

PROPOSAL FOR REORGANIZATION OF
ARTICLE I: Declaration of Rights
THE LOUISIANA CONSTITUTION OF 1974 AS AMENDED

General

Governor Landry requested the Constitutional Transition Team to review options regarding redrafting or reorganizing the existing Constitution. The committee recommended that a redrafting of the Constitution be avoided in favor of a convention focused on a reorganization of the Constitution.

This reorganization approach will not alter or change any substantive issue included in the current Constitution. Instead, by reorganizing only, the proposed Constitutional Convention will only unlock and place in statute certain portions of the Constitution - agreed upon by the delegates - for future consideration. Only in future actions by the legislature will the Constitution be amended or altered for the benefit of the people of Louisiana.

Below is the committee's attempt to outline items to be considered during the convention related to Article I of the Constitution. Outlined below are items which we believe should remain in the Constitution with existing protections and amendment provisions; and in the opinion of the transition committee, items in Article I which should be repositioned in the statutes for future consideration by future lawmakers.

Article I: Declaration of Rights

To Keep:

- Origin and purpose of government
- Due process of law
- Right to property
- Right to privacy
- Freedom from intrusion
- Freedom of expression
- Freedom of religion
- Right of assembly and petition
- Right to vote
- Right to keep and bear arms
- Freedom from discrimination
- Rights of the accused
- Right to preliminary examination
- Initiation of prosecution
- Right to a fair trial
- Jury trial in criminal cases, mode of trial
- Right to bail

- Right to judicial review
- Right to humane treatment
- Nothing construed to secure/protect right to an abortion or require funding of abortion
- Writ of habeas corpus
- Access to courts
- No bill of attainder or law impairing obligation of contracts can be enacted
- Unenumerated rights
- Rights of a victim
- State sovereignty
- Freedom to hunt, fish and trap

To Move to Statute:

- References in right to property section that specifically reference **Article VI: Local Government** provisions proposed to move to statute (assistance to local industry, property expropriation cannot be sold to foreign power/corporation; political subdivisions can acquire property for a public purpose)

To Discuss:

- Disqualification from seeking or holding an elective office or appointment for felony conviction (declared unconstitutional)

PROPOSAL FOR REORGANIZATION OF
ARTICLE II: Distribution of Powers
THE LOUISIANA CONSTITUTION OF 1974 AS AMENDED

General

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No change is proposed to Article II of the Constitution.

Article II: Distribution of Powers

No change.

PROPOSAL FOR REORGANIZATION OF
ARTICLE III: Legislative Branch
THE LOUISIANA CONSTITUTION OF 1974 AS AMENDED

General

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No change is proposed to Article III of the Constitution.

Article III: Legislative Branch

No change.

PROPOSAL FOR REORGANIZATION OF
ARTICLE IV: Executive Branch
THE LOUISIANA CONSTITUTION OF 1974 AS AMENDED

General

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This reorganization approach will not alter or change any substantive issue included in the current Constitution. Instead, by reorganizing only, the proposed Constitutional Convention will only unlock and place in statute certain portions of the Constitution - agreed upon by the delegates - for future consideration. Only in future actions by the legislature will the Constitution be amended or altered for the benefit of the people of Louisiana.

Below is the committee's attempt to outline items to be considered during the convention related to Article IV of the Constitution. Outlined below are items which we believe should remain in the Constitution with existing protections and amendment provisions; and in the opinion of the transition committee, items in Article IV which should be repositioned in the statutes for future consideration by future lawmakers.

