



Constitutional Amendments

For Consideration

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CA No. # 1 -Medical Assistance Trust Fund
Act No. 439, House Bill No. 533, 2013 Regular Session



Do you support an amendment to authorize the legislature to create the Louisiana Medical Assistance Trust Fund, for the payment of Medicaid reimbursement to the health care provider groups paying fees into the fund?

The proposed constitutional amendment places the existing Medical Assistance Trust Fund (R.S. 46:2623 et seq.) into the state constitution. The fund currently provides for the amount of fees deposited into the fund from fees collected from the following Medicaid provider groups:

- Nursing homes.
- Intermediate care facilities for the developmentally disabled.
- Pharmacies.
- Medical transportation providers (fees for this provider group were never implemented due to administrative issues regarding the broad scope of types of transportation).

This constitutional amendment further provides for the deposit of the fees collected and deposited into the fund consistent with what is required by current law.

The constitutional amendment also proposes to create separate accounts in the fund for each provider group from which fees are collected, requiring the balance of each account to be used to reimburse Medicaid services for the provider group that paid the fees. A similar provision was enacted into law in 2013.

If adopted, the legislature would be required to annually pay to each of the provider groups that pay fees into the fund, a base level of Medicaid reimbursement equal to the Medicaid payments made in Fiscal Year 2013-2014 to that provider group. The proposed amendment provides an option to apply a rate of inflation to the base rate for the next year. The funding for the base reimbursement level to each provider group cannot be reduced unless similar reductions are made to other healthcare provider groups and the reduction must be approved by 2/3 of the legislature if the legislature is in session; if the legislature is not in session, approval by 2/3 of the members of the Joint Legislative Committee on the Budget would be needed to make the reduction.

Placing the Medical Assistance Trust Fund in the constitution, absent a declared budgetary deficit, protects monies in the fund from being appropriated for purposes other than as specifically authorized in the fund.

(Adds Article VII, Section 10.14)

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CA No. # 2 - Hospital Stabilization Fund
Act No. 438, House Bill No. 532, 2013 Regular Session



Do you support an amendment to create the Hospital Stabilization Fund to stabilize and protect Medicaid reimbursements for health care services by depositing assessments paid by hospitals, as authorized by the legislature, into a fund to support Louisiana hospital reimbursement?

This constitutional amendment proposes to authorize the legislature to annually adopt a formula for funding hospitals that includes the following:

- A base level of Medicaid reimbursement, that in the first formula is equal to the Medicaid payments in Fiscal Year 2012-2013. In future years a rate of inflation may be applied to the previously adopted formula.
- Assessments or fees paid by Louisiana hospitals.
- Medicaid reimbursement enhancements for hospitals that pay an assessment.
- Any additional provisions necessary to implement the formula.

This constitutional amendment also proposes to create the Hospital Stabilization Fund in the constitution and require the assessment collected from hospitals to be deposited into the fund. The fund will be used to pay the reimbursement enhancements.

If adopted, the legislature will be required to annually pay to the hospital providers the amount of money necessary to fund the base reimbursement level established in the formula and the balance of the monies must be deposited into the Hospital Stabilization Fund. The funding for the base reimbursement level and the enhancements cannot be reduced unless similar reductions are made to other healthcare provider groups and the reduction is approved by 2/3 of the legislature if the legislature is in session; if the legislature is not in session, approval by 2/3 of the members of the Joint Legislative Committee on the Budget is needed to make the reduction.

(Adds Article VII, Section 10.13)

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CA No. # 3 - Tax Sale Fees For Authorized Agents of Tax Collectors
Act No. 871, House Bill No. 488, 2014 Regular Session



Do you support an amendment allowing an authorized agent of a tax collector to assist in the tax sale process, including the sale of property for delinquent taxes and that the fee charged by the authorized agent be included within the costs that the collector can recover in the tax sale?

