

PAR 1998 Guide to the Constitutional Amendments

INTRODUCTION

Louisiana voters will be asked to make decisions on 20 proposed constitutional amendments this Fall—18 at the October 3 election and two at the November 3 election. This is the largest number placed on the ballot in one year since the 1974 constitution was adopted.

While some state constitutions have remained almost unchanged for 200 years, Louisiana is now on its 11th constitution and has a tradition of frequent amendment. The 1921 Louisiana constitution initially contained 49,200 words but was amended 536 times to become the second longest constitution in the world at 255,500 words. Voters finally rebelled in 1970 defeating all 53 amendment proposals on the ballot that year. The 1974 revision shortened the document to under 35,000 words by moving many of the provisions into the statutes. Since then, another 117 amendments have been proposed, of which 77 were adopted.

Typically constitutional amendments are proposed to correct errors in

existing provisions; provide authorization for new programs or policies; ensure that reforms are not easily undone by future legislation; seek exceptions or protections for special interests; or deal with emerging issues. The more detail that is placed in the constitution, the more additional amendments will be required or desired as conditions change.

Regardless of the number of amendments on the ballot, the voter should carefully evaluate each on its own merits. One important consideration should always be whether the proposed language is appropriate constitutional material.

The constitution is considered the basic law of the state and as such contains the essential elements of government organization and structure, fundamental policies concerning governmental powers and the basic rights of citizens. A constitution is meant to have permanence.

Statutory law, on the other hand, provides the details of government that are subject to frequent change.

The process of amending the constitution is more difficult than passing or amending a statute. In general, a proposed statute requires only a majority vote in each house of the

Legislature and the governor's signature to become law. A constitutional amendment requires a two-thirds vote of the members in each house (the governor's approval is not required) and approval by a majority of the voters voting on the issue at a statewide election. An amendment affecting five or fewer parishes or municipalities requires voter approval in each affected area and statewide.

A proposed constitutional amendment often has companion statutory legislation that provides more detail but becomes effective only upon adoption of the amendment.

Voter Checklist

October 3, 1998 Ballot

	For	Against	<u>Proposed Amendment</u>
1.	<input type="checkbox"/>	<input type="checkbox"/>	Community College System
2.	<input type="checkbox"/>	<input type="checkbox"/>	Parish Severance Tax Allocation
3.	<input type="checkbox"/>	<input type="checkbox"/>	Charity Hospital Oversight
4.	<input type="checkbox"/>	<input type="checkbox"/>	Crime Victims' Rights
5.	<input type="checkbox"/>	<input type="checkbox"/>	"Rainy Day" Fund and Uses of Nonrecurring Money
6.	<input type="checkbox"/>	<input type="checkbox"/>	Bail Denial
7.	<input type="checkbox"/>	<input type="checkbox"/>	State Infrastructure Bank
8.	<input type="checkbox"/>	<input type="checkbox"/>	Homestead Assessment for Seniors
9.	<input type="checkbox"/>	<input type="checkbox"/>	Felons in Public Office
10.	<input type="checkbox"/>	<input type="checkbox"/>	Court-Ordered Taxes
11.	<input type="checkbox"/>	<input type="checkbox"/>	State Sovereignty
12.	<input type="checkbox"/>	<input type="checkbox"/>	Millage Roll Up Hearing Notice
13.	<input type="checkbox"/>	<input type="checkbox"/>	Flood Emergency Funding
14.	<input type="checkbox"/>	<input type="checkbox"/>	Jury Requirements
15.	<input type="checkbox"/>	<input type="checkbox"/>	Blighted Property
16.	<input type="checkbox"/>	<input type="checkbox"/>	Downtown Residential Property
17.	<input type="checkbox"/>	<input type="checkbox"/>	Property Tax Sale
18.	<input type="checkbox"/>	<input type="checkbox"/>	Vidalia Property Tax Exemption

November 3, 1998 Ballot

1.	<input type="checkbox"/>	<input type="checkbox"/>	Rename Board of Trustees
2.	<input type="checkbox"/>	<input type="checkbox"/>	Board of Regents Membership

Proposed Amendments
on the
October 3, 1998 Ballot
(In Ballot Number Order)



Community College System

Current Situation: Unlike most states, Louisiana does not have a community college system. The state provides many community college-type functions but in a highly fragmented way. Only eight community colleges (two-year colleges with both academic and occupational programs) are in operation and several more are authorized. Supervision of these colleges is split among three separate management boards under the Board of Regents. In addition, 13 four-year universities offer a variety of associate degrees and occupational training. The state's system of 42 technical college campuses (formerly vo-tech schools) are under the Board of Elementary and Secondary Education (BESE) and separate from higher education.

Currently, two-year academic programs and technical colleges are under different management boards, accreditation agencies and budgeting procedures.

Articulation to give students credit at one institution for courses taken at another has been lacking, particularly between the academic and technical colleges.

Proposed Change: The proposed amendment and its companion legislation would create the Louisiana Community and Technical College System. The proposal would amend various sections of the constitution to provide for the new system and for the appointment, authority and basic organization of a new management

board. It would also make related changes in the Board of Regents' authority and certain funding requirements. The companion legislation would take effect only upon voter approval of the amendment.

Together, the proposed amendment and companion legislation would, among other things:

- Create the Board of Supervisors of Community and Technical Colleges, a new management board under the Board of Regents composed of 17 members—15 appointed by the governor (at least two from each congressional district), with consent of the Senate, and two student members.
- Move all technical colleges now under BESE to the new board.
- Place all current and future two-year institutions of higher education (except LSU-Alexandria, LSU-Eunice and Southern-Shreveport/Bossier) under the new board.
- Expand the Board of Regents' authority to include all "postsecondary education" (except adult education which would remain under BESE) and oversight of private proprietary schools.
- Organize the new board into two separate divisions with separate accrediting agencies for community colleges and technical colleges.
- Require the Board of Regents to see that an articulation plan is implemented and an equitable funding formula is developed for all postsecondary education.
- Promise existing postsecondary institutions "hold harmless" transition funding for three years.
- Require a two-thirds vote (currently only a majority vote is required) of the Legislature to: create a new postsecondary institution (includes creating a branch, converting a non-degree granting institution to degree granting or converting a two-year college to a four-year institution); merge existing institutions; add a management board; or transfer an institution from one board to another. The Legislature could not vote before receiving a Board of Regents' feasibility study or waiting one year after requesting such a study.
- Encourage the maximum use of existing facilities and distance learning technologies to expand access to community college offerings.
- Allow appointment of the new board 20 days after passage of the amendment and transfer of institutions as of July 1, 1999.

You Decide

☐ A vote *for* would create a new Louisiana Community and Technical College System and management board under the Board of Regents.

☐ A vote *against* would leave the technical colleges under the Board of Elementary and Secondary Education and the community colleges under their current higher education management boards.

Comment: In recent years, there has been a growing interest in creating community colleges and a new community college system for Louisiana. Such a system has been recommended by a number of studies and master plans. The proposed amendment mirrors recommendations in a 1997 PAR study. In spite of some initial opposition, the proposal passed the Legislature with only four dissenting votes. Much of the debate centered around whether the new board should be independent, under BESE or under the Board of Regents (as proposed by this amendment).

