—that want that same job. The appointments is one of the things that keeps the governor from getting reelected or makes him unpopular because he has a lot more people mad at him after he makes an appointment than he had before. They were all expecting to get the job and only one can get it. The other ninetynine will have to look for another. That’s what not gives the governor power. What gives the governor power is the favor he does for the architects who supported him, the engineers who supported him, the bankers who supported him, the lawyers who supported him. To get those things, the governor have to give the state funds, the insurance people who expect to make premiums and the part-time attorney jobs that can be handed out. Those are not the things you read about in the paper too much. But that is where the real power of the governor is insofar as election. The legislature has taken care of a large portion of those. They have taken care of it insofar as the insurance. We have got a better administration of the insurance program of the state. It is not corrected in its entirety but we have got a lot more. We have taken care of the bank accounts by the investment of idle funds. That isn’t what it used to be. I would just like to say that is, if you limit a governor in the times he can serve, unless he is impeached or the state he is hurting anybody but the people. That is who you are hurting. You are really hurting the people, denying the people light and peace of mind for their elected officials as they want. Which you have seen this has been gotten around to allow the people a choice in Georgia and Texas, when they elected Mrs. Ferguson after her husband had been impeached and also the wife of Governor George Wallace. That is the only way you can do it but the people realized that they wanted the governor to succeed himself and I think to get power then that right and privilege if they so see it and want to. So therefore I say vote down this amendment.

Further Discussion

Mr. Fulco Mr. Acting Chairman and fellow delegate: I don’t know that we have given the two terms for the governor a fair chance to date. The successive terms for the governor was introduced during the 1964 administration of Governor McKelthen. It was introduced and adopted as a result of a good four years of the first of the two terms. The governor served the people of the state of Louisiana. Most of the good government reforms were adopted during that first four years. Those good government reforms were not adopted prior to that term under the single term of four years for governors prior to 1964. And because of the four years of good government that we had from 1964 to 1968 we were... it was possible for us to adopt many reforms. Measures that made history in the state of Louisiana that improved the image of our state government in our state of Louisiana in the rest of the state. Now what happened the next four years, it’s history. We all know that the following four years were not as productive as the preceding four years and because of that there were a lot of unhappy people in the state of Louisiana who were not impressed with the two successive terms. However, the majority of the people still felt this should be a continued proposition and should be given another chance. We have not had time enough to determine whether or not the two successive terms for governor is a good idea and I say this. I say it after a few more years, let’s see what happens in the succeeding years. Let’s see what happens in the succeeding years... succeeding governors for our state. Let’s give it a trial and go again with the two successive terms for the governor of Louisiana.

Chairman Henry in the Chair

Questions

Mr. Smith Mr. Fulco, of course I am for this amendment, you are against it. Don’t you think a governor for the first four years is always busy looking for the next four years and not making as good a governor as he could if he would just serve one term?

Mr. Fulco Well, at least, he is going to give the people one good four years out of eight, because he is going to campaign that four years trying to do a good job for the people in order to get reelected. Now you hope we have one man in the governor’s office who will attempt to handle the next four years of good government to the people.

Mr. Smith Mr. Fulco, don’t you think that the second four years the governor is usually a lame duck governor because he knows he can’t run anymore and he did the best he could the first four but the second four is kind of a loss, don’t you go along with that?

Mr. Fulco Well, Jasper you know even a one four year term for governor is a lame duck governor.

Mr. Smith You think he will make a better governor the second four years?

Mr. Fulco I think he can if he wants to, he has got the opportunity.

Mr. Smith But he will have built up a political dynasty by then wouldn’t he?

Mr. Fulco Well, he could do that too, it depends on the individual, Jasper.

Further Discussion

Mr. Asseff Mr. Chairman, delegates, I support the position of the committee and oppose the amendment and suggest that we give the governor at least two years for a governor to learn his office. For the second term he runs on his record and the people decide. And I think they have that right. If we are going to restrict him to four years then we should restrict the others as well. The experts recommend at least two terms and I agree. I urge you to support the report of the committee on the Executive Department and to reject the amendment. Thank you.

Further Discussion

Mr. Jenkins Mr. Chairman, delegates to the consensus, if we did, let the people decide who the governor will be after a governor has served for four years. I think that is a false argument. It is an argument that is true in some instances for some offices. But another force which makes it a false argument when you talk about the governor of the state of Louisiana. For the fact is that once a man has served in office for four years there is a coercive element which tends to perpetuate him in office regardless of what the people may truly want. What is the coercive element? Well, the first element is the fact that you have several thousand officeholders whom he is responsible for putting in office, who want to maintain that office. And you have legislators who have gained a position of influence and authority under that governor who want to maintain themselves in office. You have department heads, you have local officials throughout the state who know how to stand with that governor and don’t want to take the chance of infringing on his power, his authority by bucking the trend. You have businessmen, you have labor, you have all kinds of interested groups who are afraid to come out against an incumbent governor because they know that the odds are that he will succeed himself. Look at what a governor has going for him. After a man has been in office for four years, he has been in the newspaper everyday of that four years. He has had his picture in the paper almost everyday. When he has spoken, it has gone across the state. He has made recognition, he has
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public attention focused on him like no candidate who wanted to if possibly succeed him could ever have. This is what makes it unfair and that is why these people must never decide truly. Look at history, I ask you, when was the last time that a governor of Louisiana or a president of the United States has been unable to win reelection when he sought reelection. When? When a president of the United States has sought reelection, has he failed to gain reelection? I'll tell you when, 1932, when Franklin D. Roosevelt ran for reelection and was defeated. And you know what it took in that instance to defeat an incumbent president? The greatest depression this nation has ever known. That is what it took to defeat an incumbent president. Now, look at the men who have served two terms. And I include in that category men who have succeeded to the office of president by virtue of a president dying and who had then been elected and I consider that as their second term. Look at what has happened. Look at Richard Nixon now in his second term, admits the biggest scandal to come along in this nation in who knows how long. Look at Lyndon Johnson, who was serving what amounted to a second term, involving us in no war that lasted for eleven years. Look at President Eisenhower. His second term was keynoted by recessions and extreme embarrassment in foreign affairs. Look at Harry Truman, whose second term put us into the Korean War and kept us there. And what was the result of it, another Viet Nam. Look at Franklin Roosevelt, who had gained so much power in his terms in office that we had an amendment to the United States Constitution limiting presidents to two terms. Look at Woodrow Wilson, who in his second term got us into World War I probably for no good reason at all. Listen, when you put this much power in a man's hands it tends to make those men not act rationally, it tends to give them too much power. We have got to have some check on it, not enough to try to let the people decide. The people have such corrective elements placed on them that they can't make a free decision. Should a legislator succeed himself in another statewide office. There is not comparison, no other statewide official, no individual legislator has anywhere near the power that the governor has. If those people did, I would say that the same thing would be true, don't let them succed themselves. The legislative branch of government barely has as much power as the governor of this state. And if the legislature is never made up of the same men in any succeeding term. For example in the last four years we had a sixty-five percent turnover. I say look at our sister states, those good Judo states, are not all legislators to succeed themselves in most of the instances. And where they do allow gubernatorial succession, those are states where they have two-year terms for governor and the governor must frequently allow the people to present himself for reelection. This is true in almost every other southern state. They have had the good judgment there to realize this limitation on the executive power must be imposed. Now, we have talked about strengthening the legislature. We have not strengthened the legislature to the extent that it will be a coequal branch of government. The way to do that is before us now. If we limit the governor of this state to one term we will have a stronger legislature and balances. A true system of separation of powers and we will have coequal branches of government. That is the decision we face here. And that is why limiting terms of governor to one term is in the interest of the people.

[ビューの行[#8279]]

Closing

Mr. Fontenot. Mr. Chairman, fellow delegates, I will not take the time to read this statement. I have 8279

pronounced against my amendment and I have a little bit of 2786

rebuttal. I made the statement that our national government, the government, I think Mr. Jenkins mentioned it and I will mention it also. Just because the national government has it that doesn't necessarily mean it is good for the state of Louisiana. He looked at the Johnson administration, he looked at the Nixon administration, Mr. Jenkins did, and I agree with him. The second half of those terms were terrible and I will agree with him and I think the only example we have in our state... I didn't want to get into Mr. John Mckelthen's administration, I don't personally but I think under his administration, the second four years were terrible four years. I feel if John McKeithen had stayed out for four years he could have run for reelection and he would have been a good governor for another four years, I may be wrong, it's just my opinion. Now concerning the people voting for a change in the constitution back in 1973, I think they were voting for John McKeithen at the time when his popularity was just overwhelming. This is what brought about the constitutional amendment. I don't think the people were really voting for changing the constitution, I think they were voting to let John McKeithen run a second term. And I think we found that it was a mistake to do it. Now about the argument that the restriction only applies to the governor. I don't think all these other elected officials are as strong as the governor. I think this is most easily illustrated if you look at yourself if you are governor than if you are one of these other statewide elected officials. Like I said again, it is only your personal opinion. Now if you want to allow the possibility... like I said, it is a possibility you are going to allow if you let the committee section stand as it is, you can all a man to hold that office for a period of twenty-six years less one day out of a possible thirty-four years. If you want to allow that, vote against any amendment. Now consider what he might do if he is out these four years. He will put somebody like his wife, or somebody else to run for governor, he can be lieutenant governor, so technically he will be there for thirty-four years straight and even longer if he so wishes. It is possible. If you feel as I do, that it would be in the best interest of the state to limit the term of governor to one term then I urge you to adopt my amendment.

Questions

Mr. DeBlioux. Mr. Fontenot, with all the power that the governor has... can anass during his term of office, can he repeal any state legislation that has been able to elect his successor to office?

Mr. Fontenot. Mr. DeBlioux, I am not as old as you are and I am not an expert in history and I really could not answer that question. Somebody is yelling Huey Long.

Mr. DeBlioux. Now, we have a number of governors since his time and they haven't been able to do that. Now, let me ask you another question. Do you know of any governor that you can remember during your lifetime who was popular at the end of his term of office, whether it was a one-year term or a second term?

Mr. Fontenot. Well, to answer your question, no. I don't remember but I do know that Jimmy Davis was elected out one term. He elected and got reelected again but I don't think John McKeithen would be elected again if he ran.

Mr. DeBlioux. Well, now isn't that the cause of the fact that after each time... at the end of their office they were unpopular and could not have been reelected.

Mr. Fontenot. Well, if they were unpopular at the time of their election, then they get elected after a layover of four years?

Mr. DeBlioux. Because the other governor that they succeeded was unpopular at the end of this term, that is why.

Mr. Fontenot. Mr. Chairman, I request a record vote

[564]
Record vote ordered. Amendments rejected: 34-77. Motion to reconsider tabled.}

Amendment

Mr. Poynter. Senator De Blieux send up amendments at this time.

Amendment No. 1. Page 2, line 9 after the period the remainder of the line and delete lines 10, 11 and 12.

Explanation

Mr. De Blieux. Mr. Chairman, and ladies and gentleman of the convention, this amendment simply takes out of the limitation the number of times a governor can run and succeed himself. There was some reference made a few minutes ago to Huey Long and the fact that he was able to elect his successor. Let me tell you, back in those days we didn’t have civil service, we didn’t have the investment of idle funds. We didn’t have a lot of the other reforms that had been passed since those days and times. You tell me and I think you know, frankly every governor that that has been in the office at the time of the end of his term office he was very unpopular and this unpopularity was brought about by the fact that he could not succeed himself and the administration was allowed to try to seek other candidates to get themselves into a position to whether they could protect themselves for the next election. We have all of those kind of things as positions as a result of it. Government of the state suffered during that period of time. If we can take this limitation off then we can have good government not only just for two years out of a four-year administration but as long as the man is in office because he will not be seeking to find the term of the governor in the year of vote and therefore he announces the fact that he is not going to run for reelection, which I am sure that will happen sometimes. I just think it is a good decision and I don’t think we ought to put ourselves in a position to where if we get a good man in office we can tell him, well, you can only serve one or two terms and that is all we are going to let you have. If it is good to have the limitation on the governor, it is best for all other elected officials. You ought to limit all of them to one or maybe two terms. I just think that we ought to put ourselves in the modern age rather than back in the middle of the nineteenth century when this original provision was originally put into our constitution limiting the term of the governor. Anyhow, you can see you will just check the states that have a limitation they are not in the forefront as being the most progressive, and I ask you to vote for the amendment and let us take this archaic limitation off of our governor.

Further Discussion

Mr. Stinson. Mr. Chairman, and fellow delegates, if I didn’t know Senator De Blieux so well I would be shocked and surprised. But I have long ago ceased to be shocked and surprised. If you want to get through writing this constitution in a hurry, let’s put Senator De Blieux’s amendment on and then move to adjourn sine die and I think you will get through in about a day’s time. That is all I have to say. If the people of Louisiana at anytime are going to be in favor of a governor now on, we are going to really be in a terrible shape. Politics, politics, machines and machines. Can you see what kind of machine will be built up if a governor can run for office on and on and on and on and on for this last one, limit to one time, I plead and urge with you for the people of Louisiana, don’t remove all restrictions. We certainly can’t be that forgetful of the rights of our people, it would be the worst thing that could ever happen in this state regardless of what it might be. Can you imagine a system such as would saddle a governor from now on. (Soul brother, you got a good hand on that). Now seriously let’s vote this down, the people certainly don’t want unlimited office of governor of the state of Louisiana. That would be the most irresponsible unthought of thing that we could do and certainly if we are going to pass this constitution, I don’t believe we could with such an unlimited position as that. Dictatorship, mass machine politics would result. Please let’s vote this down.

Further Discussion

Mr. Wall. Mr. Chairman, ladies and gentlemen, there is no question that this amendment is bad. Really and truly I would like to see that not only the governor be limited to two terms I would like for that. That is getting real interested over there. I would like to see all terms limited to one term. Let everybody have a chance for this 180 or public service we talk about, the peoples’ interest at heart. To give everybody a chance. If you did that, you would have a lot more people interested in government because they would know more about it. But that is beside the point, really. It is just like Mr. Stinson said, if you put this in there that a governor can keep running we may as well adjourn and go home. It is that bad and the people of this state know it is that bad, so I am going to ask you to vote it down. I am going to ask for a record vote.

[Previous Question ordered.]

Closing

Mr. De Blieux.先生 Chairman, ladies and gentlemen, I can make my closing remarks very brief and that is that I want to call your attention to this. This unthought of thing which Mr. Stinson has spoken about. This dictatorship and so forth. Why aren’t the other states that don’t have the limitation on their governors under dictatorial and irresponsible governments. Think that over. Think that over. The most progressive states in this Union don’t have this limitation. You only have about eight or ten states that have that limitation and you ask and see where they rank on the economic and progressive scale. They are not in the top ten I can tell you that. And let’s take this archaic provision out of our constitution, our laws. I just ask you, let us be a little progressive once in awhile.

[Record vote ordered. Amendment rejected: 10-100. Motion to reconsider tabled.]

Amendment

Mr. Poynter. First amendment affects Paragraph B and C as follows: Amendment No. 1 [by Mr. Roy and Mr. Jenkins]. On page 2, delete lines 13 through 23 both inclusive in their entirety.

