

# Constitutional Amendments for consideration in 2006

Prepared by House Legislative Services  
Louisiana House of Representatives



September 30, 2006

## CONSTITUTIONAL AMENDMENT NO. 1

**Coastal and Flood Protection: Dedication of certain revenues for coastal wetlands conservation, coastal restoration, hurricane protection, and infrastructure impacted by coastal wetland loss;** Act No. 69, Senate Bill 27 of 2005 First Extraordinary Session by Sen. Dupre and Rep. Alario



To change the name from the Wetlands Conservation and Restoration Fund to the Coastal Protection and Restoration Fund; to provide that the eligible federal revenues received by the state generated from Outer Continental Shelf oil and gas activity shall be credited to the Coastal Protection and Restoration Fund and used only for purposes of coastal wetlands conservation, coastal restoration, hurricane protection, and infrastructure directly impacted by coastal wetland losses. (Amends Article VII, Sections 10(D)(2)(e), 10.2, and 10.5 (B) and (C))

## CONSTITUTIONAL AMENDMENT NO. 2

**Coastal and Flood Protection: Dedicates a portion of proceeds from tobacco settlement securitization to coastal restoration;** Act No. 854, Senate Bill 229 of 2006 Regular Session by Sen. Dardenne



Requires twenty percent of the proceeds of tobacco securitization to be deposited in the Coastal Protection and Restoration Fund, with a portion to be used for barrier island stabilization and preservation, and repeals the Louisiana Coastal Restoration Fund. (Adds Article VII, Section 10.2(F); Repeals Article VII, Section 10.11)

### CONSTITUTIONAL AMENDMENT NO. 3

**Coastal and Flood Protection: Authorizes creation of regional flood protection authorities; provides for governance of levee districts; provides for taxing authorities; [Act No. 43, Senate Bill 9 of 2006 First Extraordinary Session](#) by Sen. Boasso**



To authorize the legislature to establish regional flood protection authorities and provide for its governing authority, powers, duties, and functions, for the governing authority of levee districts within the territorial jurisdiction of the regional authority, and authorizing ad valorem taxes subject to voter approval. (Amends Article VI, Sections 38(A)(1) and 39; Adds Article VI, Section 38.1)

### CONSTITUTIONAL AMENDMENT NO. 4

**Coastal and Flood Protection: Provides relative to the compensation paid for the taking of certain property for hurricane and flood protection; [Act No. 853, Senate Bill 27 of the 2006 Regular Session](#) by Sen. Dupre and Rep. Pitre**



To provide that compensation paid for the taking of, or loss or damage to, property rights affected by the construction, enlargement, improvement, or modification of hurricane protection projects, including mitigation related thereto, shall be limited to the compensation required by the Fifth Amendment of the United States Constitution; to provide an exception for the taking of buildings or structures destroyed or damaged by an event for which a presidential declaration of major disaster or emergency was issued, if the taking occurs within three years of such event; and to authorize the legislature by law to provide procedures and definitions for these requirements. (Amends Article VI, Section 42(A); Adds Article I, Section 4(G))

## CONSTITUTIONAL AMENDMENT NO. 5

**Expropriation or Eminent Domain: Prohibits expropriation of property by the state or political subdivision for certain use; specifies "public purpose" and "just compensation"; provides exceptions** Act No. 851, Senate Bill 1 of 2006 Regular Session by Sen. McPherson and Rep. Bruneau



To prohibit the expropriation of property by the state or a political subdivision of the state for predominant use by or transfer to a private person or entity under certain circumstances; to define "public purpose" relative to the expropriation of property; to provide exceptions for the operation of public ports and airports and for the expropriation of property for industrial development purposes; and to provide for items included in just compensation to be paid to the owner of the expropriated property. (Amends Article I, Section 4(B) and Article VI, Section 21(A); Adds Article VI, Section 21(D))

## CONSTITUTIONAL AMENDMENT NO. 6

**Expropriation or Eminent Domain: Prohibits transfer of expropriate property held for not more than 30 years to any person without first offering it back to the original property owner; provides exceptions;** Act No. 859, House Bill 707 of 2006 Regular Session by Rep. Farrar



To prohibit, except in limited instances, the transfer or lease of property expropriated by the state or its political subdivisions to any person without first offering the property to the original owner; to provide that unused expropriated property declared surplus property to be first offered to the original owner prior to sale to the general public by competitive bid. (Adds Article I, Section 4(G))