Proponents of the amendment argue that:

1. Placing the two-year academic and technical colleges under the same board would help to avoid duplication, maximize academic/technical program articulation and optimize the use of existing facilities using cooperative arrangements.
2. Creating separate divisions and separate accreditation for the academic and technical colleges, which would be required in the new system, would adequately protect the hands-on vocational and technical programs.
3. Placing the community college system under the Board of Regents would help assure the transfer of coursework to the four-year schools and facilitate overall planning for postsecondary education in the state.

There has been an emerging state policy emphasis on workforce development to fill the nearly 80% of jobs that do not require a bachelor's degree. The proposed community college system is designed with the objective of providing greater coordination, accountability and flexibility for the state's occupational education and training programs.

Legal Citation: Act 170 (Senator Dardenne) of the 1998 First Extraordinary Session, amending Article VII, Section 10.1 (C) (2) through (4), the introductory paragraph of (D) (1), (D) (1) (c), the introductory paragraph of (D) (2), and (D) (2) (a) and (c); and Article VIII, Section 3 (A), 5 (A), the introductory paragraph of (D), (D) (3), (4) and (5), and (E); and adding Article VIII, Section 7.1. The companion legislation is Act 151 of the 1998 First Extraordinary Session.

(NOTE: Act 1497 of 1997 proposed a constitutional amendment authorizing the Legislature to create a community college system. However, Act 1497 was repealed and replaced by Act 170 of the 1998 First Extraordinary Session.)



Parish Severance Tax Allocation

Current Situation: The constitution requires the state to give the parish government 20% of the severance taxes collected in the parish on all natural resources, other than sulphur, lignite or timber, up to \$500,000 a year. Local governments are prohibited from levying a severance tax. The sharing of state severance tax revenue, which goes back to at least the 1921 constitution, is to help compensate parishes for wear and tear on roads and bridges by oil and gas drilling equipment and other related traffic. The present cap has been in place since 1974 when the new constitution raised it from \$200,000.

In 1997, the state collected \$382 million in severance taxes subject to the 20% parish dedication. While 20% of the total was \$76.4 million, the \$500,000 per parish cap limited the actual distribution to \$18.4 million. All parishes received some money—one received only \$40, while 27 parishes received the maximum amount of \$500,000.

Proposed Change: The amendment would increase from \$500,000 to \$750,000 the maximum amount of the severance tax, imposed and collected by the state on natural resources (other than sulphur, lignite, and timber) which is remitted to the parish governing authority where the severance occurs.

Comment: Raising the severance tax distribution limit would definitely benefit the 27 parishes that are currently receiving the maximum \$500,000 a year. Of the 27 at the cap in 1997, 24 would have been eligible for the full \$250,000 increase if the cap were raised to \$750,000. The new cap would have meant a loss to the state and a gain to the 27 parishes of about \$6.3 million in 1997. This would have raised the total local distribution to nearly \$25 million that year.

You Decide

- ☐ A vote *for* would raise to \$750,000 the maximum amount of oil and gas severance tax money a parish government could receive from the state each year.
- ☐ A vote *against* would retain the present \$500,000 limit.

Proponents of the amendment argue that the \$500,000 limit set in 1974 would be equal to over \$1.6 million in current dollars due to inflation and that an increase is required to adequately provide for the higher cost of maintaining and repairing parish bridges and roads. They argue that those parishes which have the greatest severance activity also suffer the greatest damage to their roads and are justified in receiving more of the tax revenue.

Critics of the proposal question the need for the state to give up more revenue to benefit parishes that already enjoy other revenues from the economic activity associated with severance operations. In its 1973 commentary on the constitutional convention, PAR questioned the continued severance tax dedication. If mineral resources are considered an asset of the state as a whole, then the dedication prevents the state from using its revenues where most needed. Mineral production is not necessarily related to the need for local governmental services.

Legal Citation: Act 1499 (Representative Dupre) of the 1997 Regular Session, amending Article VII, Section 4 (D).



Charity Hospital Oversight

Current Situation: Louisiana has 10 "charity" hospitals that provide health care to the poor. From 1989 to 1997 the Louisiana Health Care Authority (LHCA), an independent political subdivision of the state, operated nine of these hospitals. [Louisiana State University (LSU) Medical Center has operated the tenth in Shreveport since 1976.] A 1997 law abolished the LHCA and shifted control of the hospitals to LSU's management board (the Board of Supervisors), which is under the Board of Regents. The law also created a health care services division within the LSU Medical Center and required that it submit reports to the governor and Legislature each year.

The constitution grants the Board of Regents broad planning, coordination and budgetary powers over all public higher education. The powers not directly granted to the Board of Regents are reserved for the higher education management boards.

Proposed Change: The amendment would grant the Legislature constitutional authority to pass laws provid-

ing for the supervision, operation, and management of charity hospitals and their programs by the Board of Regents or the management boards, including laws to provide for legislative approval or disapproval of related rules. It would apply only to the nine hospitals transferred to LSU Medical Center last year. Such laws could include but would not be limited to those providing for: the submission to and approval by the Legislature of capital and operating budgets; appropriations and expenditures; the supervision, management and oversight of the hospitals and their programs; and, legislative review and disapproval of related rules.

Comment: The amendment would allow the Legislature to reserve certain oversight and budgetary powers for itself or to transfer powers between the LSU Board of Supervisors and the Board of Regents. The Legislature's intent in passing the amendment was to ensure that it retains the same budgetary and oversight authority over the charity hospitals it had when they were under LHCA.

A number of legislators were reluctant to support the 1997 transfer of the charity hospitals to the LSU Board of Supervisors without the passage of the proposed amendment.

Proponents argue that the amendment is needed in case a conflict arises between the Legislature and the higher education boards regarding the charity hospitals. They argue that if there were a dispute, the constitutional authority of the boards would supersede the statutory directives of the Legislature. Though proponents acknowledge that legislators already have the power to refuse to appropriate money if they are dissatisfied with a board's actions, they say

this would not be an acceptable way to resolve a dispute. Proponents also argue that even though the 1997 law requires the LSU Board of Supervisors to submit reports and budget information to the Legislature, the LSU Board has the constitutional power to ignore these directives.

You Decide

☐ A vote *for* would grant the Legislature constitutional authority to pass laws providing for the supervision, operation and management of the charity hospitals by the Board of Regents or higher education management boards, including laws to provide for legislative approval or disapproval of related rules.

☐ A vote *against* would leave oversight of the hospitals with the LSU Board of Supervisors.

Though the amendment had no vocal opponents, critics point out that the proposal would allow the Legislature to transfer powers not only to the LSU Board but also to other higher education management boards, boards that historically have not had anything to do with the hospitals. Critics question why the Board of Regents and other higher education management boards were included in the proposal if the legislative intent was only to retain oversight by the Legislature. Other critics have questioned whether the amendment is necessary. They argue that the statutes require the LSU Board of Supervisors to comply with legislative directives and that the LSU Board would be violating the law if it chose not to comply. The Legislature could always withhold appropriations from the LSU Board if it was dissatisfied with the Board's actions, they argue. The proposal also has the potential for encouraging individual hospitals to lobby legislators directly instead of following the established budgeting procedures within higher education.

