

**STATEMENT OF PROPOSED CONSTITUTIONAL AMENDMENTS**  
**November 4, 2014**

In compliance with R.S. 18:431, R.S. 18:552, R.S. 18:553 and R.S. 18:1306, a statement of the Proposed Constitutional Amendments in the order in which they will appear on the ballot for the November 4, 2014 election is provided as follows:

- 1. 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?**

Act 439 (2013 Regular Session) adds Article VII, Section 10.14

Proposed Constitutional Amendment establishes the Louisiana Medical Assistance Trust Fund as a constitutional fund for the payment of Medicaid reimbursements to health care provider groups paying fees into the fund and requires the proceeds from the fees collected as provided by present law to be deposited into the fund.

Proposed Constitutional Amendment authorizes a separate account to be established within the fund for each health care provider group from which fees are collected according to law and for the fees and interest to be deposited into the account created for that provider group. Further provides the monies deposited into the fund from sources not required by law and interest on those monies shall be deposited into the general account within the fund.

Proposed Constitutional Amendment authorizes the legislature to appropriate monies from the fund only if the appropriation is eligible for federal financial participation. Further provides that monies in the general account may be appropriated for any Medicaid Program expenditure and the balance of each account shall be appropriated to reimburse services to the provider group which paid the fee into the account in any fiscal year.

Proposed Constitutional Amendment provides that monies appropriated from the provider accounts in the fund cannot be used to displace, replace or supplant appropriations from the state general fund for the Medicaid Program below the amount of state general fund appropriations to the Medicaid Program for Fiscal Year 2013-2014.

Proposed Constitutional Amendment requires the legislature to annually appropriate the funds necessary to provide for Medicaid Program rates for each provider group which pays fees into the fund that are no less than the average Medicaid Program rates established for Fiscal Year 2013-2014 and which may be adjusted annually.

Proposed Constitutional Amendment prohibits the governor or the legislature from reducing the base rate to satisfy a budget deficit, except the governor may reduce the appropriation for the base rate if the reduction does not exceed the average reduction of those made to the appropriations and reimbursement for other providers under the

Medicaid Program or its successor and with the written consent of 2/3 of the elected members of the legislature, if the legislature is in session, or the approval of 2/3 of the members of the Joint Legislative Committee on the Budget or its successor, if the legislature is not in session.

**2. 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?**

Act 438 (2013 Regular Session) adds Article VII, Section 10.13

Proposed Constitutional Amendment provides that the legislature, by concurrent resolution, may annually adopt a Hospital Stabilization Formula to enhance the economic viability of Louisiana hospitals and reduce shifting the cost of caring for Louisiana's needy residents to the state's insured residents. Further provides that the first formula, adopted by the favorable vote of 2/3 of the elected members of the legislature, shall define and establish the base reimbursement level under the Medicaid Program to hospitals for inpatient and outpatient services for Fiscal Year 2012-2013.

Proposed Constitutional Amendment provides that each formula shall include and establish assessments to be paid by the hospitals, reimbursement enhancements under the Medicaid Program or its successor, and any additional provisions necessary to implement the formula. Further provides that assessments or reimbursement enhancements established in the formula adopted by the legislature shall not be implemented until approved by the federal authority that administers the Medicaid Program.

Proposed Constitutional Amendment requires the legislature to annually appropriate an amount necessary to fund the base reimbursement level for hospitals established in the most recent formula adopted by the legislature and to annually appropriate the balance of the Hospital Stabilization Fund solely to fund the reimbursement enhancements as provided in the most recent formula adopted by the legislature.

Proposed Constitutional Amendment prohibits the governor or the legislature from reducing the appropriation funding the base reimbursement level or the reimbursement enhancements to satisfy a budget deficit, except the governor may reduce the appropriation to the base reimbursement level if the reduction does not exceed the average reduction of those made to the appropriations and reimbursement for other providers under the Medicaid Program or its successor and with the written consent of 2/3 of the elected members of the legislature, if the legislature is in session, or the approval of 2/3 of the members of the Joint Legislative Committee on the Budget or its successor, if the legislature is not in session.

Proposed Constitutional Amendment creates the Hospital Stabilization Fund and requires the treasurer to deposit all proceeds from the assessment collected pursuant to

the Hospital Stabilization Formula into the fund. Further provides that appropriations from the fund shall be restricted to funding the reimbursement enhancements in the Hospital Stabilization Formula adopted by the legislature for the fiscal year in which the assessment is collected.