The present constitution prohibits the forfeiture of property for nonpayment of taxes on immovable property, and provides instead for the sale of the taxable property in an amount equal to the taxes, interest, and other costs owed by the delinquent taxpayer. At the expiration of the year in which the taxes are due, after he has given notice to the delinquent taxpayer, the tax collector must advertise for and conduct the sale of the property. The sale price must be sufficient to pay the total amount

of all taxes, interest, and costs owed by the delinquent taxpayer relative to that property. With respect to delinquent taxes on movable property, the tax collector must seize and sell sufficient movable property of the delinquent taxpayer to pay the amount owed.

This proposed constitutional amendment adds authorization for the tax collector to hire an agent to assist in the sale of property of the delinquent taxpayer. The agent's fee shall be included in the costs which the tax collector may recover on the sale and shall be charged on the date of the delinquency. Such fee may not exceed the maximum fee amount authorized by law.

(Amends Article VII, Section 25(A)(1) and (E))

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CA No. # 4 - Investment of Public Funds in a State Infrastructure Bank
Act No. 873, House Bill 628, 2014 Regular Session



Do you support an amendment to authorize the investment of public funds to capitalize a state infrastructure bank and the loan, pledge, guarantee, or donation of public funds by a state infrastructure bank for eligible transportation projects?

The present constitution prohibits the funds, credit, and property of the state or any of its political subdivisions from being loaned, pledged, or donated to or for any person, association, or corporation, public or private, with the following specific exceptions to the prohibition:

- Programs of social welfare for the aid and support of the needy.
- Employer contributions required for public employee pension and insurance programs.
- Securitization of debt and other public obligations.
- Return of property, including mineral rights, to former owners.
- Acquisition of stock by an institution of higher education in exchange for intellectual property.
- Donation of abandoned or blighted housing property by a municipality or a parish to a nonprofit organization.
- Deduction of certain taxes for the renovation of blighted property.
- Deduction of past due taxes when the owner sells blighted property at less than its appraised value.
- Donation of asphalt removed from state highways to a local governing authority where the asphalt was removed, or if not needed by such governing authority, then to any other local governing authority.
- Investment of assets in the Rockefeller Wildlife Refuge Trust and Protection Fund and the Russell Sage or Marsh Island Refuge Fund in stocks.
- Investment of up to 35% of the state-funded permanently endowed funds of a public or private college or university in stocks.
- Investment of up to 35% of the assets in the Medicaid Trust Fund for the Elderly in stocks.

This proposed constitutional amendment would add another exception to this list. It would authorize the investment of public funds to capitalize a state infrastructure bank, and for the bank to loan,

pledge, guarantee, or donate public funds for eligible transportation projects. Generally, state infrastructure banks are revolving infrastructure investment funds for surface transportation that are established and administered by states.

(Amends Article VII, Section 14(B))

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CA No. # 5 - Judges Retirement

[Act No. 875](#), House Bill No. 96, 2014 Regular Session



Do you support an amendment to remove the constitutional requirement that a judge retire upon attaining the age of seventy or, if his seventieth birthday occurs during his term, that he retire upon completion of that term?

The present constitution prohibits a judge from remaining in office beyond his 70th birthday; however, a judge who attains the age of 70 while serving a term of office is allowed to complete that term of office.

The proposed constitutional amendment, if adopted, will remove the age restriction for judges and judges will be able to qualify for office and serve beyond the age of 70.

(Amends Article V, Section 23)

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CA No. # 6 - Orleans Parish Fire and Police Protection Millage Rates Increase

[Act No. 870](#), House Bill No. 111, 2014 Regular Session



Do you support an amendment to authorize the governing authority of Orleans Parish to increase the annual millage rate levied for fire and police protection, to require that the revenue from the fire and police millages be used for fire and police protection service enhancements, and to require that any increase be approved by the voters of Orleans Parish?

The present constitution authorizes each parish to levy a property (ad valorem) tax for general purposes, not to exceed four mills. However, for Orleans Parish the maximum is seven mills. The present constitution also authorizes Orleans Parish to levy an additional property tax for fire protection, not to exceed five mills, and an additional property tax for police protection, not to exceed five mills.