Legal Citation: Act 1488 (Representative Riddle) of the 1997 Regular Session, adding Article VIII, Section 16.



Crime Victims' Rights

Current Situation: The rights of crime victims are not included in the constitution. However, state law provides a detailed listing of crime victims' rights in criminal proceedings.

Proposed Change: The amendment would constitutionally define the general rights of crime victims including: the right to be treated with fairness, dignity and respect; the right to notice during the criminal proceedings; the right to be present and heard during all critical stages of the proceedings; the right to be informed of the release or escape of the accused or the offender; the right to confer with the prosecutor; the right to review and comment upon the pre-sentence

You Decide

☐ A vote *for* would add the rights of crime victims in criminal proceedings to the constitution.

☐ A vote *against* would continue *statutory* provisions specifying crime victims' rights.

report; the right to seek restitution; the right to refuse to be interviewed by the accused or a representative of the accused; and the right to a reasonably prompt conclusion of the case. The amendment would require the Legislature to pass laws to further define these rights.

Comment: In 1982, California became the first state to adopt a constitutional amendment to enact a Victims' Bill of Rights. By the end of 1996, a total of 29 states had adopted a victims' rights constitutional amendment.

Proponents argue that, by including victims' rights in the constitution, the rights of victims are elevated to the same status as the rights of the accused without depriving the accused of any rights.

Critics argue that the amendment: is unnecessary since the state has already adopted strong victims' rights statutes; places a large administrative and financial burden on the criminal justice system to implement the complex tracking and notification system required to notify crime victims of proceedings and help them to submit paperwork; will delay trials to ensure that crime victims are properly notified and have sufficient time to respond; and will increase a judge's work load by requiring him to censor pre-sentence reports to remove confidential material, ensure victims are notified and given a chance to be heard at proceedings, and ensure that crime victims have conferred with the prosecution. Most of the objections raised by critics are about procedures already required in current statutes. However, critics note that it is far easier to correct the statutes in the future than to change the constitution.

Legal Citation: Act 1487 (Senator Dardenne) of the 1997 Regular Session, amending Article I, adding Section 25.



"Rainy Day" Fund and Uses of Nonrecurring Money

Current Situation: A 1990 constitutional amendment created the Revenue Stabilization/Mineral Trust Fund as a way to prevent a repeat of the fiscal problems of the 1980s. Skyrocketing oil prices had produced tremendous windfall revenues that the state incorporated into its operating budget. When oil prices dropped, revenues could not match the new spending levels. The Legislature cut programs, raised taxes, and used one-time

solutions (primarily nonrecurring funds) to plug the holes in the budget. The state ran operating deficits for three consecutive years in the mid-1980s.

Currently state mineral revenues in excess of \$750 million must be deposited in the Revenue Stabilization/Mineral Trust Fund. This was intended to prevent the use of mineral windfalls to bolster the state's operating budget. The constitution also requires that any general revenues in excess of the state's allowable spending limit be deposited in the fund. The Legislature has never put money in the fund because neither threshold has ever been reached.

In 1993, voters approved another constitutional amendment that limited the use of nonrecurring revenue to paying off state debt early. This was to prevent the use of one-time money, such as prior-year surpluses, for recurring expenditures. It helped the state to address what was then a very serious debt problem.

In 1997, the Legislature created the statutory Budget Stabilization Fund in anticipation of future voter approval of a new constitutional "rainy day" fund. However, no money was put in this statutory fund this year or last. Even if the proposed amendment fails, the statutory fund will continue to exist.

Proposed Change: The amendment would replace the Revenue Stabilization/Mineral Trust Fund with the Budget Stabilization Fund. The sources of money for deposit in the new fund would be the same as those of the Revenue Stabilization/Mineral Trust Fund. In addition, twenty-five percent of the revenue declared nonrecurring each year by the Revenue Estimating Conference would be deposited in the fund. Interest earnings on the fund would also be deposited in it. The fund balance could not exceed 4% of state revenues in the prior fiscal year. Based on estimated fiscal year 1998-99 revenues, this would equal about \$504 million.

The money in the fund could be spent only to:

1. Offset a projected deficit in the current fiscal year due to a revision of the official revenue fore-

cast (not to exceed the amount of the projected deficit or one-third of the fund balance).

2. Make up the difference when the official forecast of recurring revenue for the next fiscal year is less than the official forecast for the current fiscal year (not to exceed the difference between the two forecasts or one-third of the fund balance).

If money is taken from the fund two years in a row, the total removed could not exceed one-third of the fund's balance at the start of the first year.

The amendment and its companion legislation would allow nonrecurring money to be used for purposes other than paying off state bonds early. It could also be used to:

1. Make payments in addition to the annually required payments against the unfunded accrued liability of the public retirement systems (but not for cost-of-living increases for retirees).
2. Fund capital outlay projects.

Comment: Whether the proposed fund will be more effective than the current fund will depend upon the availability of nonrecurring revenues. The amendment would require, at the end of a fiscal year, that 25% of nonrecurring revenues be deposited in the fund. Such revenues would include money declared as surplus after the close of a fiscal year.

The fiscal reform efforts of the last decade have encouraged lawmakers to spend nonrecurring revenues solely for one-time expenses. The 1993 constitutional amendment limiting the use of such revenues to paying off debt early has helped the state reduce its debt.

It may now be appropriate to expand the allowable uses of these revenues to include paying for capital outlay projects. Such use of the revenues could save the state significant interest expenses associated with issuing bonds. However, it should be noted that allowing the nonrecurring revenues to pay for capital outlay projects could tempt policy makers to always use the money for such projects rather than paying off debt early. The proposed amendment does not require that a certain amount go toward debt reduction each year.

Legal Citation: Act 1501 (Representative Downer) of the 1997 Regular Session, amending Article VII, Sections 10 (B) and (D) (2) and 10.3. The companion legislation is Act 1149 of the 1997 Regular Session.

You Decide

☐ A vote *for* would redesign the state's "rainy day" fund and expand the purposes for which nonrecurring state revenue could be used.

☐ A vote *against* would retain the current fund, in which money has never been deposited, and continue to limit the use of nonrecurring revenue to paying off state debt early.



Bail Denial

Current Situation: The United States and Louisiana constitutions guarantee the right to reasonable bail. However, the Louisiana constitution allows, and in some cases requires, a judge to deny bail. (See Table 1.) The state constitution and statutes require a judge to deny bail in capital offenses if there is strong evidence that the person is guilty. In non-capital offenses, the judge can only deny bail once a person is convicted and then only if the actual or possible sentence is imprisonment for longer than five years and there is strong evidence that the convicted person poses a danger to the community. This applies to both the pre-sentencing period and any post-trial appeal period.

In practice, judges generally grant bail, but they do exercise the power to set a very high bail in cases where there is evidence that such action is warranted. A judge's decision to set a high bail may be challenged as a violation of a defendant's right to reasonable bail.

Proposed Change: This amendment would give a judge state constitutional grounds to deny bail in cases involving violent crimes and felony drug offenses if, after a hearing, the judge finds that there is a substantial risk that the person may flee or poses an imminent danger to the community.

Companion legislation, effective only upon passage of the amendment, would add "risk of flight" to the statutes as a reason to deny bail to a person convicted of any non-capital offense with an allowable sentence of longer than five years.