Explanation

Mr. Roy. Mr. Chairman, ladies and gentlemen of the convention, this amendment is very simple. It simply takes out of the executive provision the results of elections and tiebreaking matters that should not be in the Executive Article at all. I call your attention to the fact that the Bill of Rights were ordered and mandated by the convention as a whole to deal with elections and suffrage along with of course the Bill of Rights and we are presenting a working article and that completed a tentative draft of elections wherein we state essentially that no person shall be elected to any public office unless he has received the highest number of votes cast for that office and we are surely going to have a proviso that the legislature shall determine methods for breaking ties. Now, there is no need at all for B and C as present provision of the executive branch or article because it has nothing to do with the Executive Article or branch. We just passed the Legislative Article and there is nothing in the legislative Article with respect to elections and how Representatives and Senators shall be chosen. So I ask that you delete B and C from this particular provision. There is going to
be no provision with respect to how elections are conducted in the Judiciary Article and I am sure
no other articles because of right, they should be
covered in the elections and suffrage articles of
the constitution.

Vice Chairman Casey in the Chair

Questions

Mr. Roy, are you saying that these two provisions are redundant?

Mr. Roy Yes, I am.

Mr. Vick And can you explain again why?

Mr. Roy They are redundant because these provisions and the results of elections and tabulations, etc.,
should properly come under the elections and suffrage provisions or articles of the constitution
which have been designated to the Bill of Rights for preparation, and we are working on them and
there is no need to put a special provision about electing executive officers under the executive
branch of government in the executive branch alone.

Further Discussion

Mr. Perez Mr. Acting Chairman, and delegates, that part of the section which bothers me a great
deal is that which deals with the provision which provides that the person having the greatest number of votes for
each office shall be declared elected. The problem with that is, that it would preclude the possibility of ever
having an open...so called open primary, open election where all of the various candidates would be required to run at the same time. Because if only the high man wins you would never have the
possibility of a second primary and I don't believe that the legislature would ever adopt a law which
would provide for an open primary as long as the requirement were there that you would have no second primary.
This would preclude the possibility of a so-called open primary or open election with all of the
candidates in the various political parties running at the same time.

Point of Order

Mr. O'Neill Mr. Acting Chairman, my point of order is that my understanding of the rules states that
elections should be covered in the Bill of Rights Committee and you know, not any other committee.
And I would just like your interpretation of whether or not this should be considered in this article
at all?

Mr. Casey Mr. O'Neill, I think that this is a matter that would have to be determined at this
time, and I think the amendment would properly be
in order.

Mr. O'Neill Thank you.

[legis. session adjourned.]

Closing

Mr. Roy I am not going to take any time. I didn't understand Mr. Perez's statement. I didn't under-
stand if he was opposed to what the Bill of Rights has done in the Elections Article or if he is op-
posed to what is presently proposed by the Executive Committee because it simply provides a person having the
greatest number of votes for each office shall be declared elected. And all I am saying is that this
does not belong in this particular Section of the Elections Branch Article. This is an election matter pure and simple and in the end, the Election Article should be covered by the Bill of
Rights Committee, we are going to cover that, we are going to cover all elections of all statewide
as well as public officials. And that is the reason I urge the adoption of the amendment.

Questions

Mr. Jenkins Delegate Roy, what this has to do with the
contention that has so cluttered up the consti-
tution, and aren't we going to decide with regards to elections in the Elections Article rather than in the Executive Department?

Mr. Roy You are absolutely right, Mr. Jenkins. What we are doing here is writing apparently...the
Executive Committee is attempting to write a speci-
fic provision on elections, and in any case that we have constitutionalized thus far, that is, those
of lieutenant governor, governor, secretary of
state, attorney general and treasurer and that doesn't address itself to elections which we are trying to cover elsewhere.

Mr. Stagg Mr. Roy, in preparing this document, we
have changed the law for a purpose. The change in
the law is to have the returns transmitted to and
promulgated by the secretary of state, in order
that the election decision can be reached before
the legislature meets in May. If your amendment
should be adopted, and I trust that it will not,
then your committee also believe that the re-
turns should be transmitted to the secretary of
state for promulgation by him, and would you also
agree that the drawing of lots in the case of a tie
would be considered by your committee?

Mr. Roy Now, Mr. Stagg, that is easily answered because the convention as a whole has now elected
or voted into the constitution a commissioner of elections.

Mr. Stagg They haven't defined his duties yet?

Mr. Roy That is right and that comes later in the
sections on the following pages 4,5,6, and 7 when
we are going to have to decide the functions of
each of those constitutional offices. So your ques-
tion really is redundant because you are putting
something in here that doesn't need to be in here
with respect to that section. Later on we will
have to define the new duties of the secretary of
state and the commissioner of elections. And
in those functions and duties that is where that
comes in. But you are attempting to, by B and C,
to simply deal with a problem pertaining to elections
as a whole and that ought to go into the general
Articles on Elections and Suffrage.

Mr. Stagg Mr. Roy, you have been reading the
articles now for only a week and you must be
able to recognize that this section in Sections A, B, C, D, and E constitute a whole train of
thought. If you go down to Paragraph D where we
state "the term of the lieutenant shall begin
at noon on the second Monday in March" and you
take out the provisions in B and C which would per-
mit that to happen by an orderly promulgation of
elections, aren't you doing violence to the consid-
erations given by the committee for the need to do
these things in this order?

Mr. Roy No, I don't think I am, and as a matter
of fact in the Legislative Article, we provide that
the legislature shall take office on a certain day
and they didn't bother to come harass us with a
bunch of redundant stuff.

Mr. Lanier Mr. Roy, what are the provisions that
Bill of Rights and Elections has come up with for
the promulgation of elections and how they would
be determined?

Mr. Roy Indefinitely, until of course, there was
a change yesterday with respect to the duties that
can come about with the new commissioner of elections, we have now that this is now in the
returns. I think that is as is it should be. That
thought the notion yesterday was that a commissioner of elections, the returns would be issued,
so that you would never have any concentration of
power in one office, the commissioner of elections
would take care of voting machines, etc., and
what have you, but then the secretary of state will
promulgate the returns. So we don't do violence to

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any of this, but we just don't think that it is necessary in this particular section of the constitution.

Mr. Quarrisco Mr. Roy, if we should delete B and 1, would it not be true that we would do violence to this article if we subsequently adopt D and E because the Elections Committee would have to form the election laws along those guidelines to fit. Is that correct?

Mr. Roy That is correct.

[Amendment: adopt D... Motion to reconsider tabled.]

Amendment

Mr. Poynter We have amendments offered up at this time by Delegate Chatelain, Thistlethwaite, Landry, Jureau, Elkins, McDaniel and many others. Amendment No. 1, on page 2, between lines 12 and 13, insert the following: "B. Each candidate for governor shall file jointly with a candidate for lieutenant governor in primary elections so that each voter shall cast a single vote for a candidate for governor and a candidate for lieutenant governor running together."

There are several technical amendments changing the paragraph numbers thereafter which now need to be corrected in light of the previous amendment.

Explanation

Mr. Chatelain Mr. Acting Chairman and fellow delegates, this I think is a step forward in Louisiana government. This amendment will permit the governor and the lieutenant governor to run together as a ticket. They will run together on the same platform. It is very comparable to what the president of the United States and the vice-president do today. You will cast a single vote for both the governor and the lieutenant governor. They will take office together and work together. Seventeen states now have this situation. Seventeen are embedded in the constitution and one in statutes. In the last two years, two of our progressive states have done this, Maryland and Florida. There are some major arguments for shall file jointly with a candidate for party affiliations. For instance, you could have a Henry and Broussard ticket, for governor and lieutenant governor, the same party. You could have a Treen and Stagg ticket, same party. I think it would be a good step forward in Louisiana. You would have compatibility in campaign platforms and you would have a more cohesive ticket. I think, would be a great step forward. You would have assurance of continuity in government in the event of a succession. I think this is a real reason that you need a lieutenant governor. It is that awesome thought of a succession in the event of a death or some other reason for losing your governor. I think too, that it would certainly lower the campaign cost of both the governor and the lieutenant governor. I think that it would facilitate the governor's role in asking this lieutenant governor to do some of the powers and duties of the governor. I think then we would have a lieutenant governor who would have something to do rather than standing idly by with no great direction. I think too, it would permit the governor to delegate increasingly large numbers of the duties and responsibilities. I think in the final analysis you would have a greater cooperation and responsiveness in the governor's administration. I urge that you would support this. I think it is a great step forward.

Question

Mr. Zervigon Mr. Chatelain, I agree with you in concept but I was wondering why it is drafted the way it is. You say they shall file jointly in primary elections. Does that mean that in the general election, would we continue to have the primary and general election systems, that you could elect a democratic governor and a republican lieutenant governor?

Mr. Chatelain The intent was to have them run together from the very inception of the time they first file, Mary.

Mrs. Zervigon Perhaps it would be worded, say, primary and general elections.

Mr. Chatelain Probably so, that would be all right with me.

Mr. Alexander Mr. Chatelain, you said that there are several states where this system is employed. Do you know if any of those states are southern or one party states?

Mr. Chatelain Southern states, yes. We have two of them, Maryland and Florida.

Mr. Rayburn Mr. Chatelain, I believe they have a track at Evangeline Downs that is not too far from Lafayette. Is that right? Would you call this an entry, and who would get the 1 or the 1A number?

Mr. Chatelain Frankly, I think this would be the third runner perhaps.

Mrs. Warren Going along with the concept, what I am trying to find out is if you have a governor and you have two lieutenant governors who want to run and each one of them wants to run on the ticket with the governor, how would this work?

Mr. Chatelain Let's run it by one more time, Mary. It is very simple. You would have two men, perhaps a man from north Louisiana, perhaps a man from New Orleans or the south Louisiana area, who decide they want to run for governor and lieutenant governor respectively. They would form a political alliance. They would talk philosophy. They would sit down and say, we are going to offer these things for the people of Louisiana, and in the final analysis you are going to have two men who will run together in the election, they will be sworn in together and then you will have a true lieutenant governor.

Mr. Stinson Mr. Chatelain, if I want to run for governor and I don't want anyone on my ticket for lieutenant governor, I wouldn't be able to run for governor under this, would I?

Mr. Chatelain Mr. Stinson, the object of this amendment is to create a better situation for the lieutenant governor, to make a stronger office for the lieutenant governor of this state.

Mr. Stinson The next question, suppose I want to run for governor and nobody in the whole state wants to run on my ticket for lieutenant governor, I wouldn't be able to run for governor would I?

Mr. Chatelain I don't think you would be elected.

Mr. Stinson

Mr. Chatelain Well it still would be my right as an individual to run, wouldn't it?

Mr. Chatelain You certainly could run.

Mr. Stinson Isn't that what we are supposed to be doing, guaranteeing the rights of individuals?

Mr. Chatelain You would certainly have a right to run, sir.

Mr. Stinson We are not down here guaranteeing the rights of a ticket, are we? Now also suppose I would run for lieutenant governor and no governor would take me, you still say I shouldn't be entitled to run because...

Mr. Chatelain I think you could run, sir.

Mr. Stinson Not under this.
Mr. Chatelain: We are talking about the lieutenant governor and the governor running together, Mr. Stinson.

Mr. Stinson: I know, but I couldn't run if a governor candidate wouldn't put me on his ticket.

Mr. Chatelain: I can't conceive of a situation, Mr. Stinson, where any man has qualification to be the governor of this state who could not find someone to run with him. I just can't conceive of that happening.

Mr. Stinson: It happened last election, didn't it?

Mr. Chatelain: I don't want to go into that, sir.

Mr. Stinson: Do you think we are the ones who should pass on who is qualified or not? In other words, don't you think it is an inherent right of every elector of Louisiana to run if he only gets one vote?

Mr. Chatelain: Well, sir, you are right. I would agree to that.

Mr. Nunez: Don't you believe that there has been a trend in this state recently to get away from the ticket concept and let each candidate stand on their own merit and run on their own merit?

Mr. Chatelain: Senator Nunez, you are right, but what we are talking about today is writing a new constitution and that says the lieutenant governor has qualification to be president of the Senate. We have made a lot of changes in this constitution. We are talking about a new era, sir. An era when you are going to have a new look in Louisiana.

Mr. Nunez: Do you believe that era should encompass the concept that the governor should run for two terms and then hire his lieutenant governor and that lieutenant governor in return runs for two terms as governor, and that lieutenant governor picks his lieutenant governor? Don't you believe you are perpetuating one of the greatest dynasties this state probably would ever have or has had?

Mr. Chatelain: The dynasty aspect has come up on both sides before I offered this amendment with about fifteen other coauthors. I, as well as they, discussed both sides of this subject matter. You are right, sir, you could create a dynasty. You can do it today under the present laws of Louisiana. You can do it in the United States government. Today we have a situation where Mr. Kennedy almost is in a position to be the next president of the United States but I think because of the recent scandals, that you are well aware of, this probably won't happen. Certainly, you always have these possibilities.

Mr. Nunez: But you are making the possibility broader when you lock it into the constitution and say the governor and the governor shall run together. What I am asking you is should we perpetuate the type of dynasty I think your amendment is going to do, because the governor naturally with his successor in line he picks his successor, the lieutenant governor, that lieutenant governor or maybe the next governor and then you have a dynasty going that you just won't be able to control. Don't you think that's a bad...

Mr. Chatelain: Senator, in my lifetime I have seen three different governors serve four years, six out of a few years, some of them were good the second go-round, some of them weren't. You have all these possibilities and any of this could happen, yes sir.

Mr. Nunez: But, isn't it more possible now that we have a two term amendment and the governor can succeed himself. Thinking about whether the governor could succeed himself. Now he can succeed himself and his lieutenant governor, I don't think there is any limitation on how many times the lieutenant governor can run. If his lieutenant governor has won twice with him then the natural line of succession would be to governor. In line with all of the people. I said before that he has made, I am sure they won't be changed and they dynasty is perpetuated.

Mr. Chatelain: You are right, sir. But I will take that chance. Everything you gain in this world, you have to pay a little price for it. I would rather pay the price of having a strong lieutenant governor who is in a true fact a lieutenant governor, who has something to do and a man who can help the awesome job that the governor has. I think then you would have a team working together and the Louisianans would wind up with a better government.

Mr. Roemer: Mr. Delegate, if a man or a woman wanted to run for lieutenant governor and couldn't find a governor on whose ticket to run, what would he do?

Mr. Chatelain: I think that obscure person would probably find someone to run with him. I hope so sir.

Mr. Roemer: You mean he would not only have to advance his own candidacy he would have to carry a heavy load with him perhaps.

Mr. Chatelain: We can go into all these possibilities, Mr. Roemer. As I said before, for everything you gain you have to pay a little price. I will pay the price of having a good strong lieutenant governor who can in fact do something for his people.

Mr. Roemer: I don't know if you would agree with me. I feel like you are in the position of a popular song some years ago, "How does it feel to be alone, like a rolling stone.

Mr. Chatelain: Mr. Delegate, I wouldn't know that.

Mr. Roy: Mr. Chatelain, they wouldn't have to worry about getting a candidate because...

Mr. Chatelain: I beg your pardon. I didn't hear that sir.

Further Discussion

Mr. Thistithwaite: Mr. Chairman, ladies and gentlemen, I think the answer to this dynasty question was brought up by Senator Nunez almost as in a position to be the next president of the United States but I think because of the recent scandals, that you are well aware of, this probably won't happen. Certainly, you always have these possibilities.