**3. 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?**

Act 871 (2014 Regular Session) amends Article VII, Section 25(A)(1) and (E)

Present Constitution provides that there shall be no forfeiture of property for nonpayment of taxes and at the expiration of the year in which the taxes are due authorizes the tax collector to give notice to the delinquent taxpayer, advertise the property for sale, sell the portion of the property which the debtor points out and if the debtor does not point out sufficient property, sell the least quantity of property which any bidder will buy for the amount of the taxes, interest and costs.

Proposed Constitutional Amendment allows an authorized agent of the tax collector to sell the property of the delinquent taxpayer and to collect a fee to be included in the costs, not to exceed the maximum amount set forth in applicable state law, charged on the date of the delinquency. Further provides that the tax collector is not relieved of its duties and responsibilities under law to the delinquent taxpayer if an authorized agent is used.

Present Constitution requires the tax collector to seize and sell at public auction sufficient movable property of the delinquent taxpayer to pay the tax, whether or not the property seized is the property which was assessed.

Proposed Constitutional Amendment allows an authorized agent of the tax collector in accordance with law to seize and sell at public auction sufficient movable property of the delinquent taxpayer to pay the tax and costs, which include the fee of the authorized agent, not to exceed the maximum amount set forth in applicable state law, charged on the date of the delinquency. Further provides that the tax collector is not relieved of its duties and responsibilities under law to the delinquent taxpayer if an authorized agent is used.

**4. 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?**

Act 873 (2014 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 the present constitution and provides certain authorized uses of public funds.

Proposed Constitutional Amendment retains present constitution and authorizes 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.

**5. 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?**

Act 875 (2014 Regular Session) amends Article V, Section 23

Present Constitution provides for a mandatory retirement age of seventy for a judge, except that a judge who turns seventy while serving a term of office may complete that term of office.

Proposed Constitutional Amendment removes the mandatory retirement age of a judge.

**6. 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?**

Act 870 (2014 Regular Session) amends Article VI, Section 26(E)

Present Constitution allows the governing authority of Orleans Parish to levy an additional ad valorem tax for fire protection not to exceed five mills, and an additional ad valorem tax for police protection not to exceed five mills. Further provides that the millage rates for such additional ad valorem taxes may not be increased.

Proposed Constitutional Amendment increases the additional ad valorem tax for fire and police protection to an amount not to exceed ten mills each, deletes the provision that the millage rates for such additional ad valorem taxes may not be increased, and provides that the revenues generated by the fire and police millages shall be used solely for fire and police protection services that directly contribute to the safety of the residents of Orleans Parish.

Proposed Constitutional Amendment provides that any additional ad valorem tax authorized by this amendment to the constitution as approved by the voters in 2014 shall be levied only if approved by a majority of the electors of Orleans Parish who vote on a proposition authorizing the additional tax at an election held for that purpose.

**7. 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?**

Act 433 (2013 Regular Session) amends Article VII, Section 21(K)(1) and (3)

Present Constitution provides an additional \$7,500 homestead exemption on property owned and occupied by a veteran with a service-connected disability rating of 100% by the United States Department of Veterans Affairs or the surviving spouse of the veteran if the surviving spouse occupies and remains the owner of the property.

Proposed Constitutional Amendment provides an additional \$7,500 homestead exemption on property owned and occupied by a veteran with a service-connected disability rating of 100% unemployability or totally disabled by the United States Department of Veterans Affairs or the surviving spouse of the veteran if the surviving spouse occupies and remains the owner of the property on and after January 1, 2015.

Present Constitution requires a parishwide election to implement the exemption provided in the present constitution.

Proposed Constitutional Amendment provides that an additional election will not be required to implement the exemption as amended by the statewide electors on November 4, 2014, if the electors approved the exemption in the present constitution prior to November 4, 2014.

**8. 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?**

Act 434 (2013 Regular Session) adds Article VII, Section 10.11

Proposed Constitutional Amendment creates the Artificial Reef Development Fund and allows the secretary of the Department of Wildlife and Fisheries to accept and receive grants, donations of monies, and other forms of assistance from private and public sources provided to the state for managing an artificial reef system. Further provides that monies in the fund shall be allocated solely for programs and purposes of siting, designing, constructing, permitting, monitoring and managing an artificial reef system;

salaries of personnel assigned to the Artificial Reef Development Program and for related operating expenses; provide funding in association with the wild seafood certification program; and provide funding for inshore fisheries habitat enhancement projects.

Proposed Constitutional Amendment provides that all expended and unencumbered monies in the Artificial Reef Development Fund at the end of the fiscal year shall remain in the fund.