Comment: Proponents argue that the amendment: strengthens the power of judges to deny bail for persons accused of violent crimes and felony drug offenses; limits the rights of the accused to bail in only the most serious crimes; tracks the federal method of holding pre-

You Decide

☐ A vote *for* would add violent crimes and felony drug offenses as constitutional exceptions to a person's right to reasonable bail.

☐ A vote *against* would retain capital offenses as the only constitutional exception to a person's right to reasonable bail.

Table 1
Judges' Power to Deny Bail

Type of Offense		Present ¹	Proposed ²
Capital Offenses	In All Cases	Shall Deny Bail	Shall Deny Bail
Felony Drug Offenses and Violent Crimes	Before Conviction	Cannot Deny Bail ³	May Deny Bail ⁴
	After Conviction and Before Sentencing or While on Appeal (Where Possible or Actual Sentence is Five Years or Less)	Cannot Deny Bail ³	May Deny Bail ⁴
	After Conviction and Before Sentencing or While on Appeal (Where Possible or Actual Sentence <u>Exceeds</u> Five Years)	May Deny Bail ⁵	May Deny Bail ⁴
Other Offenses	Before Conviction	Cannot Deny Bail ³	Cannot Deny Bail ³
	After Conviction and Before Sentencing or While on Appeal (Where Possible or Actual Sentence is Five Years or Less)	Cannot Deny Bail ³	Cannot Deny Bail ³
	After Conviction and Before Sentencing or While on Appeal (Where Possible or Actual Sentence <u>Exceeds</u> Five Years)	May Deny Bail ⁵	May Deny Bail ⁴

(1) Includes provisions found in the current constitution and statutes.
(2) Based on changes proposed by the constitutional amendment and companion legislation.
(3) Although a judge cannot deny bail, he can set it at a very high amount which in effect denies bail to a person who cannot afford it.
(4) A judge may deny bail if, after a hearing, he finds that there is strong evidence that a person may flee or poses a danger to the community.
(5) A judge may deny bail if, after a hearing, he finds that there is strong evidence that a person poses a danger to the community.

trial hearings to determine the applicability and amount of bail; and retains the accused's right to due process since a hearing is required to deny bail. The proposed change would follow the same procedures used in federal courts to determine the right to bail.

Opponents argue that the amendment: is unnecessary because judges already have the authority to set a very high bail and current court regulations and statutes provide adequate protection in this area; could exacerbate jail overcrowding and increase costs; and encourages the denial of bail in cases involving less serious felony offenses.

Legal Citation: Act 1498 (Representative Bruneau) of the 1997 Regular Session, amending Article I, Section 18. Companion legislation Act 1305 of the 1997 Regular Session.



State Infrastructure Bank

Current Situation: The constitution prohibits the loan, pledge or donation of public funds, credit or property to any person, association or corporation, public or private, with several specified exceptions.

In 1997, the Legislature statutorily created the Louisiana Infrastructure Bank (LIB) to provide loans, loan guarantees or other credit aid to help finance transportation construction projects. The LIB's revolving loan fund could make loans to public (state, regional or local) or private entities or a combination of these. A funding stream—from dedicated taxes, tolls or other revenues—would be needed to repay the loans. The loan repayments would go back into the revolving fund to be loaned again.

You Decide

☐ A vote *for* would allow public funds, including Transportation Trust Fund money, to be loaned to public or private entities through an infrastructure bank to help finance capital improvement projects.

☐ A vote *against* would leave in serious question the ability of the bank to loan public money or to use the trust fund money.

The use of state infrastructure banks has been promoted by the federal government and pilot-tested in several states since 1996. The federal program encourages innovative financing to accelerate construction of transportation projects that might otherwise be delayed or left undone.

Last year, Louisiana was one of 39 states selected to receive federal funding for such a bank. Initially, the LIB could receive \$1.5 million in federal seed money (with a 20% non-federal match). These states were also authorized to use up to 10% of their federal transportation money for 1996 and 1997 to fund their banks. Thus, the LIB would have access to some of the money remaining from the state's 1996 and 1997 federal allocations (about \$10 million).

The new federal transportation law allows infrastructure banks in only four states to use 1998 federal funds, and Louisiana is excluded. Some excluded states are seeking changes in the law raising the possibility that more federal transportation funds will be available to the LIB in the future.

A 1989 constitutional amendment dedicated the gasoline tax and other revenues to a new Transportation Trust Fund (TTF) to be used only for specified transportation purposes. Any federal highway or aviation money received by the state also must be deposited in the TTF. In addition, most TTF-funded projects must be selected on a priority basis. With few exceptions, trust fund money may be used only for roads or bridges on the state or federal highway systems.

Proposed Change: The amendment would add an exception to the constitutional prohibition against the donation, pledge or loan of state funds. The exception would permit public funds to be used by a state infrastructure bank created to secure federal participation for capital improvement projects. The proposal would also specify that TTF money used in such a bank, and interest earnings on it, would remain trust fund money.

Comment: Supporters of the amendment want to clear any constitutional obstacles to making the LIB fully operational. The intent of the proposal is to remove any question about the LIB's loan authority and the use of state and federal money in the TTF to capitalize the bank. If the federal transportation law is amended, as some are hoping, the LIB might be able to use a portion of the \$400 million in federal transportation funds Louisiana is expected to average each year until 2003.

Supporters argue that the state needs to be able to take advantage of a full range of innovative financing

approaches to spur more transportation construction in an era of declining resources. They note that the LIB statute provides a number of safeguards: the Department of Transportation and Development must approve any projects for assistance using a set of criteria (yet to be established) and the State Bond Commission must approve any loans. In addition, federal law would limit the use of federal money. For example, federal highway money could only be loaned for highway projects already eligible for federal aid.

LIB loans or assistance might be used to accelerate priority program projects that can assist in paying their own construction costs. By providing low interest loans or credit assistance, the bank could help lower the cost of such projects. The success of the LIB would depend on its ability to leverage investment—that is to encourage regional, local or private entities to put up additional funding (taxes, tolls, payments) to provide the revenue stream needed to pay off loans. Successful projects funded by infrastructure banks in other states have typically leveraged funds from local property tax districts, local gasoline taxes or toll arrangements. Some question the extent to which such taxes or tolls would be as readily accepted by Louisiana residents.

TTF money used to capitalize the LIB revolving fund could be loaned and reloaned indefinitely. Of course, as long as the TTF money is tied up in loans, it would not be available to the transportation department to spend on other projects.

While the proposal is designed to allow loans for transportation projects through the LIB, the amendment language uses the broader term “capital improvement projects.” This authority could potentially be used to statutorily provide for non-transportation projects as well.

Legal Citation: Act 1490 (Senator Ewing) of the 1997 Regular Session, amending Article VII, Section 14 (B).



Homestead Assessment for Seniors

Current Situation: The constitution provides a homestead exemption for owner-occupied residential property. The exemption covers \$7,500 of assessed value and applies to most non-municipal property taxes. The assessed value of residential property and land is constitutionally set at 10% of fair market value. Thus, the \$7,500 exemption covers the first \$75,000 in the value of

a home as determined by the assessor. Property must be reassessed at least every four years. The fair market value of a homestead typically rises over time due to inflation. The value may also rise due to improvements or additions to the property, improved governmental services or increased desirability of the location.