Mr. Nunez: Mr. Chairman, ladies and gentlemen, I think the answer to this dynasty question was brought up by Senator Nunez. Many governors in recent Louisiana history have ended up their terms of office popular. I doubt that any governor in recent Louisiana history has been able to transfer any support to anybody, whether it is his lieutenant governor or whoever. In our legislative article we have clipped the wings of the lieutenant governor. He no longer will preside over the Senate. This is almost entirely a standoff office now except that the lieutenant governor will serve ex-officio on a number of boards and commissions and will exercise the powers delegated to him by the governor. Now some of these boards he will serve on are very important and the chief executive's representative should reflect his views. Further, the governor could delegate many useful powers to a man of his trust. No longer would we risk having a man sitting over in the corner office out of contact with the chief executive. I am against ticket politics but I consider this an orderly and wise arrangement of our chief executive's office, when the governor leaves the state he should leave it in the hands of another. And finally, this arrangement will be of great value in easing the difficult transitional problem incident to a change in the state's top administrative office in the event of death or disability of the governor urge your support of this amendment.

Chairman Henry in the Chair

Further Discussion

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Mr. Gravel. Mr. Chairman, ladies and gentlemen of the convention, I rise in support of this amendment. I want to point out just one thing to the delegates that I think is very important. If you will read Section 6 of this proposal that is under consideration, you will see that it was the sense of the committee that the lieutenant governor would serve as a member, ex officio, as a member of each committee, board, agency or commission that the governor serves on. I think that the proposal of Delegate Chatelain carries further into the concept of making the governor and the lieutenant governor a working partnership for the benefit of the people of the state.

For that reason, I believe that the amendment is good and I hope that it is adopted. Thank you.

Further Discussion

Mr. Avant. Mr. Chairman, fellow delegates, I rise to strenuously oppose this amendment. I have heard names or labels put on various amendments in this convention. If you want to put one on one, you can take your pick. Call it the machine politics amendment. Call it the slap the people in the face amendment. Call it the amendment, or anything you want, but this amendment kicks the people of the state of Louisiana right square in the teeth. People have been talking about this proposal the last twenty-five years and I want to say it is going to work. Well, I ask you to examine your Louisiana history for the last twenty years or twenty-five years and you will see what people wanted to do. We had Lieutenant Governor Barham. They didn't run on the same ticket. They ran on different tickets. We had Governor Mickey. We had Governor Kenner. We had Lieutenant Governor Acock. I want to point out, the first time, for the first time, I don’t remember the second, they didn't run on the same ticket. Our most recent governor, if my memory serves me correct, didn’t endorse a ticket for Lieutenant Governor. He didn’t even have a ticket. If my memory further serves me correct, I think Lieutenant Governor Acock was elected one time as an independent. This is just based on memory but you have to remember that the lieutenant governor of this state is a very, very important position. Not only does he succeed to the office of governor in the event of the death of the governor or other reasons for his inability to serve, but he acts as governor in the place of the governor when the governor is absent from the state. I think that this amendment takes that right away from the people of the state of Louisiana. It says you've got to get on a ticket and you don't have any choice about who is going to be on that ticket. If you want to pull a wagon with a team of horses, at least you can pick the two best horses that you think. But you don't get to pick who is going to be on this team. The politicians are going to pick who is going to be on this team. This is strictly political dynasty, machine politics amendment, and it takes away rights from the people that are properly and rightly theirs. I ask you if you think I am wrong, if you think that this doesn't speak what he is talking about, just look at the politics of this state. In the last twenty-five years and what has actually happened in gubernatorial campaigns and what have the people done. On the least three of these occasions the people by personal knowledge they have selected a candidate for governor from one ticket and a candidate for lieutenant governor from another ticket. I urge you and I appeal to the people of this state to vote and select their own governor and their own lieutenant governor and give that right to the politicians.

Mr. Avant. Mr. Chairman, wouldn't this take my constitutional rights away from me of running as a candidate?

Mr. Avant. To run as an independent candidate? You couldn't run as an independent candidate for one office. You would have to team up with somebody. Mr. Bel. That wasn't my question. Under the constitution wouldn't I have a right, the United States constitution, wouldn't I have a right to run for office. Mr. Avant. I would certainly hope so, Mr. Bel.

Further Discussion

Mr. Jack. Mr. Chairman, ladies and gentlemen, I am against this amendment. We have a governor and I think I should have a right to vote for the candidate of my choice for governor. I think everybody else should. We have a lieutenant governor provided also by the constitution and I think I should have a right to vote for him. Now, this deprives me of that right unless I just happen to want to vote for both of those two let's just take this example. Suppose this thing goes. I think the candidate for lieutenant governor is a fine person but I think the person he is running with is a crook. If I want to vote for my candidate for lieutenant governor I have to vote for the governor. Now if that isn't against the federal constitution, I don't know what is. Now, let's just take that person where a person running with him for lieutenant governor. Suppose a man is a fine man but he can't get on a governor's botball ticket. Where is he? Let's take in my opinion Teddy Aycock, one of the best lieutenant governors going. If I remember correctly, he was lieutenant governor three times. Now, suppose I would like for him to run for lieutenant governor and he wanted it but he has got to be on a governor's ticket. Let's just see how ridiculous it could be. Why not provide a law that if a man runs for governor the candidate for lieutenant governor on his ticket is his wife and lets see if we can get a happily married couple. Now if the man is not married then his wife or him or vice versa. Maybe those kind could always or the other be subservient or the other one. I think that this amendment takes that right away from the people of the state of Louisiana and if some misfortune should occur I think that candidate B who is running for lieutenant governor may get the most qualified man to succeed him in that office. This amendment takes that right away from the people of the state of Louisiana. It says you've got to get on a ticket and you don't have any choice about who is going to be on that team. If you want to pull a wagon with a team of horses, at least you can pick the two best horses that you think. But you don't get to pick who is going to be on this team. The politicians are going to pick who is going to be on this team. This is strictly political dynasty, machine politics amendment, and it takes away rights from the people that are properly and rightly theirs. I ask you if you think I am wrong, if you think that man doesn't know what he is talking about, just look at the politics of this state. In the last twenty-five years and what has actually happened in gubernatorial campaigns and what have the people done. On the least three of those occasions the people by personal knowledge they have selected a candidate for governor from one ticket and a candidate for lieutenant governor from another ticket. I urge you and I appeal to the people of this state to vote and select their own governor and their own lieutenant governor and give that right to the politicians.

Questions

Mr. Stagg. Mr. Chairman and fellow delegates, Mr. Chatelain for whom I have a great deal of respect, began his discussion on this amendment by stating that this was a step forward for Louisiana. I could not disagree more strongly. This is a step backwards. We have a great deal of respect for Mr. Thistlethwaite and my good government friend, Mr. Gravel, and for the Public Affairs Research Council, I have seen enough history in Louisiana to know that ticket splitting is the norm in this state. In these days' discussions that we have had. We spend the better part or the latter part of Wednesday, we spend almost all day yesterday and the better part of today today giving the people back the politics. I find myself in this position associated with Mr. Stinson and with Mr. Nunez and Mr. Roemer and Mr. Avant and Mr. Jack. I position I have seldom enjoyed in these days' discussions that we have had. We spend the better part of the latter part of Wednesday, we spend almost all day yesterday and the better part of today giving the people back the politics.
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people one of their elected officials for whom they may freely vote. I do not understand the apparent inconsistency of these positions and I urge the defeat of the amendment.

Questions

Mr. Chehardy: I would like to preface at first that I have no particular feeling for PAR as offering anything worthwhile so when I show anything in favor of this amendment, it is not because of PAR; it is despite PAR. Now, the question I want to ask you, you seem to place a lot of, not yourself but everyone against themselves in this particular amendment, on the proposition that the lieutenant governor would not be elected independent. I would like to believe that this is comparable to the president and the vice-president. Would you say this is so?

Mr. Stagg: The amendment has some visible relationship to that circumstance in our national government.

Mr. Chehardy: Now wouldn’t you admit that the vice-presidents who have died in office have been men who have proven themselves to be men of mettle generally throughout the entire history of the United States and everyone of those men ran as a running mate of the president?

Mr. Stagg: Mr. Chehardy, that is not the problem. The problem that Mr. Chehardy addressed himself to was that these people would be compatible and I don’t see that it was anything but politics that chose Truman to run with Roosevelt or Johnson to run with Kennedy, or some of the rest of the people who have been chosen as vice-presidential candidates. The same is true in Louisiana. You will get a southern governor candidate who will go to north Louisiana to fill out his ticket and that is what we are talking about here today.

Mr. Chehardy: One more question, these same vice-presidents you mentioned, Truman and Johnson, neither one of them gave you a Watergate, is that not so?

Mr. Stagg: I couldn’t care less, Mr. Chehardy.

Mr. Chehardy: I am just asking by way of example.

Mr. Stagg: There is nothing in this bill that we have before us under debate today that would prevent two candidates who want to run and to give themselves the freedom to run as a ticket. This provision requires it, demands it and makes it mandatory in the constitution, and that is wrong.

Mr. De Blieux: Mr. Stagg, isn’t the real problem there is so far as the Republicans are concerned that they might not be able to field enough candidates if they had to run as a team?

Mr. Stagg: Mr. De Blieux, I hope someday that problem is resolved, but you are not helping it.

Mr. Stinson: Mr. Stagg, do you know of any requirement for president and vice-president to have to run on the ticket? In the past haven’t we had just people to run for president without a vice-president candidate?

Mr. Stagg: We have had that happen. You are correct.

Mr. Stinson: So therefore it is not comparable, necessarily.

Mr. Stagg: I didn’t agree with the question of the gentleman who posed it.

Mr. Rouner: Delegate Stagg, don’t you agree with the potential problem of a very strong governor, particularly when we have this two consecutive term provision in here, a man running for reelection, he would only do so if he thinks he can get reelected, a very strong man, picking a guy just for ticket balance, geographical or whatever, a man who is completely incompetent by any standard of reasonable men, and they both get elected. Something happens to the governor and the governor’s vice, now as governor, the lieutenant governor.

Mr. Stagg: I feel that that man would have been a candidate on that ticket with governor, picked for his politics or for his geographical place of residence and with no other good qualifications.

[Previous request, ordered. Record vote ordered. Amendment reconsidered: 35-76. Motion to reconsider tabled.]

Amendment

Mr. Poynter: Amendments submitted by Mr. Toomy which affect D, as printed, a technical amendment momentarily that renumber the paragraphs.

Amendment No. 1. Page 2, line 24 between the words "official" and "shall" insert the following: "enumerated in this section".

Explanation

Mr. Toomy: Mr. Chairman, fellow delegates, I think this amendment could properly be labeled a technical amendment. It is my understanding from speaking to several of the delegates on the Executive Committee that their intention in this Section D was that it would refer to all the statewide elected officials in Subsection A and not to all the elected officials of the state as I am sure you are aware many of the local officials and other officials in the state assume their term of office dates other than this date mentioned here and I merely offer this amendment with the intention of clarifying the committee’s intention that this applies only to the officials enumerated in Subsection A whichever officials those might be. I would appreciate your acceptance of this amendment.

Question

Mr. Dennery: Mr. Toomy, I am not arguing with the intent of your amendment. I ask though if you limit it to those enumerated in this section. As I understand it, it is conceivable that somewhere else in this constitution there may be a provision made for another statewide elected official. Now if you... instead of using enumerated in this section say "statewide elected officials" wouldn’t that cure that problem, should it exist, I don’t know that it would exist, but it conceivably could?

Mr. Toomy: That would be along the same lines as my intention. I don’t believe that would be quite necessary though. I think this would adequately fulfill what the intention of the committee was.

Which was just to cover the area in Subsection A.

[Amendment carried without dissent.]

Amendments

Mr. Poynter: Offered by Delegate Dennery, a technical amendment.

Amendment No. 1. Page 2, line 24 delete the letter D and insert in lieu thereof the letter B.

Amendment No. 2. Page 2, line 27 delete the letter E and insert the letter C.

[Amendment carried without dissent.]

Amendment

Mr. Poynter: Amendments proposed this time by Delegate De Blieux.

Amendment No. 1. Page 7, delete lines 27 and 28 both inclusive in their entirety. If you don't have
the amendment with Mr. De Blieux's name on it, the identical amendment was prepared by Mr. Anzalone and Asself.

Examination

Mr. De Blieux Mr. Chairman, ladies and gentlemen, the reason that I ask for the deletion of these two particular lines is because this limits the state-wide election to those officers as contained in this section. And that means the legislature could not if it saw fit create any other statewide elected officials. In other words that would be putting a hamper on something that you might not want because it would require the constitutional amendment to do that, and I just think it is a bad provision to insert in the constitution. It is the purpose of the amendment, and if you want it, all right, if you don't it's ok.

[Prev. question ordered. Amendments rejected: 20-61. Motion to reconsider tabled. Previous question ordered in the negative. Section 8, col. 10-0. Motion to reconsider tabled.]

Reading of the Section

Mr. Poynter Section 4. Compensation

Section 4. Paragraph A, the compensation of each elected official within the executive branch shall be fixed by the legislature and shall not be increased or decreased for the term for which the official is elected. No state official shall receive a salary in excess of that paid to the governor.

Paragraph B. The lieutenant governor, when acting as governor shall receive the same salary as the governor and an appointed assistant when acting as an elected official, shall receive the same salary as the elected official.

Examination

Mr. Stagg Mr. Chairman, fellow delegates, we had considerable discussion in last week's proceedings under the legislative Article, and the Committee on the Executive Department felt that the compensation paid to the elected officials within the executive branch ought to be fixed by the legislature and when fixed, should not be increased or decreased during the term for which they were elected. It is an added provision which is not in the law at this time, which is suggested to the delegates for their consideration, that no state official shall receive a salary in excess that paid to the governor.

It was the feeling of the members of the committee that the elected official of the state, the governor bore responsibilities far in excess of those of any other official of the state and ought to be so compensated. In the Section 8 we feel that when the lieutenant governor because of the absence of the governor is sitting in his chair and handling his duties, that for that period of time he ought to be paid the salary that the governor will command because he has the duties of the governor for that period of time and the same thing applies to the other statewide elected officials. By way of explanation in a further section in this article, in Section 10 we have provided that each statewide official will have a first assistant who will be appointed by that official subject to confirmation by the Senate. In that instance, for instance if the first assistant to the secretary of state occupies his office while the secretary of state is out of the state, he should receive the compensation applicable to the job because he is carrying out the duties of the job. I move the adoption of Section 4, Mr. Chairman.

Questions

Mr. Burns Mr. Stagg, in line 80 on page 7, you refer to the salary of elected officials and on line 1 of page 3 you refer to state officials. May I ask, the heads of a department, the state departmental heads, would they come under the state official category?

Mr. Stagg Mr. Burns, it was the feeling of the committee and of the delegates who sponsored this provision into our article, that no state official ought to be paid any more than the governor. And if for instance there is a state official who is drawing fifty thousand dollars, then the governor ought to receive fifty thousand five hundred dollars and you can magnify that in any way you wish, but that was powerfully lobbied by a number of our committee, we accepted his suggestion and it appears as a part of our committee proposal to this convention.

Mr. Burns But in your answer to my question is that this state official would apply to departmental heads?

Mr. Stagg Yes, Mr. Burns, it would.

Mr. Burns And if a head of a department of hospitals and welfare is drawing fifty-seven thousand or whatever it is then the... governor ought to draw fifty-seven thousand?

Mr. Stagg That was the feeling of the committee.