The proposed constitutional amendment increases the maximum millages that Orleans Parish is authorized to levy for such purposes to 10 mills for fire protection and 10 mills for police protection. The additional taxes are subject to voter approval. The proposed constitutional amendment also requires that the revenues generated by the fire and police millages be used solely for police and fire protection services that directly contribute to the safety of the residents of Orleans Parish.

(Amends Article VI, Section 26(E))

CA No. # 7 - Property Tax Exemption Eligibility for Disabled Veterans

Act No. 433, Senate Bill No. 96, 2013 Regular Session



Do you support an amendment to provide that the homesteads of veterans with a service-connected disability rating of one hundred percent unemployability or totally disabled by the United States Department of Veterans Affairs, and their surviving spouses, shall be exempt from ad valorem taxation for up to one hundred fifty thousand dollars, and that a parishwide vote shall not be required to implement this change in qualification for the exemption?

The present constitution provides, in addition to the homestead exemption which applies to the first \$7,500 of the assessed valuation of property (\$75,000), that the next \$7,500 of the assessed valuation of property receiving the homestead exemption which is owned and occupied by a veteran with a service-connected disability rating of 100% by the U. S. Dept. of Veterans Affairs is exempt from property tax. This additional exemption applies to the surviving spouse of a deceased veteran with a disability rating of 100% if the surviving spouse occupies and remains the owner of the property regardless of whether the exemption was in effect on the property prior to the death of the veteran. This proposed constitutional amendment would continue the eligibility requirement for veteran's with a service-connected disability rating of 100% by the United States Department of Veterans Affairs, and adds eligibility for persons with a disability rating of 100% "unemployability or totally disabled" to the ratings eligible for the exemption.

The present constitution provides that the exemption for disabled veterans with a service-connected disability rating of 100% shall only extend and apply in a parish if it is established through an election called by either an ordinance or a resolution from the parish governing authority. This proposed constitutional amendment would extend the eligibility for this property tax exemption to veterans 100% unemployable or totally disabled in parishes which have already approved the exemption for veterans with a 100% service-related disability rating without requiring an additional parishwide election.

If adopted by the voters, this proposed constitutional amendment would become effective on November 4, 2014, in parishes which have previously established the additional property tax exemption for disabled veterans through a local election held prior to November 4, 2014; however, in parishes which have not yet established the applicability of the additional property tax exemption for disabled veterans, the expanded eligibility provisions established by this proposed constitutional amendment would be effective January 1, 2015, but could only be implemented if a local election is called by the parish governing authority.

(Amends Article VII, Section 21(K)(1) and (3))

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CA No. # 8 - Artificial Reef Development Fund
Act No. 434, Senate Bill No. 128, 2013 Regular Session



Do you support an amendment to establish the Artificial Reef Development Fund in the state treasury by depositing in to the fund monies that have been received by the Department of Wildlife and Fisheries in the form of grants, donations, or other assistance to provide funding for programs dedicated to managing an artificial reef system, the wild seafood certification program, and inshore fisheries habitat enhancement projects?

The proposed constitutional amendment places the existing Artificial Reef Development Fund (R.S. 56:639.8) into the state constitution. The fund is currently comprised of grants, donations of monies, and other forms of assistance from private and public sources and is allocated to the following uses:

- For the purposes of siting, designing, constructing, permitting, monitoring, and otherwise managing, an artificial reef system.
- For salaries and operating expenses associated with the artificial reef program.
- Not more than 10% of the funds deposited in the fund each year and 10% of the annual interest income of the account may be used to provide funding in association with the wild seafood certification program, and such funding may be used for a subsidy granted to seafood harvesters or processors to assist their efforts to comply with the certification program requirements.
- Not more than 10% of the funds deposited in the fund each year and 10% of the interest income of the account may be used to provide funding for inshore fisheries habitat enhancement projects and may be used for grants to nonprofit conservation organizations working in cooperation with the department.

All unexpended and unencumbered monies in the fund at the end of the year will remain in the fund and be invested by the treasurer in the manner provided by law.