Proposed Change: The amendment would freeze the property tax assessment on homestead exempt property that is owned and occupied by a person 65 years or older or his/her surviving spouse (if 55 years of age or older or with minor children), if their combined adjusted gross income for federal income tax purposes for the prior year is not over \$50,000. This maximum income limit would be adjusted each year for inflation (using the Consumer Price Index) beginning in 2001.

While the eligible homeowner’s assessment would be frozen, the millage rates applied to that assessment would not (the tax bill on that assessed value could rise due to new or increased millages).

The “special assessment level” resulting from the freeze would be the assessed value of the property when it first qualified for the freeze and would remain the same as long as (1) an annual application was filed, (2) the property value did not increase more than 25% due to construction or reconstruction or (3) the property was not sold. If the property were sold, the special assessment would expire December 31 of the prior year, and it would then be reassessed.

If a person failed to qualify in a given year but later requalified, the special assessment level would be the assessed value for the last year the person failed to qualify.

Comment: Proponents argue the proposal is needed to protect older homeowners from tax increases due to inflation in the value of their homes. Many people over 65 live on fixed or declining incomes but can expect to pay increased property taxes as periodic reassessments raise the assessed value of their homes above \$7,500. The CPI-adjusted, income-eligibility cap of \$50,000 is designed to keep wealthy homeowners from benefitting.

You Decide

☐ A vote *for* would freeze the property tax assessment on homes of persons over 65 years of age with incomes of \$50,000 or less.

☐ A vote *against* would continue to treat seniors the same as other homeowners.

Opponents argue that: Louisiana already has, by far, the most liberal homestead exemption in the country; the \$50,000 income cap reaches well beyond the average family in Louisiana; older homeowners benefit from local services and should help pay for them; those senior citizens who rent would be even further disadvantaged compared to senior homeowners with similar incomes; the benefits would accrue primarily to owners of homes in the top 25% of home values in the state; and, the property tax base would be further restricted.

Legal Citation: Act 1491 (Senator Lentini) of the 1997 Regular Session, amending Article VII, Section 18 (A) and adding section 18 (G).



Felons in Public Office

Current Situation: Under the current statutes, a convicted felon is prohibited from qualifying for or holding public elective office unless pardoned. (A first-time offender is pardoned automatically upon completion of his sentence and thus is immediately eligible to run for office. Other convicted felons must be pardoned by the governor.) The current law does not prevent the *appointment* of a convicted felon to a public office.

Proposed Change: The amendment would constitutionally prohibit convicted felons from seeking or holding elective or appointed public office. Convicted felons would regain this right if pardoned or 15 years after the sentence is completed.

Comment: The amendment would expand current law by prohibiting a convicted felon who has exhausted all legal remedies from holding an appointed public office unless pardoned or until 15 years after completion of his sentence. However, it would also relax current law by allowing a convicted felon to regain his right to hold public elective office 15 years after completion of his sentence without a pardon.

Proponents argue that the proposed change clarifies and constitutionally defines the convicted felon prohibition. Adding this to the constitution could also avoid future challenges to the statutory prohibition. For example, the current statute that bars a convicted felon from

elective office unless pardoned appears to conflict with the constitution that restores full citizenship rights after state or federal supervision is completed for any offense.

Opponents argue that the amendment is unnecessary because the statutes already prevent a convicted felon from holding public elective office unless pardoned and that Senate confirmation procedures, media scrutiny, and political pressure would guard against the appointment of a convicted felon to a public office. Opponents also note that the amendment allows a convicted felon with multiple felonies to automatically have his right to hold public office restored 15 years after his sentence is completed without review or action by the government.

Some argue that a convicted felon who has completed his sentence has repaid his debt to society and should not be restricted from seeking or holding public office.

Legal Citation: Act 1492 (Senator Malone) of the 1997 Regular Session, amending Article I, Section 10.



Court-Ordered Taxes

Current Situation: The constitution presently vests the power of taxation in the Legislature, except as otherwise provided. Exceptions to the Legislature's monopoly over taxation include specific constitutional tax authorizations for certain local governments. In addition, the division of powers section states that, "Except as otherwise provided by this constitution, no one of these [three] branches ... shall exercise power belonging to

You Decide

☐ A vote *for* would *constitutionally* prohibit a convicted felon from seeking or holding elective or appointed public office and would restore that right if pardoned or 15 years after the sentence is completed.

☐ A vote *against* would continue the *statutory* prohibition against a convicted felon holding elective office unless pardoned.

either of the others.” There is no constitutional exception to either the “power to tax” or “division of powers” sections that would allow the courts to exercise the power to tax.

To date no Louisiana court has attempted to exercise tax power.

Proposed Change: The amendment would prohibit any court in the state from ordering a tax levy, a tax increase or the repeal of a tax exemption or ordering the Legislature or any local governmental entity to do so.

Comment: The proposal was designed to remove any question concerning the power of a court to levy a tax. The amendment would prevent the state courts from bypassing the Legislature and the two-thirds vote requirement which it must follow in making tax decisions. Proponents argue that a state or local tax imposed by a judge would be taxation without representation and should be clearly prohibited. A judge could still find the state or a local government liable in a civil suit but the Legislature or local body would determine how to meet the liability.

If the situation were to ever arise, the proposal might affect state courts, but it would have no effect on the federal courts. It was a federal judge who ordered a tax levy in the high-profile Kansas City desegregation case that apparently gave impetus to this proposal.

In a recent Louisiana case, a federal court ordered a local government to impose a sewerage fee to provide facility improvements to meet federal standards. The amendment would not address the imposition of a fee, as opposed to a tax, by either a federal or state court.

Legal Citation: Act 1493 (Senator Heitmeier) of the 1997 Regular Session, adding Article VII, Section 1 (B).



State Sovereignty

Current Situation: The U.S. system of federalism delegates certain powers to the federal government through the U.S. Constitution. The tenth amendment says that the powers not delegated to the federal government are reserved for the states.

Proposed Change: The amendment would add a statement to the Louisiana Constitution’s Declaration of Rights declaring that the people of Louisiana have the right to govern themselves as a sovereign state and, reserving for the state, powers not expressly delegated to the federal government.

Comment: Determining the appropriate boundaries of the federal government’s power has been a key issue in numerous U.S. Supreme Court cases throughout the country’s history. The court’s evolving interpretations of the U.S. Constitution continue to readjust those boundaries. It is these interpretations of the U.S. Constitution (not the state’s constitution) that determine which level of government (state or federal) has authority to act in a given policy area.

Proponents argue that the proposal is a statement of philosophy intended to reaffirm the U.S. Constitution’s tenth amendment and the state’s rights in the face of federal mandates.

Opponents argue that since it would have no practical effect, it is unnecessary. Ultimately, federal law supersedes state law when they conflict; thus, Louisiana’s declaration of sovereignty would be irrelevant. They also argue that the language in the proposal may be inconsistent with the U.S. Constitution.

You Decide

☐ A vote *for* would prohibit any court in the state from ordering a state or local tax levy, tax increase or the repeal of a tax exemption.