Mr. Burns Yes.

Mr. Burns Or either the other one ought to come down to the governor's level.

Mr. Stagg Either they get to reduce some of these salaries or raise the governor's, there is an option.

Mr. Burns That's all.

Mr. Fayard Mr. Stagg, was it the feeling of the committee that this provision was necessary to give the legislature the authority to fix these salaries, or would the legislature have this authority if it was not put in the constitution?

Mr. Stagg We think that in the constitutional document that when you state that the legislature shall do it, it leaves it without the discretion of anyone else to change it. We believe that the legislature is the arm of government that ought to fix these salaries, and that is why we made the recommendation.

Mr. Fayard Well, if this provision was deleted, would the legislature still have the authority to fix salaries for the executive department officials?

Mr. Stagg Anything that would not be prohibited then would be permitted them.

Mr. Fayard Now, my next question is addressed to Subsection B, what is meant by when acting as an elected official, when does the salary start to run?

Mr. Stagg We have a provision that requires in the case of the inability of a statewide official to perform the duties of his office and that inability has been certified by the provisions of that article, that then the appointed assistant would take over. Under those conditions, the date he took over would be clearly defined. In the event that for instance the commissioner of insurance was to leave the state for a vacation of thirty days, then his first assistant for that thirty days, would receive the salary provision that the legislature will have fixed for the commissioner of insurance.

Mr. Fayard Would this also apply to the lieutenant governor when acting as governor if the governor was out of the state say for two days...

Mr. Stagg That is the way it does now, Mr. Fayard. Unbelievably, that was one of the principle jobs of the comptroller was to figure out how many days the governor was gone so that he could fix the salary payments of the lieutenant governor for whatever days the governor was gone.

Mr. Fayard And is it the feeling of the committee that it should remain as it is now?
Mr. Stagg Yes, sir.

Mr. LeBreton Mr. Stagg, trying to follow your reasoning, what would be the actual workout, should this pass and become part of the constitution, does the governor's salary automatically go up to the highest paid state official or does the state official's salary come down to the governor's, or do you provide for it?

Mr. Stagg We don't exactly provide for that...the position of the committee was that we ought to state it affirmatively that no state official will receive a salary in excess of that paid by the governor, that is a kind of a backhanded way of saying, the governor shall be the highest paid state official.

Mr. LeBreton I am not particularly for or against your article, it just seems to me it leads to some confusion, does the pay automatically stop the day it is received. I think some thought ought to be given to that or at least to Style and Drafting that maybe this conversation you and I are having could put some sort of logic into the legislators six months or a year to straighten the manner out. My second question is, and I could not follow you. Does this apply to municipal, parochial officers, like superintendent of education of Orleans ....

Mr. Stagg No, sir, it does not.

Mr. LeBreton How about quasi, like the dock board in New Orleans?

Mr. Stagg No, sir, it does not.

Mr. LeBreton Just state officials...

Mr. Stagg Yes.

Mr. LeBreton I would think then...don't you think then that if we are just going to pick on state officials, why let the man appointed get much more money than the man that is elected, I just suggest that for thought if we are going to cure, let's cure all of the baby.

Mr. Roemer Tom, in the Section B, talking about receiving the same salary as the superior when acting in his or her position, it would be my impression and I would like to hear the reason why it is here, in this case we elect a lieutenant governor just for that purpose, he runs for that office for that purpose, he is elected for that purpose, why should we give him special award for doing what he ran for in the first place? Why should we increase his salary?

Mr. Stagg Buddy, I think that the committee felt about it in...felt this way for two reasons. One, that it is in the present system of payment of state officials now and that to make some change of that sort that wasn't necessary to make, that weighed on the committee's mind somewhat. It is, the way it is done in several other states, though I am frank to admit that in some states they dispense with this bookkeeping and simply pay the man the salary that he was fixed by the law when he ran for the office and therefore they agree with you. But the majority sentiment on the committee was, that if one man takes on additional responsibilities other than those for which he ran and were elected to do, then he ought to be compensated for it.

Mr. Roemer Right. And I wonder if you would agree that in effect the lieutenant governor does run as one of his requirements is to stand ready to serve as governor in the governor's absence, so it is no great undertaking, additional to what he ran.

Mr. Stagg agree that that is a correct statement.

Mr. Lanier Mr. Stagg, did I understand you correctly when you said that if this article makes no provision for fixing salaries, that in your opinion the legislature would then have the right to do so?

Mr. Lanier I did say that Mr. Lanier. If you wish to correct me, I am wide open.

Mr. Lanier Well, I just wanted to get your opinion as to what effect you think that the present provisions which I understand will be duplicated on division of power would have, that Article II, Section 1 that says the powers of government of the state of Louisiana are divided into three distinct departments, legislative, executive and judicial. Section 14 which says no one of these departments nor any person holding office in one of them shall exercise power belonging to either of the others except as otherwise provided in this constitution.

Mr. Stagg And we are here otherwise providing in this constitution for that exception...

Mr. Henry The gentleman has exceeded his time.

Recess [Quorum call: 85 delegates present and a quorum.]

Amendments

Mr. Poynter Amendments sent up by Delegate O'Neill as follows: Amendment No. 1. Page 2, delete lines 29 through 32 both inclusive in their entirety. Amendment No. 2. Page 3, delete lines 1 through 6 both inclusive in their entirety.

Explanation

Mr. O'Neill Mr. Chairman, members of the convention, we will let you in on what our thinking came up with this. Our directors here, first and foremost, would come first because it took the complete provision out and in case you don't go for that we have some amendments following. The reasons I think this provision should be taken out is that most of it is excess baggage and I think we have consistently voted to take excess baggage out. I remind you of the discussion during our debate on the Legislative Article, whereby an overwhelming vote, almost 90 votes, we voted to take out almost all matter dealing with salaries of public official, etc. The question that comes to mind is, if we strike the entire provision, is the executive able to set his own salaries and that of the other members of the executive branch. I believe that power if inherent in the constitution and that they...if you don't say that they can't do it, well they can do it. I have specific objections to the idea that no state official shall receive a salary in excess of that paid to the governor. I think the governor knows what he is going to be paid when he runs, I think even though some of us might feel the salary is low now it is a real need for candidates to run for governor at that salary. And I submit to you that the salary increase right now would be nearly thirty thousand dollars, that is more than a lot of people here make in a year. The second section, Section B, states that the lieutenant governor when acting as governor, etc...I think that this is verbiage and I wonder if it is even worthy of statutory nature. I think it would be better if we take this out and rely upon the provision adopted by the legislative article, and I believe Section B states that the legislature has the power to set salaries and also to raise salaries. It is only a specific prohibition against reducing salaries. All of us here want a short convention and all those good things and maybe I have been guilty, more than some, of wanting to put things back in, so help me take this out, and we might make up for some of that. I move for the adoption of this amendment.
Questions

Mr. Lanier Are you familiar with the proposal of the Bill of Rights Committee on the three departments of government and the limitations on each department?

Mr. Roemer Right. And I wonder if you would agree that if the lieutenant governor does run as one of his requirements is to stand ready to serve as governor in the governor's absence, so it is no great undertaking, additional to what he ran.

Mr. Stagg I agree that that is a correct statement.

Mr. Lanier Mr. Stagg, did you understand you correctly when you said that if this article makes no provision for fixing salaries, that in your opinion, the legislature would then have the right to do so?

Mr. Stagg I did say that Mr. Lanier. If you wish to correct me, I am wide open.

Mr. Lanier Well, I just wanted to get your opinion as to what effect you think that the present provisions which I understand will be duplicated on division of powers would have on that. In particular Article II, Section 1 that says the powers of government of the state of Louisiana is divided into three distinct departments, legislative, executive and judicial. In Section 2 which says no one of these departments nor any person holding office in one of them shall exercise power belonging to either of the others except as otherwise provided in this constitution.

Mr. Stagg And we are here otherwise providing in this constitution for that exception...

Mr. Henry The gentlemen has exceeded his time.

Recess

[The roll call: 85 delegates present]

Mr. O'Neill Yes, sir, I am. I heard you read it awhile ago.

Mr. Lanier In your opinion, would I be correct in saying that the division of powers would not create a situation here where there would be at least some doubt as to who would be setting the salary of the executive if there was no specific provision in this article that it be done by the legislative branch?

Mr. O'Neill I have some doubt Mr. Lanier, but very little.

Mr. Lanier Well, if there is any question at all, don't you think that it would be prudent for us to make sure that there is absolutely no doubt.

Mr. O'Neill Well, Mr. Lanier, my understanding is, that a Mr. Hayes has prepared an amendment to come back which would simply say the compensation of each official within the executive branch shall be fixed by the legislature period. I think that if we take this entire section out right now, come back and insert that here, that it will take care of that doubt and I think any other doubt that anyone else has.

Mr. Denner Mr. O'Neill, would you please reiterate your explanation of why the B portion of this is useless verbiage?

Mr. O'Neill Well, Mr. Denner if the legislature is allowed to set salaries, I feel that they can set the salaries for these people as it should be. I personally disagree with the section anyway. First, let me explain my reason. The lieutenant governor assumed that in that job is that in case anything happens to the governor the lieutenant governor shall take over. When he runs for that job, that's how the assistant and he knows the duties and I think he in particular doesn't need this extra provision. Secondly, I think a first assistant shouldn't automatically go up to the salary of the head of the department. Generally, I think it would create more problems than it would solve.

Mr. Denner Well, I understood you earlier to say that you thought it would even be useless verbiage in the statute and I didn't quite follow why you said that.

Mr. O'Neill Well, I said that because of personal objections. Mr. Denner really don't believe that it is constitutional and I would never vote to even put it in a statute.

Mr. Denner Thank you.

Further Discussion

Mr. Asseff Mr. Chairman, delegates, in view of the fact that there are several amendments, I shall defend my position just once. I have one sentence to point out, no state official shall receive a salary in excess of that paid to the governor. Someone wanted to know why it was phrased that way. Well, I got it out of committee by a five to four vote and I had no difficulty in placing it even if the comma, because I am not sure I would have gotten it out. I cannot agree with the gentleman that this does not do anything but set a salary. It does say, "shall not be increased nor decreased." Now, you may differ with it but it says may not be increased nor decreased, for the term for which the official is elected. Unless I place it in its situation then the legislature would be free to do as it pleases, which is all right with me. I am here to defend no state official shall receive a salary in excess of that paid to the governor. The purpose of the provision is to require that the governor be the highest paid official. Since the governor is responsible for administering the entire executive branch surely he should be paid more money than any person beneath him. I am well aware of the fact that the governor has the mansion and all the fringe benefits. But in my opinion he earns every cent that he is paid. It is argued that it is statutory and that it will discourage getting top people. To the first, I say two things. What is statutory and what is not. And much that is statutory has been and will be included in this constitution before we finish. Moreover to me it is a fact that if top governors refuse salary increases one took a small one. No governor with political ambitions will sign a salary increase bill for himself, it would be political suicide. Finally it would be said he knew his salary when he ran and he couldn't wait to grease his own palm. Ask them, I have. But haven't others increased their salaries when they knew what they were being paid. I am sorry if it discourages top people. In my book the top person is the governor and he should be paid a salary commensurate with his responsibilities. And his responsibilities exceed those of everyone beneath him, individually and collectively. How can you argue that we must reorganize government and strengthen the governor in the executive branch and then be unwilling to pay him a salary in accord with that responsibility. You simply cannot do it. He is the top man in government and should be the top man in salary. If we paid our officials well we could expect more from then and minimize outside influences. I am well aware of the fact of the defect in craftsmanship. In some departments years but this is the best I could get and so along with it and I urge you to consider seriously the fact that the governor is the top official, he can sign a salary increase bill for himself, ask him. So if you want to make him top man in responsibility then I suggest you make him top man in salary. Thank you, Mr. Chairman.

Questions

[573]
Mr. O'Neill: Dr. Asseff, two questions. First, has there ever been a lack of people aspiring to the governorship?

Mr. Asseff: As far as I am concerned, Mr. O'Neill, that is immaterial.

Mr. O'Neill: Second question, Dr. Asseff, correct me if I am wrong. Wasn't it your motion that deleted entirely or almost entirely the reference to salaries in the legislative department which we adopted overwhelmingly?

Mr. Asseff: Mr. O'Neill, I made it perfectly clear that I am in general agreement with that principle. However, there are exceptions to all rules. I am in agreement that the legislature should fix salaries. I simply say that this is a situation in which no governor will sign a salary increase bill and that consequently this provision will make it possible for him to do so. Of course I agree, under every other circumstance I would be willing to let the legislature do it and I think I have made that position clear.

Mrs. Warren: I am not trying to say what the governor should or how much he is worth, but I am concerned about the medical situation today and if I got real sick, the most important thing...

Mr. Asseff: Mrs. Warren, I yield a question not...

Mrs. Warren: Now, I want to ask you this question. Since there is a scarcity of doctors and our health is important. If we can't get a doctor less than we pay now, why do they have to increase his salary in order to get that special thing that we need then?

Mr. Asseff: I am willing to pay everyone an adequate salary, Mrs. Warren. Now, I simply am saying that the top dog in administration should get the top salary and the only way I know to do it is to make a directive to the legislature. I am well aware of constitutional law. And I am also well aware of the fact that I doubt seriously that we could enforce it if the legislature ignored it.

Further Discussion

Mr. Gravel: Mr. Chairman, ladies and gentlemen of the convention, I want to speak in support of the amendment to delete all of Section 4. Particularly, I would like to respond briefly to the statements made by Dr. Asseff who strongly believes that there should be contained in the new constitution a provision to the effect that no state official shall receive a salary in excess of that paid to the governor. I discussed this particular provision with the governor last Saturday afternoon and he authorized me to state that he does not feel that any provision that relates specifically to salaries and particularly his, should be contained in the constitution. As a footnote to that, of course I am sure all of you realize that the emoluments of office insofar as the office of governor is concerned is substantially more than the salary that he is paid. Now, I do believe that if Mr. O'Neill's amendment is adopted, as I think it should, we need to come back with some provision in Section 4, and I propose to do so, if that amendment is adopted, to provide that the compensation of each elected official shall be fixed by the legislature except as otherwise provided in the constitution. And the reason for that is, that I don't believe that as Mr. Asseff has pointed out that no adequately handled this particular provision or this type of provision in the Legislative Article. We did say in the Legislative Article, you will recall that the salaries of public officials should not be reduced during their term of office but nowhere have we said that the Legislature should be responsible for fixing the salaries of officials and I believe that would need to go in here and Style and Drafting can determine where it should be placed in the ultimate constitution. But I feel that the O'Neill amendment is a good one and that the language of Section 4 should be totally deleted from the constitution.

Questions

Mr. Willis: Mr. Gravel, don't you agree that in matters of public service the less the profit the greater the honor?

Mr. Gravel: I not only agree with it, I am a victim of it.

Mr. Willis: Differing that for the next question, as far as I am concerned. Wouldn't that be the thesis to what prompted the governor to delete the section?

Mr. Gravel: No, I think what the governor's position was that in addition to the salary that he receives, he gets the use of automobiles, and airplanes, and servants and a mansion and as Earl used to say, a lot of free groceries. And I believe that the governor was suggesting that the emoluments of office...for the office of governor were adequate to the needs of anybody who sits in the office.

Mr. Asseff: Mr. Gravel, you and I are on the same committee, isn't it a fact that you drafted and included this provision in the proposal except for the last sentence which I included.

