

STATEMENT OF PROPOSED CONSTITUTIONAL AMENDMENTS
November 6, 2018

In compliance with R.S. 18:431 and R.S. 18:552, a statement of the Proposed Constitutional Amendments in the order in which they will appear on the ballot for the November 6, 2018 election is provided as follows:

1. “Do you support an amendment to prohibit a convicted felon from seeking or holding public office or appointment within five years of completion of his sentence unless he is pardoned?”

Act 719 (2018 Regular Session) adds Article I, Section 10.1.

Proposed Constitutional Amendment provides that the following persons shall not be permitted to qualify as a candidate for elective public office or hold elective public office or appointment of honor, trust, or profit in this State: 1) a person who is actually under an order of imprisonment for conviction of a felony; or 2) a person who has been convicted within Louisiana of a felony and who has exhausted all legal remedies, or who has been convicted under the laws of any other state or of the United States or of any foreign government or country of a crime which, if committed in Louisiana, would be a felony and who has exhausted all legal remedies and has not been pardoned either by the governor of Louisiana or by the officer of the state, nation, government, or country having such authority to pardon in the place where the person was convicted and sentenced.

Proposed Constitutional Amendment provides an exception and shall not prohibit a person convicted of a felony from qualifying as a candidate for elective public office or holding such elective public office or appointment of honor, trust, or profit if more than five years have elapsed since the completion of his original sentence for the conviction.

Proposed Constitutional Amendment relating to felony convictions shall not prohibit a person from being employed by the state or a political subdivision.

2. “Do you support an amendment to require a unanimous jury verdict in all noncapital felony cases for offenses that are committed on or after January 1, 2019?”

Act 722 (2018 Regular Session) amends Article I, Section 17(A).

Present Constitution provides that a noncapital criminal case for an offense in which the punishment is necessarily confinement at hard labor shall be tried before a jury of twelve persons, ten of whom must concur to render a verdict.

Proposed Constitutional Amendment provides that a noncapital criminal case for an offense committed prior to January 1, 2019 in which the punishment is necessarily confinement at hard labor shall be tried before a jury of twelve persons, ten of whom must concur to render a verdict.

Proposed Constitutional Amendment provides that a noncapital criminal case for an offense committed on or after January 1, 2019, in which the punishment is necessarily confinement at hard labor shall be tried before a jury of twelve persons, all of whom must concur to render a verdict.

3. “Do you support an amendment to permit, pursuant to written agreement, the donation of the use of public equipment and personnel by a political subdivision upon request to another political subdivision for an activity or function which the requesting political subdivision is authorized to exercise?”

Act 717 (2018 Regular Session) amends Article VII, Section 14(B).

Present Constitution prohibits the funds, credit, property, or things of value of the state or of any political subdivision from being loaned, pledged, or donated, except as otherwise provided by this constitution.

Proposed Constitutional Amendment retains present constitution and adds an exception that allows, pursuant to a written agreement, the donation of the use of public equipment and personnel by a political subdivision upon request to another political subdivision for an activity or function the requesting political subdivision is authorized to exercise.

4. “Do you support an amendment to remove authority to appropriate or dedicate monies in the Transportation Trust Fund to state police for traffic control purposes?”

Act 720 (2018 Regular Session) amends Article VII, Section 27(B)(1).

Present Constitution provides that monies in the Transportation Trust Fund shall be appropriated or dedicated solely and exclusively for the costs for and associated with construction and maintenance of the roads and bridges of the state and federal highway systems, the Statewide Flood-Control Program or its successor, ports, airports, transit, state police for traffic control purposes, and the Parish Transportation Fund or its successor and for the payment of all principal, interest, premium, if any, and other obligations incident to the issuance, security, and payment in respect of bonds or other obligations payable from the trust fund.

Proposed Constitutional Amendment removes the authority to appropriate or dedicate monies in the Transportation Trust Fund to the state police for traffic control purposes.

5. “Do you support an amendment to extend eligibility for the following special property tax treatments to property in trust: the special assessment level for property tax valuation, the property tax exemption for property of a disabled veteran, and the property tax exemption for the surviving spouse of a person who died while performing their duties as a first responder, active duty member of the military, or law enforcement or fire protection officer?”

Act 721 (2018 Regular Session) adds Article VII, Sections 18(G)(6), 21(K)(4) and (M)(4).

Present Constitution provides the assessment of residential property receiving the homestead exemption which is owned and occupied by any of the following, if the owner has an adjusted gross annual income that does not exceed the income threshold, shall not be increased above the total assessment of that property for the first year that the owner qualifies for and receives the special assessment level, provided that such person or persons remain qualified for and receive the special assessment level: 1) people who are sixty-five years of age or older; 2) people who have a service-connected disability rating of fifty percent or more by the United States Department of Veterans Affairs; 3) members of the armed forces of the United States or the Louisiana National Guard who owned and last occupied such property who are killed in action, or who are missing in action or are a prisoner of war for a period exceeding ninety days; or 4) any person or persons permanently totally disabled as determined by a final non-appealable judgment of a court or as certified by a state or federal administrative agency charged with the responsibility for making determinations regarding disability.