☐ A vote *against* would continue to vest the power to tax in the Legislature and certain local governments with no specific prohibition against court-ordered taxes.

You Decide

☐ A vote *for* would add a statement to the Constitution declaring Louisiana a sovereign state.

☐ A vote *against* means such a statement would not be added to the Constitution.

Legal Citation: Act 1494 (Senator Jordan) of the 1997 Regular Session, adding Article I, Section 25.



Millage Roll Up Hearing Notice

Current Situation: The constitution requires property to be reassessed at least every four years and provides an automatic adjustment in millages (usually a roll back) to ensure that tax collections do not increase or decrease from the prior year due to the reassessment. A taxing authority whose millage has been lowered in this way can roll it back up without voter approval, but no higher than the prior year's rate. A millage can be rolled up by a two-thirds vote of the tax authority membership, but only after a public hearing.

Under the open meetings law, public bodies are required to give written public notice, including an agenda, at least 24 hours prior to each meeting. The notice must be published in the official journal or posted at the office of the public body, if there is one, or at the meeting site. Notice must be given to news media persons who request it.

An item not on an agenda may be taken up in a meeting upon approval of two-thirds of the members of the public body in attendance.

Proposed Change: The amendment would require public notice in the official journal and another newspaper with a larger circulation within the taxing authority, if there is one, on two separate days at least 30 days prior to a public hearing to consider rolling up millages that have been adjusted down due to reassessment.

Comment: Before a taxing body can raise a millage lowered by reassessment, it must hold a hearing. However, proponents of the amendment argue that the public may have little advance warning that a millage increase is under consideration. There are numerous tax-

You Decide

☐ A vote *for* would require notice of a hearing to roll up a property tax millage (which was previously adjusted down due to reassessment) to be published twice at least 30 days prior to the hearing.

☐ A vote *against* would continue the single, 24-hour notice required by the open meetings law for all public meetings.

ing bodies with their own millages including the parish, school board, municipalities and a variety of special-purpose districts. Each could be posting meeting notices at different locations, and the public body could add the millage question at a meeting without putting it on the published agenda. Some millage roll ups are not subject to a vote by a public body. The law enforcement district tax, for example, can be adjusted after reassessment by the sheriff acting alone. The assessor and district attorney may also have their own millages. Before rolling up a millage, however, these officers must hold a hearing.

Critics of the proposal argue that it would add some cost to require publishing official notices. They question why a different notice procedure needs to be imbedded in the constitution to deal with one type of tax issue while the statutory notice requirements would apply to hearings on other tax issues.

Legal Citation: Act 1496 (Representative Schneider) of the 1997 Regular Session, amending Article VII, Section 23 (C).



Flood Emergency Funding

Current Situation: When the Legislature is not in session, the Interim Emergency Board (IEB) is empowered to recommend appropriating money from the state's general fund or borrowing to handle emergencies. The IEB may exercise its power when it determines that an emergency exists. The Legislature must approve the IEB's proposed action by a two-thirds mail ballot vote of each house. The constitution defines an emergency as "an event or occurrence not reasonably anticipated by the Legislature." The IEB cannot now appropriate or borrow money for emergencies that *may* occur in the future. Another provision of the constitution, in fact, prohibits contingency appropriations.

You Decide

☐ A vote *for* would allow the Interim Emergency Board to appropriate or borrow money to deal with *impending* floods.

☐ A vote *against* would mean the board would continue to be able to appropriate or borrow money only *after* a flood.

Proposed Change: The amendment would add an “impending flood emergency” to the allowable reasons for which the IEB could appropriate or borrow money. It would allow the board to appropriate or borrow money *before* such a flood occurs. It would limit the amount that could be appropriated for any one such impending emergency to \$250,000. Total funding for such impending emergencies could not exceed 25% of the funds annually available to the Interim Emergency Board, which for the current fiscal year would mean a maximum of about \$3 million.

Comment: The impetus for the amendment was a situation in St. Mary Parish several years ago in which it was clear that several houses were likely to flood when the nearby river crested because the levee was not strong enough to protect the area. The IEB refused to borrow or appropriate money on the grounds that it cannot provide money based on the *possibility* that something might happen.

The proposed amendment defines “impending flood emergency” as “an anticipated situation which endangers an existing flood protection structure.” To qualify for funding, an impending emergency would have to be declared as such by the Army Corps of Engineers or the United States Coast Guard.

Proponents argue that the amendment is needed to prevent a similar situation from happening again. They argue that if it is clear that an area will flood because the levee is not strong enough to protect it, the state should help reinforce the levee to prevent the flood. It is far more expensive to repair flood damage than it is to reinforce the levee, they argue.

Opponents argue: that the IEB has never appropriated or borrowed money for problems that *might* occur and should not be allowed to do so even in this case, especially in light of the constitutional prohibition against contingency appropriations; that it might be difficult to tell where reinforcement should be provided to a levee; that the provision requiring that the Army Corps of Engineers or the Coast Guard first declare an emergency renders the amendment ineffective because it takes too long for those organizations to act; and that the state should not be required to help people who build homes in known flood plains.

Legal Citation: Act 1500 (Representative Jack Smith) of the 1997 Regular Session, amending Article VII, Section 7 (B).



Jury Requirements

Current Situation: The state constitution requires a six-member jury to hear cases in which the punishment may be hard labor or six months without hard labor and requires the concurrence of five of six jurors to render a verdict. In 1979, the United States Supreme Court ruled that a non-unanimous six-member jury verdict was unconstitutional. The Legislature changed the statutes to require a unanimous decision, but never changed the constitution.

The constitution does not address combining crimes together in one trial. Current statutes allow two or more crimes that meet certain conditions to be combined into the same indictment if the crimes have the same jury requirement. For example, the current statutes prohibit combining an aggravated burglary charge that requires a 12-member jury with a simple robbery charge that requires a six-member jury into one trial.

Proposed Change: The amendment would require a unanimous six-member jury vote to render a verdict. The amendment would also allow combining certain criminal offenses that have different jury requirements into one trial. The combined crimes would be heard by a 12-member jury, 10 of whom must concur to render a verdict.

Comment: The six-member jury voting requirements in the constitution must be changed to comply with the 1979 U.S. Supreme Court decision.

Proponents argue that allowing related crimes to be combined together in one trial would: increase the effi-

You Decide

☐ A vote *for* would require a unanimous decision in a criminal case with a six-member jury and could allow certain crimes to be combined in one jury trial.

☐ A vote *against* would retain an “unconstitutional” six-member jury voting requirement and continue to prevent the combining of crimes with different jury requirements into one trial.

ciency of the court system by avoiding multiple trials for one criminal act involving several offenses; present the jury with a clearer picture of the events in the crime and give them more information and options in reaching a verdict; and ensure the accused is tried on all charges related to a single act. Proponents note that the current statutes may encourage prosecutors to try an accused on the most serious charges and drop less serious charges to avoid multiple trials. Down the road a problem could occur if the conviction is overturned on appeal and the state is not able to resurrect the untried charges.

Critics argue that joining offenses in one trial prevents the accused from receiving a fair and impartial trial. The guilt of a defendant on one charge may prejudice the jury's deliberation on another offense. Critics also argue that established rules of evidence may still require separate trials.