Mr. Gravel: You mean the part...

Mr. Asseff: That is correct, sir. You proposed it and we adopted it sir.

Mr. Gravel: Just a moment, you mean the provision that has no state?

Mr. Asseff: You are the author of the sentence that says, no state official shall receive a salary in excess of that paid to the governor. It is entirely possible that I helped draft the provisions of 4 and I did many other provisions of the article with the full right and reservation that all of us retained at all times to oppose any provision that we wanted to oppose on the floor of this convention.

Mr. Asseff: Correct, but that was not my question. Mr. Gravel.

Mr. Gravel: My question was, did you do it, which you did and I did the last sentence.

Mr. Asseff: That is probably correct.

Mr. Gravel: Which is all right, you may change your mind, that wasn't my question. The governor as I recall it, it is not paid to the governor. It is entirely possible that I helped draft the provisions of 4 and I did many other provisions of the article with the full right and reservation that all of us retained at all times to oppose any provision that we wanted to oppose on the floor of this convention.

Mr. Asseff: I understand your question.

Mr. Champagne: Mr. Gravel, would you agree to the statement that no state official shall receive a salary in excess of that paid to the governor might be misinterpreted by some people who are going to vote on this constitution as possibly a hidden means of the governor getting a big salary?

Mr. Gravel: I think that is correct.

Mr. Kean: Mr. Gravel, I share the concern that Mr. Lamier has expressed here. If we delete this entire section so that there is no provision for the setting of the executive salaries is it your opinion that the legislature would then have the inherent right to set those salaries?

Mr. Gravel: I think probably the legislature would
have that right but as I stated at the outset, if the O'Neill amendment is adopted and if Section 4A is deleted, that I propose to offer an amendment that would provide in essence that except as otherwise provided in this constitution, the compensation of each elected official shall be fixed by the legislature. And I think that we need that although I don’t believe that this is necessarily the place where it should be lodged, Style and Drafting can reallocate it to its proper place at the proper time. Thank you.

Mr. Stovall Mr. Gravel, did I understand you to say that you had talked with the governor about this provision?

Mr. Gravel I did...

Mr. Stovall The present governor?

Mr. Gravel The present governor. Saturday afternoon he authorized me to make the statement that I made, that he did not feel that this kind of provision should be in the constitution nor should any...

Mr. Stovall But, my question, Mr. Gravel... are we writing a constitution to accomodate the present governor or are we writing a constitution which we think will be the best for the future of our state...

Mr. Henry Mr. Stovall, he’s exceeded his time. This kind of tommy-rot is not necessary.

Further Discussion

Mr. Burns Mr. Chairman and fellow delegates, that last sentence in this Section 4A is of some concern to me because I believe it can be so misconstrued and misleading and I just don’t think it’s the proper business-like way to fix salaries of the elected state officials or the governor or the other department heads. I think that this very ought to be fixed on the basis of the position that they hold and what salary is commensurate with their duties and responsibilities. But to pass this amendment, which would automatically mean that the governor... I’m told in the state, pays a salary of $57,800 which would automatically mean that the governor would be raised from $26,000 some $30,000 just by virtue of passing this amendment. Personally, I think the governor is underpaid. I think that his salary should be higher in view of the present economic situation and his responsibilities, but I certainly don’t feel like that this is the way to accomplish that objective. I think perhaps by the passage of this amendment deleting this section altogether, although this sentence is the only one that I find fault with, and then having come back with the passage of Section 1 as Mr. Gravel suggested he’s going to do, I think would be the best approach to it, or either pass this present section with the deletion of that last sentence, but I think the last sentence as Mr. Champagne, as we call him over in our section of the country... I think his suggestion has merit, that perhaps it’s going to give the public a wrong impression that there’s something hidden in this thing, which I’m sure there’s not. We suggest that the salaries of elected officials be determined by the last sentence or delete the whole section and approach it in a different manner.

[Previous question ordered.]

Point of Information

Mr. De Blieux I want to know if we can have a division on that question, Mr. Chairman.

Mr. Henry No, sir. I don’t believe the question is divisible because of the way the amendment is drawn. Can it be divided, Mr. Clerk?

Mr. Poyniter No, Mr. Chairman, because, Mr. De Blieux, the first amendment would just take out the first three lines on page 2, and the second amendment would take the six lines on page 4, so you would be slicing right in the middle of paragraphs.

Mr. De Blieux So, the best way is to defeat the whole thing, I guess.

[Amendment adopted: 53-41. Motion to reconsider tabled.]

Recess

[Pull Call: 102 delegates present and quorum.]

Amendment

Mr. Poyniter Amendments offered by Delegate Gravel as follows: Amendment No. 1, on page 2, delete lines 10 through 32 both inclusive in their entirety and insert in lieu thereof the following: Section 4, Except as otherwise provided in this constitution, the compensation of each elected official shall be fixed by the legislature."

Explanation

Mr. Gravel Mr. Chairman, ladies and gentlemen of the convention, this very amendment that I said that I would offer in the event that Mr. O’Neill’s amendment passed. It provides that the compensation of each elected official shall be fixed by the legislature.

Questions

Mr. Casey Mr. Gravel, I’d like just a brief explanation as to exactly why this is even necessary. My off-hand opinion is that the legislature would have the right to fix salaries, but you have, certainly, a good reason for submitting this.

Mr. Gravel Well, I think that the legislature traditionally does fix the salaries of elected officials, but there might be some elected officials for example in the judiciary. There might be some question as to whether or not they can fix the salaries of the clerks of court, and I think that unless there’s some other provision in the constitution providing for the fixing of the salaries of elected officials, and I don’t know that there would be that we ought to have a catch-all provision to make sure that the legislature performs that function. That’s the only reason... I thought it should be made positive so that there should be no question about it. I don’t know whether the local government provision with respect to the fixing of salaries of elected officials in local government will pass. If it does, then it wouldn’t be necessary with respect to local governing officials.

Mr. Casey Well, do you feel that if this provision were not in then the legislature might not have the right to fix the salary of, let’s say, the attorney general?

Mr. Gravel Well, do you feel that if this provision were not in then the legislature might not have the right to fix the salary of, let’s say, the attorney general?

Mr. Gravel I think that the legislature would have the authority to fix the salary but it might be possible that someone else or some other body might try to attempt to exercise such authority, and this would prohibit, really, anybody other than the legislature attempting to exercise such authority unless there were specific provisions therefore elsewhere in the constitution.

Mr. O’Neill Just a technical point, you have an amendment No. 2, and my amendment already deleted what this amendment attempts to delete... just a technical matter... I deleted A and B both in their entirety.

Mr. Gravel Actually this amendment should be just
set forth what Section 4 will be now since your amendment did delete all of Section 4.

Mr. Poynter Mr. Gravel, if it’s acceptable to you, I’ve just struck Amendment No. 2 and made Amendment No. 3 read: on page 2 at line 29 insert the following:

Mr. Gravel That would be correct. Thank you very much, Mr. Clerk.

Mr. Lanier Mr. Gravel, would you agree that, of course, with reference to the appropriation of monies to pay salaries that that is the right of the legislature?

Mr. Gravel If the money is coming from state government, yes, sir.

Mr. Lanier However, with reference to the fixing of the salary, would you not agree that with the separation of the different branches and the division of powers and the prohibition against one branch doing actions in the other branch except as provided in the constitution that there could be created here a very serious problem about who would fix the salary and that that is the very definite necessity for your amendment?

Mr. Gravel That’s correct. I think so.

Mr. Kean Mr. Gravel, would you have any objection to inserting between the words “elected” and “official” the word “state” so it would read “of each elected state official”?

Mr. Gravel Well, I’m afraid that that might be confusing because then it would perhaps not be continued to be applicable to district officials or other officials less than state official who might not otherwise be provided for in the constitution. I think it would leave a hole and a gap that might cause us some problems.

Mr. Kean Was it your intention in inserting the words “except as otherwise provided in this constitution” that if in the local government section, for example, it provided for local governmental units to provide for the pay, that this would be the exception?

Mr. Gravel That’s correct, sir. That’s exactly right.

Mr. Sandoz Mr. Gravel, if this is only intended to affect the rights of the legislature to fix the governor’s salary, why shouldn’t it be in the legislative section rather than in the executive?

Mr. Gravel I thought that I had made that clear, Mr. Sandoz, and I do agree that this provision will probably have to be placed in the legislative article by Style and Drafting when the ultimate document is composed and put together.

Mr. Willis Mr. Gravel, I have trouble with the word “each.” Shouldn’t it be “all elected public officials” in your draft so that if you use the word “each,” then you could treat them separately and you would have salaries, well you don’t use salaries, you use compensation. That was my other question. I had to be interpreted to mean that they’ll sort them out.

Mr. Gravel I don’t really see the problem. I think that we’re referring to the determination by the legislature as to the compensation that each elected official would receive, and that is, in the absence of another provision, I think, would have to be determined mostly on an individual basis. That was the reason for using the word each.

Mr. Willis I fear a lack of uniformity, if at all.

Mr. Gravel Well, I think that Style and Drafting can adjust that.
the legislature. If we don't bind the legislature, it's no need of passing a constitution, and I am in favor of binding the legislature on certain issues and letting it be flexible on others. One of the things which I don't want the flexibility is the right to increase elected officials' salary during the term for which they are elected. I just don't think that's right. I don't think that the public approves of it.

Mr. Nunez: Senator De Blieux, you're very consistent. You've always maintained the position that elected officials should not be increased for the term for which he was elected. I take that it's a little narrow-minded for you to take this opinion but you're consistent in taking it. You don't believe that the economic conditions can change enough that it's justified in giving an elected official a raise in the 4 or 6 or 8 or 10 year period that he's elected for, even though conditions would justify that he get a raise.

Mr. De Blieux: Senator Nunez, I've just wanted to keep the salaries the same for a four year period. I don't say for more than that, but only for a four year period. I just feel like that's a short enough period to allow for the increasing of salaries.

[Previous question ordered. Amendment agreed to, except as increased to reconsider tabled.]

Amendments

Mr. Poynter: Amendment No. 1 [by Mr. De Blieux], delete Amendments No. 1 and No. 2, proposed by Del. Roher O'Neill and adopted by the committee on August 3, 1973. And we'd need to add to that to delete the Gravel amendment, now Senator Amendment No. 2, page 2, delete lines 29 through 32 both inclusive in their entirety and insert in lieu thereof the following: "Section 4. Compensation. Section 4. The compensation of each elected state official within the executive branch shall be fixed by the legislature and shall not be increased or decreased for the term for which the official is elected."

Explanations

Mr. De Blieux: Mr. Chairman and ladies and gentlemen of the Convention, the previous amendment as I stated that was adopted actually means nothing because the legislature already has that authority. Now, the reason that this amendment is, and it pertains only to your state officials, it does not pertain to any other elected office, pertains only to elected officials, that their salary shall not be increased or decreased during the term for which they are elected. This does not apply to judges. It does not apply to legislators. It does not apply to assessors, sheriffs, or anybody like that. Only those people named in that particular section, I tell you that. Only those named in that particular section and I think it's a fair amendment and Mr. Chairman, I ask for a record vote.

Questions

Mr. Roy: Senator De Blieux, when we were discussing the legislative provisions, didn't you bring up that exact same idea that you couldn't increase salaries in the terms of office of the representatives and we voted that down then?

Mr. De Blieux: That pertained to legislators as well as to this. This amendment only pertains to the statewide elected officials contained in this section, Mr. Roy.

Mr. Roy: Oh, I see. Then, it's O.K. for us to have not enjoined or prohibited legislators from raising their salaries in their terms of office, but you're going to try to do this. Can you stop us or the legislature from increasing the salaries of statewide elected officers. Is that true?
entered thereon. He shall then have 30 calendar days with which to act. If he disapproves, he shall sign it. If he disapproves, he shall veto it giving his reason therefor, and if the legislature is in session he shall return it to the house in which it originated within 24 hours. If he fails to veto the bill or compel the legislature to acquiesce in his disapproval, it shall become law.

H. Appropriation Bills:
The governor may veto any line item in any appropriation bill. The items vetoed shall be void unless the veto is overridden as prescribed for the passage of other bills.

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.

1. Appointments
   1. The governor shall appoint, subject to confirmation by the Senate, the heads of all departments in the executive branch whose election or appointment is not provided for by this constitution and all members of boards and commissions in the executive branch whose election or appointment is not otherwise provided for by this constitution or by statute.

   Should the legislature be in session the governor shall appoint, subject to confirmation by the Senate, the names of those appointed within 48 hours after the appointment is made. Failure of the Senate to confirm or reject an appointment shall constitute a 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 regular session of the legislature unless submitted and confirmed by the Senate during such session.

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

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

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

L. Extraordinary Session
   The governor may convene the legislature into an extraordinary session by issuance of a proclamation to the legislature at least five days prior to the convening of the session. The proclamation shall state the specific subjects to be considered, the date and time the legislature is to convene and the number of days for which the legislature is convened. The subject matter of the session may be amended by proclamation to the legislature until 48 hours prior to the hour at which the legislature convenes. The power to legislate under the penalty of nullity shall be limited to the subjects especially enumerating in the latest proclamation convening such extraordinary session. The session shall be limited to the time name therein and shall not exceed 30 days.

2. The governor may convene the legislature in extraordinary session without prior notice or proclamation on occasions of public emergency caused by epidemics, attacks by the enemy, or public catastrophe.

Explanation

Mr. Duval asked what the length of this section is in this proposed draft compare to the present section in the constitution? Lengthwise?

Mr. Duval: It's 87 words less. No. The present constitution has different sections on these matters. Mr. Burns, and this merely puts them all together. I think it would be more efficient and make it a real executive department. It's actually no longer and perhaps it is probably shorter, actually if you take all the sections and put them together.

Mr. Burns: The reason I asked, it just seemed like there is so much of this that is descriptive. You know it goes into detail.
Mr. J. Jackson: Mr. Duval, you mentioned in your presentation that the committee thought about utilizing the word "executive". Was there any confusion about whether the governor really had the capacity to execute certain laws? It would seem to me that in your statement you also said "executive" and it seems to me the word "executive" is a derivative of some part of the word "execute". But could you give me some examples of situations where the governor could not be, or could not really execute?

Mr. Duval: In the event someone in the executive branch is convicted of a criminal law, the governor could not execute that criminal law. It would have to be executed via the ordinary criminal process.

Mr. Alario: Mr. Duval, on Section E you refer to a capital budget here, and it says that...

Mr. Duval: In the interest of the committee, I'm just explaining "A", "B", and "C".

Mr. Alario: All right, then I'll just wait till someone else comes up for that.

Mr. Dennery: Mr. Duval, isn't it correct that in the present constitution there is no provision requiring the governor to faithfully carry out the constitution and laws of the United States and isn't that why we didn't place it in more because it has never actually been in the constitution?

Mr. Duval: Yes, that's correct, the present constitution merely requires that the governor take care that the laws are faithfully executed. It doesn't say what laws.

Mr. Dennery: And this committee did not specifically reject such a provision.

Mr. Duval: That is correct.

Amendment

Mr. Poynter: Sent up now by Delegate Stovall.

Amendment No. 1. On page 3, line 9, after the word "shall" delete the word "faithfully" and delete line 10 in its entirety and insert in lieu thereof the following, "causing the constitution and laws of the state to be faithfully executed and enforced."