Proposed Constitutional Amendment retains present constitution and provides that a trust shall be eligible for the special assessment level if the trust would have been eligible for the special assessment level prior to the most recent reappraisal, the total assessment of the property held in trust shall be the assessed value on the last appraisal before the reappraisal.

Present Constitution provides an additional exemption from ad valorem taxation of seven thousand five hundred dollars of the assessed valuation of property receiving the homestead exemption that is owned and occupied by a veteran with a service-connected disability rating of one hundred percent unemployability or totally disabled by the United States Department of Veterans Affairs or the surviving spouse of the veteran.

Proposed Constitutional Amendment retains present constitution and provides an additional exemption for a trust.

Present Constitution provides that for ad valorem taxes due in 2017 and thereafter, an unmarried surviving spouse of a person who died while on active duty as a member of the armed forces of the United States or the Louisiana National Guard, or while performing their duties as a state police officer, or a law enforcement or fire protection officer who qualified for the salary supplement authorized by Article VII, Section 10(D)(3)

of this constitution is entitled to an exemption from ad valorem tax for the total assessed value of their homestead.

Proposed Constitutional Amendment retains present constitution and provides an additional exemption for a trust.

6. “Do you support an amendment that will require that any reappraisal of the value of residential property by more than 50%, resulting in a corresponding increase in property taxes, be phased-in over the course of four years during which time no additional reappraisal can occur and that the decrease in the total ad valorem tax collected as a result of the phase-in of assessed valuation be absorbed by the taxing authority and not allocated to the other taxpayers?”

Act 718 (2018 Regular Session) amends Article VII, Section 18(A) and (F).

Present Constitution provides that property subject to ad valorem taxation shall be listed on the assessment rolls at its assessed valuation which shall be a percentage of its fair market value and all property subject to taxation shall be reappraised and valued at intervals of not more than four years.

Proposed Constitutional Amendment retains present constitution and provides for the phase-in of additional tax liability in the year of implementation of a reappraisal resulting from the increase in the property’s assessed value over a four-year period, if the assessed value of the immovable property increases by an amount which is greater than fifty percent of the property’s assessed value in the previous year as follows:

a) For the first levy following reappraisal, the collector shall use the property’s assessed value from the previous year, which is called the base amount, and shall increase the portion of the assessed value of the property used to calculate ad valorem taxes by adding an amount which is equal to one-fourth of the amount of the increase in the assessed value as a result of the reappraisal to the base amount, and the resulting amount shall be the property’s taxable value and shall be used solely for purposes of calculating ad valorem taxes for that taxable year.

b) For the second levy following reappraisal, the collector shall increase the portion of the assessed value of the property used to calculate ad valorem taxes by adding an amount which is equal to one-half of the amount of the increase in the assessed value as a result of the reappraisal to the base amount, and the resulting amount shall be the property’s taxable value and shall be used solely for purposes of calculating ad valorem taxes for that taxable year.

c) For the third levy following reappraisal, the collector shall increase the portion of the assessed value of the property used to calculate ad valorem taxes by adding an amount which is equal to three-quarters of the amount of the increase in the assessed value as a result of the reappraisal to the base amount, and the resulting amount shall be the

property's taxable value and shall be used solely for purposes of calculating ad valorem taxes for that taxable year.

d) For the fourth levy following reappraisal, the collector shall calculate ad valorem taxes based on the property's full assessed value.

Proposed Constitutional Amendment provides that the phase-in of additional ad valorem tax liability following reappraisal shall cease to apply on the transfer or conveyance of ownership of the property, and the collector shall calculate ad valorem taxes based on the property's full assessed value after the transfer or conveyance.

Proposed Constitutional Amendment provides that property subject to the four-year phase-in of additional ad valorem taxes shall not be subject to reappraisal by an assessor until after the four-year phase-in of the amount of the increase in the property's assessed value is complete.

Proposed Constitutional Amendment provides that notwithstanding any provision of this constitution to the contrary, the increase in assessed valuation of property phased-in shall be included as taxable property for purposes of subsequent reappraisals and valuation for millage adjustment purposes under Article VII, Section 23(B) of this constitution, and the decrease in the total amount of ad valorem tax collected by a taxing authority as a result of the phase-in of the assessed valuation shall be absorbed by the taxing authority and shall not create any additional tax liability for other taxpayers in the taxing district as a result of any subsequent reappraisal and valuation or millage adjustment.

Proposed Constitutional Amendment further provides that the implementation of the phase-in of increase in assessed valuation shall neither trigger nor be cause for a reappraisal of property or an adjustment of millages pursuant to Article VII, Section 23(B) of this constitution.

Proposed Constitutional Amendment shall not apply to the extent the increase was attributable to construction on or improvements to the property.