**9. 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?**

Act 432 (2013 Regular Session) amends Article VII, Section 18(G)(1)(a)(iv)

Present Constitution prevents residential property taxes from increasing for certain owners who claim a homestead exemption on residential property. An owner qualifies for and receives the special assessment level if the owner has an adjusted gross annual income that does not exceed the income threshold and (1) is sixty-five years of age or older; (2) has a 50% or more service-connected disability rating by the United States Department of Veterans Affairs; (3) the person who owned and last occupied the property is a member of the United States armed forces or the Louisiana National Guard and is either killed in action, missing in action, or a prisoner of war for more than ninety days; or (4) is permanently totally disabled as determined by a judgment of court or as certified by a state or federal agency.

Present Constitution requires an owner who is below the age of sixty-five and who has applied for and received the special assessment level on property subject to ad valorem taxation to annually certify to the parish assessor that his or her adjusted gross income in the prior tax year satisfied the income requirement of this section of the constitution.

Present Constitution excludes an owner from the annual income certification requirement who has qualified for and received the special assessment level and who is sixty-five years of age or older or such owner's surviving spouse who is fifty-five years of age or older or who has minor children and remains the owner of the property.

Proposed Constitutional Amendment requires an owner who is not permanently totally disabled and who has applied for and received the special assessment level on property subject to ad valorem taxation to annually certify to the parish assessor that his or her adjusted gross income in the prior tax year satisfied the income requirement of this section of the constitution.

Proposed Constitutional Amendment also excludes an owner from the annual income certification requirement who has qualified for and received the special assessment level and who is permanently totally disabled.

**10. 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?**

Act 436 (2013 Regular Session) adds Article VII, Section 25(B)(3)

Present Constitution provides for a three-year redemption period after the date of recordation of the tax sale for property sold at a tax sale. Further provides for an eighteen-month redemption period after the date of recordation of the tax sale in the city of New Orleans for residential or commercial property sold at a tax sale which is abandoned or blighted.

Proposed Constitutional Amendment provides for an eighteen-month redemption period after the date of recordation of the tax sale for vacant residential or commercial property sold at a tax sale which has been declared blighted or abandoned on January 1, 2013 in any parish other than Orleans Parish.

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

Act 874 (2014 Regular Session) amends Article IV, Section 1(B)

Present Constitution provides that except for the offices of governor and lieutenant governor, the executive branch and their functions, powers, duties and responsibilities shall be allocated according to function within no more than twenty departments.

Proposed Constitutional Amendment increases the maximum number of departments in the executive branch to twenty-one, except that no department may be created that has the powers, duties and functions to perform or administer programs or services which are historically performed or administered by any other agency, office or department of the state.

**12. 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?**

Act 437 (2013 Regular Session) amends Article IX, Section 7(A)

Present Constitution provides for the membership of the Louisiana Wildlife and Fisheries Commission, with three members who are electors of the coastal parishes and representatives of the commercial fishing and fur industries, and four members who are electors from the state at large other than representatives of the commercial fishing and fur industries, for a total of seven members.

Proposed Constitutional Amendment retains the total number of seven members and changes the membership of electors from the state at large other than representatives of the commercial fishing and fur industries from four to two, and provides for two members who are electors appointed at large from the parishes north of Beauregard, Allen, Evangeline, Avoyelles, and Pointe Coupee parishes.

**13. 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?**

Act 872 (2014 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 the present constitution and provides certain authorized uses of public funds.

Proposed Constitutional Amendment retains present constitution and authorizes the sale of property located in the Lower Ninth Ward of the city of New Orleans by the governing authority of the city of New Orleans to qualified purchasers as provided by law at a price set by the legislature.

**14. 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?**

Act 435 (2013 Regular Session) amends Article III, Section 2(A)(3)(b) and (4)(b)(introductory paragraph)

Present Constitution provides that no 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 shall be introduced or enacted during a regular session held in an even-numbered year.

Proposed Constitutional Amendment retains present constitution and also provides that no legislation with regard to tax rebates, incentives or abatements shall be introduced or enacted during a regular session held in an even-numbered year.

Present Constitution provides that during a session convening in an odd-numbered year, no matter intended to have the effect of law, including any suspension of law, shall be introduced or considered unless its object is to enact the General Appropriation Bill; enact 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.

Proposed Constitutional Amendment retains present constitution and also requires that legislation with regard to tax rebates, incentives or abatements be introduced or considered during a session convening in an odd-numbered year.