Explanatory

Mr. Stovall: My dear Mr. Chairman and ladies and gentlemen of the convention, this is a very simple amendment with a very simple clarifying explanation. I think that it's something in which we all want to concur. Mr. Duval, in explaining this section, said the governor shall be the chief executive officer and then he made the statement that the governor cannot execute some of the laws. Now, if you notice that my amendment says the governor shall cause the constitution and laws of the state to be faithfully executed and enforced. I think that the point is valid that the chief executive officer cannot carry out all of the laws, but the purpose of this amendment is simply to say that it is his responsibility to cause it to be done through whatever administrative channels he finds necessary. I choose the word "execute and enforce" rather than the word "support" because the word "support" is somewhat vague and general. However, the words "execute and enforce" are more definite and I think would be more acceptable in a constitution.

Further Discussion

Mr. Triche: Mr. Speaker and ladies and gentlemen of the Convention, I don't rise necessarily in favor or in opposition to this amendment. I'd like to have a discussion on it. I think what I heard from Reverend Stovall was that the language "faithfully executed and enforced" sounded a little better than "faithfully support the constitution and laws." I'm not sure that I understand what we mean when we charge the governor and mandate him with the responsibility to faithfully execute and enforce laws. I'll have to hear some discussion on it. The present constitution says something like the governor shall cause the laws to be executed and I searched around for some understanding and definition of that. I'm not sure if it had ever been defined or explained and I'm not sure I understand what we mean here. Do we say when the governor shall enforce a law, does that mean we give the governor the authority, just by way of illustration, to send the State Police into the various municipalities and parishes of the state to enforce criminal laws that may be needed at the local level by the local sheriff? Or do we call upon the governor to do other acts in connection with enforcement that he's not doing now? I'm not suggesting that it's good or bad, but I'd like to hear some more explanation of it.

Questions

Mr. Zervigon: Mr. Triche, do you suppose that this could be interpreted to hold the governor responsible for everybody way down the line in his office so that if somebody did something wrong way down the line, the governor would be thrown in jail because he hasn't caused the law to be faithfully executed? Is that your reservation about this?

Mr. Triche: No, that's not my reservation about it. I'm just concerned here and I'd like to have more explanation of what we mean by "executed and enforced." In answer to you, Mrs. Zervigon, I'm not concerned with the governor's responsibility. He seeks the office and gets elected, he should meet up to his responsibility and should be answered for the people under his jurisdiction.

Mr. Roy: Mr. Triche, I feel somewhat like you and I'm wondering if this is interpreted, if the governor could be mandamus to enforce and execute laws that we're not concerned at the top of them. That is it may be that he would feel that there is no law there to execute and somebody would be filling mandamus suits on him trying to get him to do it.

Mr. Triche: I'm concerned just for the opposite. For example, I recall a case where the legislature provided for the appointment of certain health officers by the state health officer and that was not done by the officer. In a suit to mandamus the health officer to appoint the local health officers, the court said that the power to execute the laws is vested in the governor and it could not mandamus an executive officer anyway, it's the governor's prerogative and the governor's responsibility. Now when you say the governor is not only charged with the responsibility to execute but also enforce, I'm wondering if we are not now taking away some judicial authority from some other offices, probably, the attorney general, maybe the Supreme Court to see that laws, to order that laws are enforced. They may be met with the argument that the constitution says this is the responsibility of the governor to enforce the laws and we can't interfere. I'm not just sure. I have any number of reservations and I just would like to hear from the author of the proposal where the language comes from, what's the meaning of the language.

Further Discussion

Mr. Dennery: Mr. Chairman, fellow delegates, I rise in opposition to Reverend Stovall's amendment. The language as shown in the Executive Department's Proposal says that the governor shall faithfully support the constitution and laws. The amendment says that the governor shall cause the constitution and laws of the state to be faithfully executed and enforced. There is other provisions in the executive section which require certain other elected officials to execute and enforce certain laws of the state of Louisiana. I think we are putting a burden on the governor which will be impossible for him to fulfill and could conceiv-
ably give cause to an impeachment when the man, who ever was governor at the time, or lady, would not have the power to cause the execution of the laws by another elected official. We deliberated at length and we concluded that we should not put the burden on the governor to execute the laws, but merely to faithfully support the constitution and laws and make him the chief executive officer of the state. It seems to me that this amendment could very well create an impossible position, or situation rather, and would be difficult of enforcement and might lead to bad results. I therefore request that you defeat the amendment.

Questions
Mr. J. Jackson Moise, I can understand some of the reservations that you may have about it, but maybe one of the reservations I have about the committee amendment is that you, based on your presentation just now, could you maybe go into some clarity of the word "support." I mean what does it mean for a governor to support the laws. Does that mean that he is void of having, in some cases, to have to execute, or see that certain laws are caused to be executed or be, in effect, adhered to? So could you maybe give us a little more deliberation or clarification as to what the committee meant by "support"?

Mr. Denery Well, Mr. Jackson, I think we started off by saying that he is the chief executive officer of the state. That implies that any executive function that can be carried out by him must be carried out by him. There are some executive functions which are deliberately given to other officers. The attorney general has certain duties. The superintendent of education is going to have certain duties. The commissioner of agriculture, the commissioner of insurance, the commissioner of elections, they have certain responsibilities to execute the laws. Now I don't see how we can make the chief executive responsible for improper execution, if you will of the laws, by another elected official. I think he should support those laws and in any instance where he has the power of execution, obviously, he will have to execute the laws. But to give him the duty, to burden him with the duty of causing the constitution and laws of the state to be faithfully executed and enforced, I think, creates an impossible situation. Does that answer your question, sir?

Vice Chairman Alexander in the Chair
Mr. Shannon Delegate Denery, do you not think that this amendment would make more sense to add... Do you have a copy of the amendment in front of you?

Mr. Denery Yes sir.

Mr. Shannon To add "support and", to the beginning of his amendment, "support and cause the constitution and laws of the state to be faithfully executed." Leaving out "and enforced."

Mr. Denery Well, I think it would be better than the way it is worded. Delegate Shannon. But I still think you might create an impossible situation when you give him the burden of duty and cause a law to be executed when he may not even have the power to execute it.

Mr. Shannon But granted that he does have the power, why, then this would be true.

Mr. Denery Well if he has the power of a the chief executive officer, he's not fulfilling his duty if he doesn't carry it out.

Mr. Tobias Mr. Denery, are you aware that the present 1921 constitution, the Constitutional Oath, Article II, Section 1, provides only that the governor would have to support the constitution and laws of the United States and the constitution and laws of this state. Could this be the reason that your committee just used the word "support"?

Mr. Denery I beg your pardon. I didn't quite understand you.

Mr. Tobias Well, the present Constitutional Oath simply provides...

Mr. Denery "He, the oath. Yes, yes I'm aware of that. I misunderstood you, yes, the oath does say that."

Mr. Tobias This is probably the reason that you used the word "support" in your...

Mr. Denery Probably. I wouldn't guarantee that, but I think it may be true.

Mr. Avant Mr. Denery, in the proposal, Committee Proposal No. 6 of the Committee on the Judiciary, the section dealing with the sheriff. It says, in each parish a sheriff shall be elected for a term of four years. He shall be the chief law enforcement officer in the parish except as otherwise provided by this constitution. Now I think, I don't want to be speaking for everybody, but that was intended to cover certain functions. To exclude duly constituted chiefs of police in municipalities where you had a municipal police department, perhaps. But can't you see that under this amendment, "cause the constitution and laws of the state to be faithfully executed and enforced," that the governor could move into a parish and supplant the duly elected sheriff and take over the law enforcement duties in that parish, and in that fashion, cause the laws of the state to be enforced?

Mr. Denery That's very true, Mr. Avant. In addition to that, if he fails to do that, it is conceivable that he has given the legislature grounds to impeach him.

Mr. Derbes Mr. Denery, isn't it important to distinguish, for purposes of this particular amendment, between an oath which is essentially a vow of office, and a delegation of responsibility which we are really addressing ourselves to here.

Mr. Denery Well, I think there is some distinction, Delegate Derbes, but I don't know that that answers the problems I have with the language.

Mr. Derbes So what we're really trying to do here, we're trying to be clear in the delegation of responsibility to the governor and empowering the governor to perform certain functions. We don't wish to delegate to him more responsibility than we feel he should have for actions of others. Isn't that essentially the criticism of the amendment? Thank you.

Mr. Denery Yes, that's my criticism. Correct.

Mr. J. Jackson Mr. Denery, just a while ago Max mentioned that in an oath, that it's possible that the committee got the language that is presently being proposed as that language being support from the oath. But as I look into the book on page 39 where it talks, Subsection 14, under Governor, Execution of Laws, Extraordinary Sessions of Legislature, Restitution of Law, Limitation on Time, and Proclamation and Notice, it says, "he shall take care that the laws be faithfully executed and make etc., etc., etc." So that the word "execute", it has been used and is used in the 1921 constitution.

Mr. Denery Oh yes, unquestionably. But it says take care to, and I think that is meaningless.
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Mr. Stovall: It's somewhat surprising that questions would be raised concerning an effort to make adequate provisions for the execution and enforcement of the laws of the state. The last speaker recognized that in the 1921 constitution, it says that the governor "shall cause the laws to be executed." This is all that this amendment says. It does not place a heavy burden on the governor. Instead, it recognizes that he shall cause, that is, through his administrative channels. Now, I think that in regard to what the attorney from Baton Rouge said, I disagree with him. I think that we all recognize that if the laws of the state are being latently violated and are not being enforced in some subdivision, that there should be some channel whereby the enforcement of the laws can be realized. Certainly this power would not be exercised only in such cases. Ladies and gentlemen of the convention, it seems to me that this amendment simply says that the governor shall be responsible for the faithful execution and enforcement of the laws, for fulfilling this constitution which we are working on, and that he might, by appropriate action in the name of the state, see that the laws are enforced and executed and that the constitution is likewise. It seems to me to be a very reasonable amendment which strengthens the position of the constitution. Thank you.

Amendment

Mr. Poynter: Delegates Roy, Vick and Tobias send up amendments at this time.

Amendment No. 1. On page 3, line 10, at the end of the line delete the period and insert in lieu thereof the following: "and of the United States."

Explanation

Mr. Vick: Mr. Chairman and fellow delegates, I rise to propose what is basically a technical amendment. It just adds "and the United States" after, "The governor shall be the chief executive officer of the state and shall faithfully support the constitution and laws of the state and the United States." Unless there are any questions, I move it's adoption.

Questions

Mr. Jenkins: Mr. Vick, do you believe that this might someday put a governor in a position of having to support and possibly enforce some edict or mandate from the federal government which he felt to be unconstitutional or contrary to the laws of this state?

Mr. Vick: Mr. Jenkins, my answer to your question would be that it is his duty to abide by the constitution and laws of this state and the United States until a court challenge had been pursued through to its finality. I don't think we've had that sort of thing in the past.

Mr. Jenkins: Well, isn't it true, though, that in many instances in order to get a court decision on a particular issue, some act has to be done which sometimes would not be in accord with the letter of the law in order to test the constitutionality of that particular law?

Mr. Vick: Are you advocating civil disobedience?

Mr. Jenkins: No, I'm asking you a question. Isn't it true that in most...?

Mr. Vick: A test case is always in order. You must have a justiciable issue which obviously raises a cause or controversy. A test case is always in order and I think one is not in violation of one's oath or one's duty if one tests the law.

Mr. Velazquez: Delegate Vick, we still have only one nation, don't we, and 50 states? Not 50 nations over here.

Mr. Vick: At last count, Mr. Velazquez, but I understand Hawaii had moved to secede after the other day's comments.

Mr. Velazquez: Well, it's very possible, but I think that we better work with the idea that this was tried one time, when it did try to divide the situation up in the north and south, it didn't work then. I don't think we can envision any further civil war so we ought to go ahead and make the governor of Louisiana obey the laws and the constitution of the United States seeing as every other citizen has to do so.

Mr. Vick: Exactly, Mr. Velazquez.

Mr. Anzalone: Mr. Vick, isn't this really some kind of an attempt to keep us from seceding from the Union?

Mr. Vick: Not on my part.

Amendment

Mr. Poynter: The amendment is sent up by Delegates Anzalone and Asseff. Amendment No. 1. On page 3, delete lines 16 through 20, both inclusive in their entirety and insert in lieu thereof the following:

[Amendment withdrawn.]

Chairman Henry in the Chair

[previous question ordered. Amendment adopted: 85-9. Motion to reconsider tabled.]

Amendment

Mr. Dennery: Mr. Chairman, delegates. This is an attempt to explain Sections D and E of Committee Proposal 4. The purpose of these committee proposals was to assure first in some manner that the state would operate on a balanced budget. Secondly, that there would be a capital budget provided for in the constitution. Neither of these philosophies are presently embedded in the state constitution. However, most of the people on your committee were neophytes in the legislative art and we have been advised by many of the delegates to the constitution and also by many members of the staff of the constitution that the language which we have proposed in there would be difficult to comply with. Therefore, although I have not polled all of the members of the Executive, the Committee on the Executive Department, I have spoken to many of them and I believe that the Committee on the Executive Department is now willing to go along with the amendment which you have before you now proposed by Delegates Rayburn, Roemer, Lowe, etc. It is my understanding that in the section on the Proposal on Revenue and Finance, we are guaranteed in effect a balanced type of budget. The annual appropriations bill has a provision which will prevent or permit the governor to reduce the expenditures in the event that revenues do not come up to anticipated revenues. We had provided in the original draft of the revenues to be anticipated by the governor, and that the appropriations should not exceed the anticipated revenues. At any rate, our committee, and we were determined to leave anticipated state revenues in the other vague sense that the legislature in its wisdom each year could take anticipated revenues given to it by various and sundry sources such as the governor's office, the division of administration, J.S.U., New Orleans, I.S.U., Baton Rouge, PAR, the legislative auditor, etc. and try to come up

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with a figure which was a reasonably correct anticipa-
tion of revenues for that year. Accordingly, we recom-
mand that the, or at least 1 recommend, speaking 
for myself and 1 think for most of the mem-
bers of the Executive Department Committee, the 
adoption of the amendments submitted by Senator 
Rayburn, et al which regards the operating budget. 1 
do not have before me the amendments submitted 
with regards to the capital budget.

Amendment

Mr. Rayburn Amendment No. 1 [by Mr. Rayburn], on 
page 3, delete lines 21 through 29 both inclusive 
in their entirety and insert in lieu thereof the 
following: "1. The governor shall submit to the 
legislature at a time fixed by law a proposed state 
budget for the next fiscal year setting forth all 
proposed state expenditures and anticipated state 
revenues."

Explanation

Mr. Rayburn Mr. Chairman and fellow delegates, 
this amendment was adopted by the Committee on 
Revenue, Taxation and Finance and after talking to 
some of the other committee members, I think we 
have reached an agreement the language is very 
brief and is self-explanatory. It says, "the gov-
ernor shall submit to the legislature at a time 
fixed by law", the original bill says within two 
weeks. We felt like the legislature might want to 
fix three weeks or a longer period so we did leave 
out the two weeks and say by a time fixed by law, 
which means that would be a time fixed by the leg-
sislature. A proposed, not necessarily a state bud-
get as the original language provides but a pro-
posed state budget for the next fiscal year setting 
forth all proposed state expenditures and anticipa-
ted state revenues, period, and we think that's 
brief and to the point and I would ask the adop-
tion of the amendment.