## CONSTITUTIONAL AMENDMENT NO. 7

**Investments: Authorizes a portion of the medicaid trust fund for the elderly to be invested in equities;** Act No. 857, House Bill 406 of 2006 Regular Session by Rep. Daniel



To authorize the investment in equities of up to thirty-five percent of the Medicaid Trust Fund for the Elderly. (Amends Article VII, Section 14(B))

## CONSTITUTIONAL AMENDMENT NO. 8

**Homestead Exemption:** Continues the homestead exemption and the special assessment level for property damaged and made uninhabitable by natural disaster; [Act No. 70, House Bill 34 of the 2005 First Extraordinary Session](#) by Rep. Alario



To authorize the continuation of the homestead exemption and the special assessment level where the homestead has been destroyed or is uninhabitable due to a declared disaster or emergency. (Adds Article VII, Sections 18(G)(5) and 20(A)(10))

## CONSTITUTIONAL AMENDMENT NO. 9

**Unfunded School Mandates:** Provides that any law increasing school system's expenditures becomes effective only if the legislature provides funding; [Act No. 855, Senate Bill 296 of 2006 Regular Session](#) by Sen. Quinn



To provide that no law, unless enacted by two-thirds of the elected members of each house of the legislature, requiring increased expenditures for any purpose shall be applicable to any city, parish, or other local public school board until approved by school board resolution or until, as long as, the legislature appropriates funds to the school board for the purpose and only to the extent and amount of such funds or until a law provides for a local source of revenue to the school board for the purpose and the school board is authorized to levy and collect such revenue and only to the extent and amount of such revenue; and to provide for exceptions to such prohibitions on increasing the financial burden of city, parish, and other local public school boards. (Amends Article VI, Section 14)

## CONSTITUTIONAL AMENDMENT NO. 10

**Investments:** Authorizes certain endowed funds of colleges and universities to be invested in stocks; [Act No. 856, House Bill 345 of 2006 Regular Session](#) by Rep. Cazayoux



To authorize the investment in stocks of up to thirty-five percent of the state-funded permanently endowed funds of public or private colleges and universities. (Amends Article VII, Section 14(B))

**CONSTITUTIONAL AMENDMENT NO. 11**

**Homestead Exemption: Extends the homestead exemption to property placed in revocable trusts;** Act No. 852, House Bill 389 of 2006 Regular Session by Rep. Triche



To extend the homestead exemption to property owned by a revocable trust, in addition to the existing application to property owned by an irrevocable trust. (Amends Article VII, Section 20(A)(3) and (5))

**CONSTITUTIONAL AMENDMENT NO. 12**

**Elections: Provides for filling vacancies in office of Lt. Governor and statewide elected officials by election, if unexpired term exceeds a year;** Act No. 858, House Bill 716 of 2006 Regular Session by Rep. Beard



To provide for the filling of vacancies in the lieutenant governor's office and other statewide elective offices; to provide that if more than one year remains in the term, the person nominated by the governor and confirmed by the legislature to serve as lieutenant governor or the first assistant in other statewide elected offices, shall fill the vacancy only until the office can be filled at the next regular statewide or congressional election or until the governor is required to call a special election. (Amends Article IV, Sections 15 and 16)

**CONSTITUTIONAL AMENDMENT NO. 13**

**Elections: Provides for Qualifications of Office for Judges;** Act No. 860, House Bill 13 of 2006 Regular Session by Rep. Greene



To provide that a person shall have been admitted to the practice of law for ten years preceding election to the supreme court or a court of appeals and for eight years preceding election to a district court, family court, parish court, or court having solely juvenile jurisdiction; and to decrease the requirement that a person be domiciled in the respective district, circuit, or parish from two years to one year preceding election. Effective January 1, 2008, and applicable to any person who is elected to the office of judge on or after January 1, 2008. (Amends Article V, Section 24)

# Constitutional Amendments for consideration in 2006

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## CONSTITUTIONAL AMENDMENT NO. 1

**Taxes: Special homestead assessment for certain military personnel and disabled persons;** Act No. 511, Senate Bill 89 of the 2005 Regular Session by Sen. Nevers