Placing the Artificial Reef Development Fund in the constitution, absent a declared budgetary deficit, protects monies in the fund from being appropriated for purposes other than as specifically authorized in the fund.

Effective December 25, 2014.

(Adds Article VII, Section 10.11)

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CA No. # 9 - Annual Income Certification for Disabled Property Owners Applying for the Special Assessment Level

Act No. 432, Senate Bill No. 56, 2013 Regular Session



Do you support an amendment to exclude owners who are permanently totally disabled from the requirement that they annually certify to the assessor the amount of their adjusted gross income in order to receive the Special Assessment Level on their residences for property tax purposes?

The present constitution provides for the assessment of property for purposes of property taxes. For properties receiving the homestead exemption there is a "special assessment level" established for the benefit of certain property owners to limit increases in their annual tax liability. The special assessment level freezes the total assessed value of the property at the amount of such assessment in the first year in which the property received it.

A property owner must meet two requirements in order for their property to receive the special assessment level. First, the owner's adjusted gross income cannot exceed \$69,463 for the 2013 Tax Year (2014 in New Orleans), which amount is adjusted annually. Secondly, the owner must meet any of the following criteria:

- Age 65 or older, or their surviving spouse who is at least age 55 or has minor children.
- Have a service-connected disability rating of 50% or more, or their surviving spouse who is at least age 45 or who has minor children.
- The spouse of a member of the armed forces killed or missing in action, or who was a prisoner of war.
- Permanently totally disabled as determined by court judgment or other certification.

Once a property receives the special assessment level, for all years thereafter, the owner must annually recertify the amount of their income to the parish assessor. However, owners 65 years of age and older and their surviving spouses are specifically exempted from this recertification requirement.

This proposed constitutional amendment eliminates the required annual recertification of income for those owners who are permanently totally disabled.

Effective January 1, 2015.

(Amends Article VII, Section 18(G)(1)(a)(iv))

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CA No. # 10 - Redemption Period for Certain Property Sold at Tax Sale

Act No. 436, House Bill 256, 2013 Regular Session



Do you support an amendment providing for an eighteen-month redemption period in any parish other than Orleans, for vacant property sold at tax sale which is blighted or abandoned?

The present constitution provides that property sold at a tax sale is redeemable by the owner for three years after the sale by paying the price given, plus costs, a 5% penalty, and interest at 1% per month until redemption. Additionally, in the city of New Orleans only, the redemption period for abandoned or blighted property is 18 months (as opposed to three years for all other property) after the sale.

This proposed constitutional amendment does not change the present constitution, but adds a new provision applicable in all parishes other than Orleans. It would provide for an 18-month (as opposed to three-year) redemption period for vacant residential or commercial property which is blighted or abandoned, as such terms are defined in law.

Effective January 1, 2015.

(Adds Article VII, Section 25(B)(3))

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CA No. # 11 - Maximum Number of Executive Branch Departments Increase

Act No. 874, House Bill No. 341, 2014 Regular Session



Do you support an amendment to change the maximum number of departments in the executive branch of state government from twenty to twenty-one?

The present constitution, in Article IV, Section 1(B), limits the number of departments in the executive branch of state government to a maximum of 20 departments. It requires that, except for the offices of governor and lieutenant governor, all offices, agencies, and other instrumentalities of the executive branch and their functions, powers, duties, and responsibilities must be allocated according to function within not more than 20 departments. The constitution in Article IV, Section 1(C) (not amended by Act No. 874) provides that "reallocation of the functions, powers, and duties of all departments, offices, agencies, and other instrumentalities of the executive branch, except those functions, powers, duties, and responsibilities allocated by this constitution, shall be as provided by law."

There are currently 20 executive branch departments provided by law. However, Act No. 384 of the 2013 Regular Session created an additional department, the Department of Elderly Affairs. Because of the constitutional limit of 20 departments, Act No. 384 specified that provisions for the Department of Elderly Affairs would become effective when an existing executive branch department is abolished or the constitution is amended to permit an additional department. The proposed constitutional amendment contained in Act No. 874 changes the maximum number of executive branch departments from 20 to 21.