Mr. Chairman, just a... when they prepared this 
amendment they left out at the beginning operating 
budget and we did write in the in pencil and it is in 
the original. It is not in this one, I just wanted 
to call this to your attention.

Questions

Mr. Jenkins Senator Rayburn, in the committee's 
proposal it says "total appropriations for the year 
shall not exceed anticipated state revenues as pro-
jected by the governor and the operating budget." 
Will you have some language to that effect in your 
Article on Revenue and Taxation?

Mr. Rayburn Yes, sir. We have it in our recom-
mendations. I'll read it, Mr. Jenkins. It says 
'total annual appropriations for the legislative 
year at any fiscal year shall not be greater than ante-
pating revenue of the state. We have that covered 
in another section, we felt like it would be more 
applicable to another section than it would this 
section and I move the adoption of the amendmen.

[Amendment adopted without objection.]

Amendment

Mr. Poynter Amendment No. 1 [by Mr. Rayburn, et 
al.], on page 3, delete lines 30 through 32 both 
inclusive in their entirety and insert in lieu there-
of the following: "...And you need to insert on 
your copy Capital budget. The governor shall submit 
to each regular session of the legislature a pro-
posed five year capital outlay program with a re-
quotation for individual items of the first year of the 
five year program." Page 4, delete lines 1 through 
5 both inclusive in their entirety

Explanation

Mr. Rayburn Mr. Chairman and fellow delegates, 
the original bill that you have before you, the 
language provided that the governor shall submit at 
each regular session of the legislature a proposed 
capital budget as provided by law implementing the 
first year of a five year capital outlay program. The 
amendment says the governor shall submit to each 
regular session of the legislature a proposed five 
year capital outlay program with a request for im-
plementation of that amount this year program 
which means that the governor can request the im-
plementation of the first year if revenues are 
available, but it does not bind us to have to abide 
by his capital outlay program and that's why we 
added the word "request" in place of just a five 
year capital outlay program. And if there are no 
questions I move the adoption of the amendments.

[Amendment adopted without objection.]

Amendment

Mr. Poynter Amendment No. 1 [by Mr. Sandoz], on 
page 4, line 10, after the word and punctuation "of-
fences" and before the words "in addition" add 
the following: "All these powers except the gov-
ernor's power to grant reprieve of a death sentence 
may be restricted or limited by law."

Explanation

Mr. Sandoz Mr. Chairman, fellow delegates, the 
purpose of this amendment is to permit the legisla-
ture in proper cases to be able to restrict the 
governor's right of commutation and also, to per-
mit in certain cases, for example, at the present 
time our problem is just as brief as this. Some-
times the man that's convicted beats the deputies 
back home and we're trying to grant to the legisla-
ture, which I believe is the responsibility body today 
and apparently improving in that category all along, 
the right to limit in certain specific cases by 
statute the powers of the governor except in the 
case of a reprieve to grant commutation and pardon 
and this is recommended and sponsored also by our 
district attorneys and I think this with a number of the 
district attorneys throughout the state. We are trying to, in cases where the 
juries that try these cases recommend a certain 
sentence without benefit of pardon or parole that 
the person sentenced under those circumstances by 
a jury that heard the evidence that that person 
would serve the sentence as recommended and I'll be 
glad to answer any questions that any delegate may 
have.

Questions

Mr. Roy Mr. Sandoz, what juries are deciding what 
penalties will be imposed on people? I'm not aware 
of that.

Mr. Sandoz I didn't understand your question.

Mr. Roy What juries are deciding the punishments 
that will be imposed on people? I thought the 
judge did that.

Mr. Sandoz Well, I'm saying the sentence... in the 
event of a jury recommending life sentence without 
benefit of pardon or parole, if there would be such a 
statement passed in this state, meaning for life 
imprisonment, let's say Mr. Roy, you had a third 
offender convicted three times for aggravated rape, 
and this was his third offense and the jury that 
heard him recommended life imprisonment without bene-
fit of parole or pardon and a legislative act was 
enacted to support that, then the governor, in these 
circumstances, does not have the power to grant a sentence 
or grant parole under those circumstances.

Mr. Roy Well, then what you're saying is that a 
legislature from session to session may just arbit-
trarily decide commutation or no commutation, well 
then how are you going to stop that?

Mr. Sandoz I'm saying by general law Mr. Roy.
It's not designed to apply to any particular case 
but it's the law. For example, we added this statute, 
provides that there shall be ninety-nine
years or whatever term it specified and if the legislature in that particular type of crime would specify that that sentence would be without benefit of commutation of sentence or parole then under those circumstances the governor's power would be limited.

Mr. Roy: I understand what you're saying but you're not addressing yourself to my question. My question is: wouldn't a subsequent legislature say that that particular crime will be subject to commutation of sentence?

Mr. Sandoz: Oh yes, it could be changed.

Mr. Roy: Well, that's what I'm saying, so that there is responsibility in the law. You are taking away under your amendment the thing that we the people have given to the governor historically, you're going to remove it from session to session of a legislature.

Mr. Sandoz: No, my point is this, Mr. Roy, that we would place in the discretion of the legislature the right under proper circumstances and conditions to place some limitation on the now unlimited power of the governor to grant these pardons and commutations. In other words, I believe that under certain sets of facts that it would be more responsible to have the legislature set certain types of crimes and conditions that would restrict the right of the governor to pardon and commute sentences.

Mr. Roy: But that right would still be an arbitrary determination every four years or every year. Every regular session the legislature could change what had been done prior thereto.

Mr. Sandoz: That's true of every legislative act.

Mr. Roy: But we're dealing with the notion of commutation and reprieves and a constitutional document that was inherent in the right of the governor. Are we not?

Mr. Sandoz: Well, that's true and I'm submitting, Mr. Roy, that that power has been abused in the past and I would like to put some restriction on that power through the legislature.

Mr. Roy: Well then why don't we just take out the idea of commutation and reprieves and pardons all together and just let it be governed by the legislature from session to session?

Mr. Sandoz: No, I'm basically in favor of the governor exercising these powers. However, it may be possible that these powers have been subject to an abuse of these powers in certain instances and I'm recommending that the legislature be in a position to place certain restraints in certain specific crimes.

Mr. Roy: Well, I don't take it, or do I take it that you have any statistical data to support what you're talking about other than what your district attorney may feel is necessary?

Mr. Sandoz: I think that there are other district attorneys here that may back up the statistics I'm referring to.

Mr. Roy: I hadn't heard any...

Mr. Avant: Mr. Sandoz, the thing that troubles me and I'd like to have an answer to is this. The legislature has passed a law, a penalty provision regarding armed robbery. Now I'm not defending armed robbers, don't indulge in that assumption, it's a very specific intent in envisioning a situation where a young man say, 18 or 19 years old convicted of armed robbery and was sentenced to ninety-nine years. He may serve twenty-five years and at that time he may well be the proper recipient of some type of clemency or parole or something like that, on the other hand he may not be but it could be that he would be. Would it be right that the law at the time he was sentenced, that there would be no parole or pardon or commutation of sentence?

Would this prohibit any relief for that man if he was truly entitled to it at that time?

Mr. Sandoz: Mr. Avant, we are leaving the details of the types of crimes and terms and conditions up to the legislature. The legislature may fix these terms and conditions as it deems fit. We are only attempting because of experience which we've had, to provide that in certain circumstances, in the wisdom of the legislature if it deems necessary it would have that right to pass such a statute.

Mr. Sandoz: I don't think they could. I don't think that would be retroactive.

Mr. Avant: Well, I'm not at all sure and those things disturb me.

Mr. Champagne: Mr. Roy pointed out that it was discretion of the legislature. Isn't it not discretion now to the governor? In other words would it not limit it to more people than simply one or two or three?

Mr. Sandoz: That's true, Mr. Champagne. We're trying to put this power to some extent in the hands of the majority of the elected legislature rather than in one man's hand.

Further Discussion

Mr. Gravel: Mr. Chairman, ladies and gentlemen of the convention, I urge you to reject this amendment. The Committee on the Executive Department worked long and hard in the preparation of this provision dealing with pardons, commutations, reprieves and feels that we have come up with a plan that probably should satisfy most people who are concerned with this most important area of activity in the executive branch of state government. Essentially what has been done here in the proposal by the committee is to make sure that the ultimate and final right to make a determination as to whether a pardon, commutation or reprieve shall be granted will rest with the chief executive officer of the state of Louisiana. The governor retains the discretion to act under this proposal. Now many people thought that in addition to the governor having that right that some other provision should be authorized whereby the legislature by supplementary provisions could also provide other methods and other means by which a pardon, commutation or reprieve could be granted. The upshot of it all is probably going to be that the legislature will devise and will develop a plan which in practically every instance will be utilized for the purpose of granting this kind of relief but I don't think there's any question but that because of the position that he occupies in state government that in the very last analysis that the governor's authority to act in these instances should be retained. So what I would do and hope that we do is to stay with the committee proposal which gives the ultimate authority to the governor but also authorizes the legislature to provide supplemental methods whereby clemency relief can be granted to persons charged with offenses and I strongly urge that you reject this amendment.

Questions

Mr. Lanier: Mr. Gravel, would you tell me if I'm correct in reading this. This gives an unlimited right to the governor in any case to grant a commutation or reprieve?

Mr. Gravel: It does, sir.

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Mr. Lacar: Is this any change from the present law?

Mr. Gravel: It is to the extent that the pardon board under present law consists of the lieutenant governor, a attorney general and the presiding judge and this would substitute the ultimate and final pardoning power in the office of governor for that particular kind of pardon board. That is correct, sir.

Mr. Lacar: Then would it be theoretically possible for the governor to pardon or reconvict all the prisoners in Angola, if that was his wish?

Mr. Gravel: Under this provision, yes he could. It would be possible.

Mr. Derbes: Mr. Gravel, there is nothing in the original committee proposal as submitted which would preclude the legislature from adopting a law providing for automatic pardon... that is restoration of citizenship for first offenders without the necessity of gubernatorial intervention.

Mr. Gravel: That's correct, Mr. Derbes. As a matter of fact the legislature can act and should and I suggest will provide some model method by which this kind of release can be considered and will be granted but it would be supplementary or corollary to the sentence. Right now the governor would be the chief and sole officer of the state would have under this proposal.

Mr. Derbes: I think that's good. Thank you.

Further Discussion

Mr. Surson: Ladies and gentlemen of the convention, I want to lay the issue squarely on the line. Do you believe that we ought to have a meaningful sentence of life imprisonment under our criminal law because that's what the out issue is in this whole topic? We all know that for all practical purposes the death sentence is a dead letter. I submit to you that the legislature in its last session enacted Act No. 111 which provided among other things that in second-degree murder whoever commits the crime of second-degree murder shall be imprisoned at hard labor for life and shall not be eligible for parole, probation or suspension of sentence for a period of twenty years and that is what the legislature passed at the last session. Under the committee proposal the legislative Act 111 and I advise all of you legislators to take a look at that committee proposal and see if this is not true. You have the power to do it if you have done it by constitutional provision would give to the governor the absolute right to grant a pardon or parole and you could pass legislative acts regarding life imprisonment for murder until you were blue in the face and they would be flatly unconstitutional because you could not limit a constitutional power which is unlimited under the committee proposal and that is the purpose of this amendment to prevent the legislature from the proper case to limit it. Now it's been said the legislature would act arbitrarily, it is more arbitrary than any one man making the total decision in this case. Remember under the present law the pardon and parole boards... the pardon cannot be granted unless two out of three of the lieutenant governor, the attorney general and the presiding judge in the case who knows the facts of the case make a recommendation to the governor. Now, when you vote on this I'm going to ask for your help in this matter. I don't know if you will agree but if you vote yes on this, however you vote you go back home and explain to your people, how is it that you voted for a provision which would make the pardoning judge, who is the only one that knows the facts of the case, off the pardon board and turn around and grant an unlimited grant of authority to the governor without any further ability of the legislature to act and submit to you that Mr. Gravel is flatly incorrect when he says that the committee proposal permits the legislature to limit the power. All it says is that the legislature may provide additional methods for the foregoing. Well, the additional me...
sentence are sentences meted out by the district judge after the defendant has been found guilty and all the legislature has ever said and all it can ever say is that the defendant after found guilty shall be sentenced to ten years sentence and parole, probation and suspension of sentence. That's entirely different from pardon. Parole is after a man has served some time in the penal institution and has been granted parole, parole is granted with the consent and consultation with the board of parole he is granted some relief. That's after he has served some of the sentence. Probation and suspension of sentence is usually granted at the time of sentence by the district judge because the circumstances warrant some additional mercy in the case. I'm not saying Mr. Governor, did he know of any instances where this authority of the privilege of right of the governor had been abused. Well I've served as District Attorney for 28 years, and luckily I got out before all the present type of crimes came into being. But during those 24 years I could name you instance after instance after instance where this power was politically abused. I'll just give you one instance. I convicted a man for cattle stealing in St. Tammany Parish and he had good connections, both family wise and political wise. I met with the Governor and I told him of the case. Supreme Court when the case was taken upon appeal. When the conviction was upheld by the Supreme Court and the time came for him to be taken to Angola, the governor were waiting in the courthouse with a reprieve, and that man never went through the admission office at Angola. Now that's just one instance of what I'm telling you. I'm trying to say to you, ladies and gentlemen...

Further Discussion

Mr. Jenkins. Mr. Chairman, delegates to the convention, I must admit dissatisfaction with both the amendment before us and the provision written into the Executive Committee, the best alternative is that in the present constitution in which the pardon power is unlimited, but it must go through the Pardon Board made up of the lieutenant governor, the attorney general and the presiding judge. That, to me, seems the protection for the public that we need, but also the flexibility that is sometimes necessary in particular cases. I really feel if we adopt this amendment that pardons will no longer exist in many instances because I think the legislature will be quick to realize it and agree that extreme cases, because of our emotions, because of our high feeling about the particular case involved. Suppose we have a mandatory life imprisonment with no possibility of pardon or at least extreme pardsion for a certain crime. We may feel very strongly right now that that should be imposed in the year 1973. But there may be someone in his teens or his twenties and in the year 2020, all the principles may be dead. It may be long forgotten, except for that individual who has been in jail. Just as now, we have in some cases people in jail who have been there since the 1920's and the 1930's and everyone involved is long gone. It's a crime which has been forgotten. It's a crime where a penalty, a severe penalty has been paid. There is no way to right the wrong at this point, but the person is in a harmless, helpless condition and there's really no justification for keeping him in prison at this late date. Well, if we stop and think about it, we've got to believe in the death penalty and I do. I support it when uniformly applied for certain heinous crimes. But if we can't close those categories, we've got to do the best justice we can and in some cases somewhere along the way there has to be the alternative for one man sitting over there in the governor's mansion making the decision, the circumstances of the case and make a decision, usually long after the events have occurred. I think between this amendment and the provision by the Executive Committee, I'd like to go with their provision in the Executive Department Committee. But I think the real alternative is to retain the pardon power and after these events have happened. But keep that institution inviolate--the right to pardon. So I urge you to reject this amendment.
Mr. Conroy. In the ultimate, in the important part of this, Mr. Jenkins and I are in complete agreement. The only objection here is the question of what is presently in the constitution. I understand from Delegate Jack that he has such an amendment proposed and I will certainly support that amendment if it comes to that. At the present time, which I hope is virtually irrelevant, I would support the proposed amendment because I think that some restriction is necessary on the governor's authority in granting pardons. I think the solution to that is the Jack proposal which will come up in just a few minutes, I hope, but in the meantime, while it is still an important part that I think it's so important that I would like to adopt the present amendment than to retain the present proposal by the Executive Powers Branch.