To extend the special assessment level to homesteads owned and occupied by any person with a service-connected disability rating of fifty percent or more and by certain members of the armed forces of the United States or members of the Louisiana National Guard killed or missing in action or who were prisoners of war, and to any person designated as permanently totally disabled, subject to other conditions and requirements provided under the present constitution, and to require annual certification of eligibility by persons under sixty-five years of age who have qualified and received the special assessment level. (Amends Article VII, Section 18(G)(1)(a)(i) and (iii) and (2)(a); Adds Article VII, Section 18(G)(1)(a)(iv))

## CONSTITUTIONAL AMENDMENT NO. 2

**Taxes: Increases amount of severance tax parishes receive;** Act No. 864, House Bill 714 of the 2006 Regular Session by Rep. Gallot



To increase 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 from seven hundred fifty thousand dollars to eight hundred fifty thousand dollars effective July 1, 2007, and provides that this maximum amount be increased to reflect the increase in the Consumer Price Index beginning July 1, 2008. (Amends Article VII, Section 4(D))

### CONSTITUTIONAL AMENDMENT NO. 3

Taxes: Exempts medical equipment leased to small rural hospitals from ad valorem taxation; Act No. 510, Senate Bill 32 of the 2005 Regular Session by Sen. Adley



To exempt from ad valorem property tax medical equipment leased for a term exceeding five years to a nonprofit corporation or association which owns or operates a small, rural hospital and if the equipment is used solely for health care purposes at the hospital; to provide that "small, rural hospital" shall mean a hospital which meets all of the following criteria:(1) It has less than fifty Medicare-licensed acute care beds. (2) It is located in a municipality with a population of less than ten thousand which has been classified as an area with a shortage of health manpower by the United States Health Service. (Amends Article VII, Section 21(B)(1)(a))

### CONSTITUTIONAL AMENDMENT NO. 4

Taxes: **Exempts motor vehicles from municipal ad valorem tax;** Act No. 512, House Bill 187 of 2005 Regular Session by Rep. Arnold



Exempts motor vehicles from municipal ad valorem taxes and removes language that authorizes a municipal governing authority or a district thereof to impose ad valorem taxes on motor vehicles. (Amends Article VII, Section 21(E))

### CONSTITUTIONAL AMENDMENT NO. 5

Taxes: **Exempts consigned art from ad valorem taxation;** Act No. 509, Senate Bill 200 of the 2005 Regular Session by Sen. Bajoie and Rep. K. Carter



To exempt consigned art from ad valorem property tax; that is, all artworks such as sculptures, glass works, paintings, drawings, signed and numbered posters, photographs, mixed media, collages, or any other item which would be considered as the material result of a creative endeavor. (Effective January 1, 2007) (Adds Const. Art. VII, Sec. 21(C)(19))

## CONSTITUTIONAL AMENDMENT NO. 6

**Judges: Authorizes the legislature to create new judgeships within a district court with limited or specialized subject matter jurisdiction;** [Act No. 862, House Bill 206 of 2006 Regular Session](#) by Rep. R. Carter



To authorize the legislature to enact laws establishing new judgeships of district courts as new divisions having limited or specialized jurisdiction within the territorial jurisdiction of the district court and subject matter jurisdiction over family or juvenile matters as provided by law. Effective January 1, 2007. (Amends Article V, Section 15(A))

## CONSTITUTIONAL AMENDMENT NO. 7

**Assessors: Provides for a single tax assessor in Orleans Parish;** [Act No. 863, Senate Bill 141 of 2006 Regular Session](#) by Sen. Duplessis and Rep. Badon



To provide for a single tax assessor in Orleans Parish to be elected at the same time as the municipal officers of New Orleans. (Amends Article VII, Section 24)

## CONSTITUTIONAL AMENDMENT NO. 8

**Schools: Grants the Central Community School System certain school finance powers; prohibits discrimination in use of state funds for students;** [Act No. 861, House Bill 48 of the 2006 Regular Session](#) by Rep. White and Sen. Fontenot



To grant the Central community school system in East Baton Rouge Parish the same authority granted parishes for purposes of Article VIII, Section 13 of the Constitution of Louisiana, including purposes related to the minimum foundation program, funding for certain school books and instructional materials, and the raising of certain local revenues for the support of elementary and secondary schools. (Amends Article VIII, Section 13(D)(1))