This proposed constitutional amendment also provides that no department in the executive branch may be created that has the powers, duties, and functions to perform or administer programs or services historically performed or administered by any other agency, office, or department of the state.

Act No. 874 also includes a provision, not part of the constitution, that "the department created by the amendment shall be able to use federal funding under Title 19." The reference is presumably to Title XIX of the federal Social Security Act, which provides for Medicaid. The Act also provides that the proposed constitutional amendment does not become effective until funding is provided by the legislature, but no sooner than June 12, 2015.

(Amends Article IV, Section 1(B))

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CA No. # 12 - Wildlife and Fisheries Commission Membership

[Act No. 437](#), House Bill No. 426, 2013 Regular Session



Do you support an amendment to require that two members of the Wildlife and Fisheries Commission be electors from parishes located north of the parishes of Beauregard, Allen, Evangeline, Avoyelles, and Pointe Coupee?

The Wildlife and Fisheries Commission is established in the constitution. The commission is composed of seven members appointed by the governor. Six members serve single six-year overlapping terms; the seventh member serves a term concurrent with the governor. Three members are to be electors of the coastal parishes and represent the commercial fishing and fur industries. The remaining four members are to be electors from the state at large.

The proposed constitutional amendment would retain the existence of the Wildlife and Fisheries Commission, the appointing authority of the governor, the single six-year term of office, and the requirement that three members are to be electors of the coastal parishes and represent the commercial fishing and fur industries. The proposed constitutional amendment would require that two of the four at-large members be electors of parishes located north of a line created by the northern boundary of the parishes of Beauregard, Allen, Evangeline, Avoyelles, and Pointe Coupee.

(Amends Article IX, Section 7(A))

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CA No. # 13 - Sale of Property in the Lower Ninth Ward of New Orleans

Act No. 872, House Bill No. 489, 2014 Regular Session



Do you support an amendment to authorize the governing authority of the city of New Orleans to sell at a price fixed by the legislature property located in the Lower Ninth Ward of the city of New Orleans?

The present constitution prohibits the loan, pledge, or donation of funds, credit, property, or things of value of the state or a political subdivision except as specifically provided in the constitution, which exceptions are listed in CA No. 4, above and specifically include an exception for the donation of abandoned or blighted housing property by a local government to a nonprofit organization that agrees to renovate and maintain such property until it disposes of the property.

The proposed constitutional amendment authorizes, as another exception, the governing authority of the city of New Orleans to sell, at a price that may be set by the legislature, property located in the Lower Ninth Ward of the city of New Orleans to qualified purchasers as provided by law.

(Amends Article VII, Section (14)(B))

CA No. # 14 - Tax Rebates, Incentives, and Abatements in Regular Sessions in Even-Numbered Years

Act No. 435, House Bill No. 131, 2013 Regular Session



Do you support an amendment to provide that legislation relative to tax rebates, tax incentives, and tax abatements may not be introduced or considered by the legislature in a regular session held in an even-numbered year?

The present constitution prohibits the introduction or enactment during a regular session held in an even-numbered year of any measure levying or authorizing a new tax or increasing an existing tax by the state or by any statewide political subdivision, or legislating with regard to tax exemptions, exclusions, deductions, or credits.

Subject to certain limited exceptions, the present constitution provides that during a regular session held in an odd-numbered year, no matter shall be introduced or considered unless its object is to enact the General Appropriation Bill or the comprehensive capital budget, make an appropriation, levy or authorize a new tax, increase an existing tax, levy, authorize, increase, decrease, or repeal a fee, dedicate revenue, legislate with regard to tax exemptions, exclusions, deductions, reductions, repeals, or credits, or legislate with regard to the issuance of bonds.

The proposed constitutional amendment would add tax rebates, incentives, and abatements to the list of measures for which introduction and enactment are prohibited during a regular session held in an even-numbered year and to the list of measures for which introduction and consideration are specifically authorized during a regular session held in an odd-numbered year.

(Amends Article III, Section 2(A)(3)(b) and (4)(b)(introductory paragraph))