Mr. Roy. You are out of order, Mr. Jack, at this time.

Mr. Jack. Okay, I say let's now defeat this amendment.

Further Discussion

Mr. Hayes. Mr. Chairman, ladies and gentlemen of the convention, I would like to say that if we are going to give the governor certain powers in this state that we should try not to stay here today to talk about taking away the right to give the governor or any other individual. I think the right to pardon should be left somewhere. Someone made a pretty good suggestion a few minutes ago that we put it back where it is. I'm for either putting it back where it is or leaving it with the governor. Now, the argument seemed to rest around constitutional authority. I think the argument seemed to rest around constitutional authority. Okay. Mr. Burns said somebody had met him at the gate at Angola and they took somebody away. Well, whoever did that did wrong. That's the person they should have put in Angola who did that. But that was wrong. And when the governor pardons someone...

Out whenever the governor pardons people, if he's going to pardon people and he's going to do this just to be doing it, then the governor is wrong. That what you need to do and every four years we can change the governor, or every eight years automatically. So, I would encourage everyone to defeat this proposal.

[Quorum call - 92 delegates present and a quorum.]

Further Discussion

Mr. Stinson. Mr. Chairman, fellow delegates, most of the points that I wanted to cover have already been covered by the prior speakers. But I would like to point out that I'm certainly in favor of the present provision concerning this matter. I don't think it's been gone into, but I'd like to point out in the present time the Pardon Board, for those of you that don't know, meets in New Orleans. If you have a case that has to be presented, it's advertised in the papers where the crime was committed, and the person was tried and sentenced. Those people in favor or opposed to the application have the right to appear before the Pardon Board and be heard. The three gentlemen that preside on that have already been named. It is a fair hearing, it's open to the public. Under this provision of the committee, there is no hearing, no public hearing, let alone to one man. The human element is gone. The governor, and I've been accused when I was in favor of retaining the sovereignty of the state, that I belonged in a kennel with the king-maker, this is. The old saying, "the king is off with your heads" or your pardon or whatever it is, that's putting the governor in the position of a king. He doesn't have to have recommendations from anyone. No one knows when he is going to grant that and I think that it's too much power to put in the hands of a section that can be referred back to a committee. This thing ought to be referred back and that committee, with people with people with power, any power, I would like to appear before it and others. I think we ought to, for that committee, if we're not going to keep the present law as to how the Pardon Board is set up, the act over the governor and the lieutenant governor, we ought to decide and put in the constitution what the new Pardon Board will be made up of. I think it's so important that I would like to adopt the present amendment than to retain the present proposal by the Executive Powers Branch.
of any one human being. Only favorites will be pardoned and not those that should be. Nor if there was a requirement saying that the governor would sign and seal every pass of his, it would be all right. But the only case that is going to get to the governor, he's not going and go through and look for them, are those that some one in the senate or house raises that amount of political pull. Politics will come into this more than anything. It's a chance for graft and payoffs. You're sentenced for 80 or 90 years in the penitentiary. It such a big temptation they say the governor and get out instead of staying there that long. I'd like to urge that this amendment, as some others have said, is the least bit better than what the session is here. Let's adopt this and then if Mr. Jack's amendment comes up placing it back in its present context, let's vote for that at that time. At the present time, you noticed on your dag in the wisdom of the legislature...

Questions

Mr. Burns Do you realize, or do you know that the vast majority of the more serious crimes such as armed robbery, rape, murder are being committed by convicts that are out on parole or reprieve?

Mr. Stinson Yes sir. And not only that, I was on the Drug Committee under the last administration and we had hearings there and we had people that are pardoned so fast that they get caught the day they get out and go right back. Most of them committed other crimes when they get out. We've got to, under this, a person from that parish wouldn't even know a man had been pardoned because there is no advertisement, there is no nothing, knowing when this case has even come up. So ladies and gentlemen, I'd like to urge you, let's adopt this amendment and then when Mr. Jack's comes up or his co-authors come, put it back like it is at the present time. I haven't heard any criticism of the present situation. In fact, if anything, it's too lenient. But under this, the gate is going to be open wide up and politics are going to play the part. I don't care who the governor is...

Mr. Jack Maybe I misunderstood you, I think you said Mr. Stinson. I think you inadvertently said to please adopt that amendment. You mean please defeat it.

Mr. Stinson No, you misunderstood me. Yours might not pass. As safety, I want to adopt this one and then adopt yours when it comes up. I believe in two shots instead of one, Mr. Jack.

Further Discussion

Mr. Guarisco Ladies and gentlemen of the convention, I know we have a short House right now, but I believe, and I think a lot of people will agree with me, that this is probably the most serious substan- tial issue we've taken thus far in the convention. We are speaking about civil liberties, although that was probably not the intent of the Executive Department, we are here now. For an example, a person would be convicted of a crime that was heinous at the time, heinous by legislative standards, but as time passes, these crimes will be rectified and it's produced in the person who went to jail for that crime will have to stay there. I have the Code of Civil Procedure of the State of Louisiana, the Code of Civil Procedure of the state of Louisiana, and I have the section on habeas corpus. Habeas corpus is the method by which a person who is in jail may possibly be removed or a come and see situation. Would you believe that nowhere in this book, in the law, can an innocent man who is convicted properly who is later found to be innocent by possibly the confession of the guilty party, under the amendment, able to get out of jail? There is no way. There is no new trial for him because the only way he can have a new trial under this statute, under the habeas corpus article, is if there was an error in his trial. We're also talking about the issue of separations of power. Who's to stop an emotional legislature from invoking serious, very serious penalties for even minor crimes. Persons going to jail under these sentences and then have no recourse to any other authority. I think we have to have a court of last resort and the executive has to be that person. Well, you say you're going to allow, let a lot of guilty people go out. Well at least the governor can't do you in. The legislature can do you in.

Questions

Mr. Singletary Mr. Guarisco, did I understand you to say that under the law there is no right to habeas corpus under this amendment?

Mr. Guarisco There is no right to habeas corpus in the Code of Civil Procedure of the state of Louisiana at this time. Under the amendment, then there is no recourse whatsoever to get out of jail if you are convicted properly, even though you are innocent.

Mr. Singletary How so, sir?

Mr. Guarisco What?

Mr. Singletary How? How do you draw that conclusion from the amendment?

Mr. Guarisco I'll have to answer your question with a question. How would he get out?

Mr. Singletary This amendment doesn't provide that the man has got to stay in jail after he's found to be innocent.

Mr. Guarisco But you took away the powers of com- mutation from the governor. Now who is going to commute if the governor doesn't commute?

Mr. Stinson Mr. Guarisco, have you read the case of the State of Louisiana vs. Favor [Favor] from Bossier Parish in which a writ of habeas corpus was filed in the federal court now because of the fact that he said he didn't have a fair trial and he's going to have another trial all over? The federal court ordered that and if they don't do it within 40 days, he's going to be released from the penitentiary.

Mr. Guarisco Mr. Stinson, you're probably talking about a federal case.

Mr. Stinson State of Louisiana vs. Favor [Favor] would be a Louisiana case. It was tried in Bossier Parish and the writ of habeas corpus went to the federal court and he's going to get another trial.

Mr. Guarisco That's exactly what I'm saying. Mr. Stinson. We have no rights under our state law. I want to find these federal rights in our state law and so far the legislature, in its wisdom, hasn't passed it. So we've got to look in the fed- eral courts for these rights. No, I don't agree with that.

Mr. Stinson In other words, you don't think a person should seek his release in the courts. You think one man without any facts or anything should just go ahead and let anybody out he wants to and not be responsible in any way for whom he releases?

Mr. Guarisco Mr. Stinson, if we had these remedies in our state courts I would agree with you, but we do not have them. I'm reading the laws right here.

Mr. Avant Mr. Guarisco, is what you're trying to tell us simply this. That if this amendment passed
and the legislature passed a statute that said the penalty for the crime of murder shall be life in prison without benefit of pardon, or commutation of sentence or parole, and John Doe was convicted of killing William Roe and 15 years later William Roe had gone to prison and it was found out that he had been lollygagging around in South America all that time, that there is no legal procedure under our law for John Doe to get out of the penitentiary. Isn't that right.

Mr. Guarisco Absolutely right.

Further Discussion

Mrs. Warren Mr. Chairman and fellow delegates, I think now is the time we should be having our prayer instead of this morning. I would like to say to all of the delegates and especially to the first speakers, I'm not for crime, I'm not for rape, I'm not for murder. I'm not for it in any form whether it's legal or illegal. I'm thinking now of a statement that was made some time ago, that it's not the man that steals the chicken to put it technically, it's not the man that kills that goes to prison, it's the man that gets caught. I'm also reminded of a question that I asked one of our judges in the city of New Orleans, asking this same question. We were talking about justice, and you know what disturbed me mostly was his answer. That it has now gone to the law that if a man had spent his life in jail for a crime that he did not do and was proven innocent, that he could get any kind of consideration or any reward for the time that he had spent in prison. I think we should spend a little more time on it. I'm not saying that I think the governor or one man should have all that authority, but I do think that we should have a Pardon Board, a way to go to everybody tonight, and I'm not Reverend Stovall and his minister, but I want everybody to go home tonight and pray, because if God grant us all our just dues, I wonder where all of us would be today. At this time, all of you bow your heads and pray.

Further Discussion

Mr. Kilbourne Mr. Speaker, fellow delegates, I come here as one who I believe has been closer to this problem probably at the present, than anyone here. For 18 years I served as district attorney of the Felicianas. In my district, I had the Louisiana State Penitentiary, and I recall that last term last December. Now let me make this clear. I didn't get kicked out, I didn't seek reelection. Not to say that I might not have gotten beat, but anyway, this wasn't the reason I didn't run. I just got sick and tired of new rights. New rights all the time for the criminal, and no rights for the majority, law abiding majority of our population. As fast as we could put them in there, they would come in with some federal rulings that gives the criminals new rights and by which they could get out for. All this stuff about not having any rights, and be put there forever is the most ridiculous thing I ever heard of in my life. When I was district attorney I had the experience a number of times of conviction criminals, murderers at Angola, who committed brutal crimes against their fellow inmates. In several instances I got the death penalty against them. It was never enforced. The governor didn't step it up, the federal court did. Somebody always stopped it. All the governor had to do after he issued the death warrant was to stay it, stop it. All the federal judge or any judge had to do, issue a stay order and you're out. And I've had the experience of people that were sentenced to life in prison for murder of other inmates and 15 years later, federal courts come up with a new rule—he didn't have certain rights which they said, via this, the Miranda case, for instance. And so they would have in the Angola, habeas corpus. Now let me tell you the way they do that. They got the jailhouse lawyers. They've got a staff of lawyers up there, jailhouse lawyers at Angola. They've got a law library at Angola. In fact, they just had a case down here where the convicts were suing the warden up there because they said they didn't know the law library open at the right time. And they file one writ right after another. Every now and then they'll get some good ones and I've had the experience of the federal judge ordering me to retry that man. Maybe he was convicted 10 years ago, and he said we've got to retry them within 60 days or let him go. Well can you imagine, no you can't, cause you've never had the experience of trying to go back and dig up witnesses in a murder case that happened 10 years ago. When there's hundreds of years, the death penalty I think we lost a great deterrent. Even though we couldn't enforce it, there was a possibility that we might be able to now. The legislation has come along and said, in some cases, that you can't grant pardons, paroles, reprieves in certain kinds of very bad crimes, heinous crimes. I say this, under the present constitution...

Mr. Roy Will you yield to a question from Delegate...

Mr. Kilbourne No. I won't yield. Under the present constitution, I don't think those laws are constitutional because the present constitution says that it will have the right to parole, to pardon by the Pardon Board. So those laws, in my estimate, are ineffective. Now in a desperate attempt to protect our people from these murderers, these rapists...

Mr. Roy Wind it up, Mr. Kilbourne. You've got about 10 seconds left...

Mr. Kilbourne Well, I can't say much in 30 seconds, but I'll just want to say right now and now you just let the folks know whose side you are on, the criminals or the law abiding majority of our society. I know which side I'm on.

[Previous Question Referred]

Closing

Mr. Burson I agree with all the speakers that say this is the most serious matter that you've considered thus far. You know, it's amazing to me that the same speakers who've been up here for a month telling us how responsible the legislature is going to be under this governmental system are the same speakers that have been completely wrong in the past that the legislature is going to pass laws and take away all of the rights of the people. Now, I don't believe that people like Mr. Triche, for whom I have great respect for his fairness like that, do you? If you'll read this amendment it says the legislature shall provide by law. The legislature can provide by law for all of these horror stories that we've heard up here including the innocent man who's found out after somebody went to South America. The legislature can provide by law and don't you believe that the legislature will provide by law. I have to feel that, I remind you when we're talking about pardon, commutation of sentence and reprieve we're talking about remedies that are applicable after a grand jury has found an indictment, after there has been a conviction by a jury of twelve men and after a judge has exercised his discretion in the sentencing. I would also remind you that this committee proposal radically changes the present system wherein the trial court judge who knows more about the case than anybody else would be the one that would be charged with this question of pardon. I submit to you, I don't care what you do after, if you want to go ahead and adopt Mr. Jack's amendment, that's your right, but I think somewhere in here we should maintain for the legislature the discretion to limit or restrict this power of pardon and parole, I don't care how you exercise it. I have a great respect...
I believe that because it's proven every day. Now, you know, I can understand the concern of certain delegates to this convention about law enforcement procedures in general and about justice because history has shown that they have not been fairly treated, but I ask you to remember two things here. First, Mr. De Blieux and ladies and gentlemen of the convention, I'm getting somewhat concerned about our committee meetings. I don't know when we're going to be able to finish if we have any more committee work to be done, but as I see this thing, if we're not going to have some time to cover the work in these committees, we're going to be in a worse jam than ever. I just wondered if we can't find someway or some schedule to where we can have an orderly meeting of the committees rather than trying to do it after adjournment and on days other than when the convention is in session. I just ask that I hope that maybe the Executive Committee in its meeting Thursday can work that out.

Mr. Henry. Senator De Blieux, let me assure you that you can feel free for your committees to meet on Mondays and Tuesdays or Saturday afternoons or Sundays, but we have some business in this full convention to take care of, too.

Chairman Henry in the Chair. Question.

Mr. Roy. Mr. Burson, I noticed that everyone who talked was a D.A. or an assistant D.A. in favor of this absurd result, but in any event is it your statement to this body of delegates that it takes a grand jury indictment for any crime other than murder or capital crime? Cannot the D.A. or his assistant bill for armed robbery and require a 99 year sentence in certain cases?

Mr. Burson. Yes, sir. But I understand under the proposal coming out of your Bill of Rights Committee we'd do away with that and have to have a grand jury indictment for every burglary we would have.

Personal Privilege

Mr. Stinson. It will be very short. Mr. Chairman and delegates, I resent Mr. Roy deliberately accusing all of us attorneys, it's defense counsel and the rest of those were. There was no... as far as I know... a district attorney or assistant that spoke in behalf of that amendment. I resent.

[Motion to take up other orders of the day: adjournment.]