Article IV: Executive Branch

To Keep:

- Composition, number of departments
- Qualifications
- Election of statewide elected officials, terms in office
- Gubernatorial term limit
- Compensation of statewide elected officials provided by law, salary increases take effect in subsequent term
- Governor's powers and duties
- Governor's submission of operating and capital budgets
- Governor's authority over pardons and commutations, Board of Pardons
- Governor's line-item veto
- Governor's appointments, subject to Senate confirmation
- Governor's power to remove people he appoints from office
- Governor as commander-in-chief
- Lieutenant governor, powers and duties
- Secretary of state, powers and duties
- Attorney general, powers and duties
- Treasurer, powers and duties

- Commissioner of agriculture, powers and duties
- Commissioner of insurance, powers and duties
- Appointment of first assistants
- Vacancy in office of governor
- Vacancy in office of lieutenant governor
- Vacancies in statewide elective offices
- Declaration of inability by statewide elected officials
- Determination of inability of statewide elected official
- Temporary absences
- Appointment of commissioners of agriculture and insurance with a 2/3 vote of legislature, merger/consolidation of offices and departments
- Public Service Commission, composition, terms, powers and duties, limitations on authority, salary increases take effect in subsequent term
- Term limits for Public Service Commission, Board of Elementary and Secondary Education, Board of Regents, Board of Supervisors for University of Louisiana System, Board of Supervisors for LSU, Board of Supervisors for Southern University, Board of Supervisors for Louisiana Community and Technical Colleges, Forestry Commission, State Civil Service Commission, State Police Commission

To Move to Statute:

- Commissioner of elections, powers and duties (after 2001 law changed position to appointed, rather than elected and merged into Department of State)

PROPOSAL FOR REORGANIZATION OF
ARTICLE V: Judicial Branch
THE LOUISIANA CONSTITUTION OF 1974 AS AMENDED

General

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Below is the committee's attempt to outline items to be considered during the convention related to Article V of the Constitution. Outlined below are items which we believe should remain in the Constitution with existing protections and amendment provisions; and in the opinion of the transition committee, items in Article V which should be repositioned in the statutes for future consideration by future lawmakers.

Article V: Judicial Branch

To Keep:

- Judicial power
- Habeas corpus; needful writs, orders and processes; contempt
- Supreme Court, composition, terms
- Supreme Court districts
- Supreme Court jurisdiction, rulemaking power, assignment of judges
- Appellate jurisdiction, civil cases
- Supreme Court, chief justice
- Courts of appeal, circuits, panels, judgments, terms
- Courts of appeal, jurisdiction, scope of review, other criminal matters
- Courts of appeal, certification
- Courts of appeal, chief judge
- Courts of appeal, personnel
- District courts, judicial districts
- Legislature can establish, divide or merge judicial districts with approval in a referendum in each district and parish affected
- Terms of district, parish and city court judges

- District court has original jurisdiction of all civil and criminal matters, with exceptions for administrative agency determinations in worker's compensation matters
- District court has appellate jurisdiction as provided by law
- District court chief judge
- Juvenile and family courts, jurisdiction provided by law
- Decrease in judges' terms or compensation prohibited
- Election of judges and handling of vacancies
- Judges' retirement system
- Mandatory retirement age of judges
- Judges' qualifications
- Judiciary Commission terms and vacancies
- Judiciary Commission powers
- District attorneys, election, qualifications, assistants
- District attorneys, prohibition on defending a criminal prosecution or charge
- Sheriffs, term, chief law enforcement officer in parish, collector of state and parish property taxes
- Clerks of court, term, powers and duties, deputies
- Coroners, term, qualifications
- Vacancies for sheriff, district attorney, clerk of court, coroner
- Decrease in salary and retirement benefits for attorney general, district attorney, sheriff, coroner, clerk of court prohibited
- Orleans Parish courts
- Juror qualifications and exemptions
- Grand juries, right to counsel before grand jury
- Remedies for taxpayers, Board of Tax Appeals

To Discuss:

- Courts of appeal, circuit districts
- Trial courts of limited jurisdiction
- Legislature may change number of judges in any judicial district with 2/3 vote
- District courts have exclusive original jurisdiction of felony cases and cases involving title to immovable property (with exceptions), the right to office or other public position, civil or political right, probate and succession matters (with exceptions)
- Special juvenile procedures
- Mayors' courts and justice of the peace courts
- Judiciary Commission composition
- District attorney authority over every criminal prosecution by the state in his district, representative of the state before grand juries in his district