Legal Citation: Act 1502 (Senator Lentini) of the 1997 Regular Session, amending Article I, Section 17.



Blighted Property

Current Situation: The state constitution prohibits public bodies from "donating" property or funds to persons, associations, or corporations, either public or private, unless specifically authorized by the constitution. This includes the waiving or forgiving of property taxes owed since this could be considered a donation of public funds to the property owners.

Proposed Change: The proposed amendment would add two exceptions to the donation prohibition. The first would sub-

You Decide

- ☐ A vote *for* would allow local governments to forgive back taxes owed on blighted property renovated by a purchaser or blighted property sold by an owner for less than the appraised value and then renovated.
- ☐ A vote *against* would continue to require that back taxes be paid when property is sold.

ordinate tax liens to other liens on a blighted property and, after the property is renovated, waive the tax assumed by the buyer. The second exception would forgive the tax owed by an owner on a blighted property if it is sold for less than its appraised value and renovated. Both exceptions would require the approval of a property renovation plan by an administrative hearing officer. In addition, a purchaser could not be an immediate family member of the owner or an entity in which the owner has a substantial economic interest. Also, if the property reverts back to the owner or his immediate family, the tax would be reinstated.

Comment: Blighted property is a major problem facing several Louisiana cities. To address it, local governments generally force the sale of the blighted property by using expropriation, tax sales, or a writ of seizure and sale. These procedures are often lengthy and costly and may also require court action to clear title to the property.

Proponents argue that this amendment would provide an alternate process that avoids the legal route now used by local governments and it would encourage the sale of blighted property as a normal real estate transaction. Subordinating the tax lien on the blighted property would make it easier for prospective buyers to obtain a loan to purchase the property. After the sale, the purchaser would be encouraged to rehabilitate the property in order to have the lien forgiven. The amendment would also encourage property owners to sell the property at a reduced price in order to have the back taxes forgiven. The reduced price would also promote the sale of the property. Proponents argue that this process would also encourage the real estate and banking industries to take a more active role in selling blighted property.

Proponents also note that the loss in tax revenue to the local government would be recouped in the future as the rehabilitated property re-enters the active tax rolls. This would also aid owners who inherited blighted property and can not afford to rehabilitate it.

Critics argue that government should just take the property and sell it. They also argue that property owners should not be allowed to benefit from their mistakes.

Legal Citation: Act 75 (Senator Bagneris) of the 1998 Regular Session, amending Article VII, Section 14 (B).



Downtown Residential Property

Current Situation: The constitution allows the property tax assessment to be frozen on a structure in downtown, historic or economic development areas for five years if the property is rehabilitated or redeveloped. The assessment freeze can be extended for an additional five years for a total of 10 years. To qualify for the assessment freeze and any extension, a project must be approved by the State Board of Commerce and Industry, the governor, and the affected parish or municipal governing authority.

Since 1982 under this program, 305 projects have been approved, totaling over \$625 million in investments. The majority of these projects are in New Orleans and Shreveport. Of these projects, 79 involved the rehabilitation or redevelopment of structures into residential units. Only nine of these projects were in a designated downtown district.

Proposed Change: The amendment would permit an additional five-year extension beyond the existing 10-year maximum on the property tax assessment freeze on structures primarily developed for residential use in a downtown district.

Comment: The amendment is designed to encourage the rehabilitation of existing structures or the conversion of other structures (such as warehouses, mills, or other commercial or industrial properties) into residential properties in downtown districts. Under the current program, few such projects have been undertaken.

Proponents argue that the additional five-year extension would promote the development of safe and affordable housing in downtown areas where there is usually a critical shortage of adequate housing. They say this, in

You Decide

☐ A vote *for* would allow a property tax assessment freeze for up to 15 years on property developed for residential use within a downtown district.

☐ A vote *against* would continue to allow such a freeze for only 10 years after completion of the development.

turn, would encourage businesses to relocate to the downtown districts as new customers move to the area. They also note that any tax revenue forgone would be made up by increased tax revenues in the future, increased property values of other property in the same area, attraction of taxpaying residents to downtown areas, and the clearing of abandoned and/or blighted buildings.

The uncertainty of renewal of any property tax assessment freeze under this program may counter the desired effect of encouraging additional residential projects.

Legal Citation: Act 76 (Senator Malone) of the 1998 Regular Session, amending Article VII, Section 21 (H).



Property Tax Sale

Current Situation: The constitution presently allows tax collectors to sell property due to nonpayment of taxes at a tax sale. The minimum bid required must cover the taxes plus any interest or other costs due to the municipality.

Proposed Change: The amendment would allow property in a municipality with a population in excess of 450,000 (New Orleans) to be sold at a tax sale for less than the minimum required bid if the property failed to sell at a previous tax sale. The remaining tax liability on the property sold would be eliminated.

You Decide

☐ A vote *for* would allow property in New Orleans to be sold at a tax sale for less than the minimum required bid if it failed to sell at a prior sale.

☐ A vote *against* would continue to require a minimum bid equal to the taxes due plus any interest.

Comment: New Orleans has about 16,000 commercial and residential structures deemed blighted, and at least a third have been vacant for several years. The large expense involved in either clearing the property or bringing it up to current building codes and the presence of large uncollected property tax indebtedness make the property difficult to sell.

Proponents argue that allowing the property to be sold at a reduced price may encourage more investors to take a risk and purchase the property and rehabilitate it. Proponents also note that, at a minimum, the change would allow property to be sold at the market value if that value is less than the taxes due. The city would lose some tax revenue initially, but it would also gain in the long run because the rehabilitated property would promote economic activity and it would also be returned to the active tax rolls.

Critics point out that the amendment is not restricted to blighted or abandoned property. Any property subject to a tax sale that fails to sell is eligible to be sold later for less than the taxes due.

The proposal requires approval by voters both in New Orleans and statewide.

Legal Citation: Act 1495 (Representative Murray) of the 1997 Regular Session, amending Article VII, Section 25 (A).



Vidalia Property Tax Exemption

Current Situation: All property in the state is subject to property taxation unless specifically exempted in the state's constitution. Local taxing authorities are not allowed to establish their own exemptions. (NOTE: The homestead exemption does not apply to municipal property taxes except for New Orleans.)

In 1997, property tax in Vidalia raised \$85,133 in revenues with a millage rate of 3.73 mills. The town has 2,200 residential, commercial, and industrial taxpayers, with 1,585 taxpayers paying an average of \$8.89 a year in municipal property taxes.

Proposed Change: The amendment would allow the Town of Vidalia to establish a local exemption from

municipal property taxes for property with an assessed value not exceeding \$20,000.

Comment: A literal reading of the proposal suggests that only property with an assessed value of \$20,000 or less could be exempt from the municipal property tax. That means property with an assessed value over this amount would be fully taxed. However, the intent of the proposal is to allow an exemption on the first \$20,000 of assessed value and tax the remaining value. Thus residential property with a fair market value of \$200,000 and commercial property with a value of \$133,333 could be exempt from paying Vidalia municipal property tax. Property with a fair market value over these values would pay tax on the additional value. Under these conditions, the town could lose approximately \$31,000 in revenues with 48 taxpayers still paying a portion of their current municipal tax bill.

You Decide

- ☐ A vote *for* would allow the Town of Vidalia to exempt most property owners from municipal property tax.
- ☐ A vote *against* would require Vidalia to continue to tax property in the same manner as other municipalities.

Proponents argue that the amendment could give the residents and businesses of Vidalia a tax break that would promote economic development and population growth. They also say the amendment would reduce the town's administrative costs to collect the tax.

The amendment could set a precedent for other taxing authorities to request similar exemption authority.

The proposal requires approval by voters both in Vidalia and statewide.

Legal Citation: Act 74 (Representative Hammett) of the 1998 Regular Session, amending Article VII, Section 21 (J).

Proposed Amendments
on the
November 3, 1998 Ballot
(In Ballot Number Order)



**Rename
Board of
Trustees**

Current Situation: The Board of Trustees for State Colleges and Universities is one of three higher education management boards operating under the Board of Regents. Created in the 1974 constitution, the Board of Trustees has jurisdiction over a group of higher education institutions ranging from a research university to a small community college. (If constitutional amendment No. 1 proposing creation of a community and technical college system is adopted by the voters, all of the two-year colleges would be removed from the trustees' system leaving it with only four-year universities.)

In 1995, the Legislature changed the name of the "State Colleges and Universities" system to the "University of Louisiana" system but the board's name remained fixed in the constitution. At the same time, six of the four-year institutions in this system were authorized to change their names to "University of Louisiana at (its geographic location)"; however none has done so to date.

Proposed Change: The amendment would change the name of the Board of Trustees for State Colleges and Universities to the Board of Supervisors for the University of Louisiana System.

You Decide

- ☐ A vote *for* would change the name of the Board of Trustees for State Colleges and Universities to the Board of Supervisors for the University of Louisiana System.
- ☐ A vote *against* would keep the current name.

Comment: The proposal would better identify the management board for the University of Louisiana System and call it a board of supervisors similar to the names of the other higher education management boards. The name change would be entirely appropriate if amendment No. 1 to move the two-year colleges to another system is approved.

However, if the community colleges are kept in the University of Louisiana System, the new board name would be somewhat misleading in omitting the reference to "colleges." However, the same could be said for the names of the management boards for the LSU and Southern "university" systems which also include two-year colleges.

Legal Citation: Act 168 (Senator Dardenne) of the 1998 First Extraordinary Session, amending Article VIII, Section 6 (A).



**Board of
Regents
Membership**

Current Situation: The 1974 constitution provided for the appointment of 15 members to the Board of Regents by the governor with at least one, but no more than two members, from each congressional district. At the time, Louisiana had eight congressional districts but lost one due to reapportionment based on the 1990 census. This created a conflict because 15 members cannot be appointed without having more than two from at least one district.

Proposed Change: The amendment would provide for gubernatorial appointment of two members of the Board of Regents from each congressional district and one at large. The total number of board members would no longer be specified

You Decide

- ☐ A vote *for* would provide a method of appointing Board of Regents members that would accommodate any change in the number of congressional districts.
- ☐ A vote *against* would continue a constitutional requirement that cannot be met with the present number of districts.

in the constitution but instead would vary based on the number of districts. A statement would be added saying the board should be representative of the state's population by race and gender to ensure diversity.

Comment: The proposed amendment offers a simple solution to the legal conflict created by the loss of a congressional district. Tying the number of members to the

number of districts would also avoid creating a similar conflict in the event the number of districts changed again. Having one at-large member would assure an odd number of board members.

Legal Citation: Act 169 (Senator Dardenne) of the 1998 First Extraordinary Session, amending Article VIII, Section 5 (B).

Voting on Louisiana Proposed Constitutional Amendments 1921 - 1996

	<u>Number of Amendments</u>		<u>Average Percent of Registrants Voting</u>
	<u>Proposed</u>	<u>Approved</u>	
1921 Constitution	802	536	--
1974 Constitution (Total)	117	77	--
November 7, 1978	1	1	29.9
October 27, 1979	3	3	37.5
November 4, 1980	4	4	55.7
September 11, 1982	8	4	24.9
October 22, 1983	3	3	44.2
November 6, 1984	5	0	53.7
September 27, 1986	7	2	39.3
November 21, 1987	5	5	32.3
October 1, 1988	1	0	27.5
April 29, 1989	1	0	46.8
October 7, 1989	13	5	28.3
October 6, 1990	15	14	46.9
October 19, 1991	8	5	47.1
October 3, 1992	5	2	29.4
November 3, 1992	7	0	53.7
October 16, 1993	6	6	18.1
October 1, 1994	4	4	30.9
October 21, 1995	15	13	46.9
November 18, 1995	1	1	53.2
September 21 1996	2	2	36.1
November 5, 1996	3	3	54.4

SOURCE: Official promulgation, Secretary of State.



Public Affairs Research Council of Louisiana
P.O. Box 14776, Baton Rouge, LA 70898-4776
(504) 926-8414 Fax (504) 926-8417

PAR is an independent voice and catalyst for governmental reform in Louisiana, offering solutions to critical issues through accurate, objective research and focusing public attention on those solutions.

As a private, nonprofit research organization, PAR is supported through the tax-deductible membership contributions of hundreds of Louisiana citizens who want better, more efficient and more responsive government.

Although PAR does not lobby, PAR's research gets results. Many significant governmental reforms can be traced back to PAR recommendations. Through its extensive research and public information program, PAR places constructive ideas and solutions into the mainstream of political thinking.

In addition to being a catalyst for governmental reform, PAR also has an extensive program of citizen education and serves as a watchdog on state government. The organization's 48 years of research on state and local government in Louisiana give it a unique historical perspective as well as the ability to monitor implementation of reforms and remind public officials of promises made.

Membership in PAR is open to the public. For more information, contact PAR at 504-926-8414 or write P.O. Box 14776, Baton Rouge, LA 70898-4776.

VISIT PAR's WEBSITE @ www.la-par.org



YES!

I would like to receive additional information on how to become a member of PAR—the membership that makes a difference.

Name _____
Company _____
Mailing Address _____
Shipping Address _____
City _____ State _____ Zip _____
Phone _____ Fax _____ E-Mail _____

Return this form to PAR, P. O. Box 14776, Baton Rouge, LA 70898-4776. For further information, call (504) 926-8414.



Public Affairs Research Council of Louisiana, Inc.
4664 Jamestown Avenue, Suite 300 • Post Office Box 14776
Baton Rouge, LA 70898-4776
Phone (504) 926-8414 • Fax (504) 926-8417

Non-Profit Org.
U.S. Postage
PAID
Baton Rouge, LA
Permit No. 330

Order Additional Copies

PAR 1998 "Guide to the Proposed Constitutional Amendments"

(Please Print or Type)

Name _____
Company _____
Mailing Address _____
Shipping Address _____
City _____
State _____ Zip _____
Phone () _____

Price List

1 copy	\$3.00 each
2-50	\$2.50 each
51-100	\$2.25 each
101-200	\$1.90 each
201+	\$1.50 each

Number Ordered _____
Total Amount \$ _____

Return order form along with payment to PAR, P. O. Box 14776, Baton Rouge, LA 70898-4776. For further information, call (504) 926-8414. (All prices include applicable sales tax and postage.)