

STATEMENT OF PROPOSED CONSTITUTIONAL AMENDMENTS
November 3, 2020

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 3, 2020 election is provided as follows:

1. Do you support an amendment declaring that, to protect human life, a right to abortion and the funding of abortion shall not be found in the Louisiana Constitution? (Adds Article I, Section 20.1)

Act 447 (2019 Regular Session).

Proposed Constitutional Amendment provides that in order to protect human life, nothing in the present constitution shall be construed to secure or protect a right to abortion or require the funding of abortion.

2. Do you support an amendment to permit the presence or production of oil or gas to be included in the methodology used to determine the fair market value of an oil or gas well for the purpose of property assessment? (Amends Article VII, Section 4(B))

Act 368 (2020 Regular Session).

Present Constitution provides that taxes may be levied on natural resources severed from the soil or water to be paid proportionally by the owners at the time of severance.

Present Constitution provides that natural resources may be classified for the purpose of taxation and may be predicated upon either the quantity or value of the products at the time and place of severance. Further provides that no further or additional tax or license shall be levied or imposed on oil, gas or sulphur leases or rights and no additional value shall be added to the assessment of land due to the presence of oil, gas or sulphur or their production therefrom.

Proposed Constitutional Amendment retains the present constitution and provides that the presence of oil or gas or the production thereof may be included in the methodology to determine the fair market value of an oil or gas well for ad valorem taxes.

3. Do you support an amendment to allow for the use of the Budget Stabilization Fund, also known as the Rainy Day Fund, for state costs associated with a disaster

declared by the federal government? (Amends Article VII, Section 10.3 (C)(3) and (4); Adds Article VII, Section 10.3(A)(5) and (C)(5)).

Act 367 (2020 Regular Session).

Present Constitution establishes in the state treasury a Budget Stabilization Fund and provides for the deposit of money in the fund.

Proposed Constitutional Amendment provides for the deposit in the fund of an amount equivalent to the money received by the state from the federal government for reimbursement of costs associated with a federally declared disaster in an amount not to exceed the amount of costs appropriated out of the fund for the same disaster up to 1/3 of the fund, not to exceed the state costs associated with the disaster, after obtaining the consent of 2/3 of the elected members of each house of the legislature.

Present Constitution provides that money in the fund shall not be available for appropriation or use except under the following conditions and with the consent of 2/3 of the elected members of each house of the legislature:

(1) If the official forecast of recurring money for the next fiscal year is less than the official forecast of recurring money for the current fiscal year, the difference not to exceed 1/3 of the fund shall be incorporated into the next year's official forecast.

(2) If a deficit for the current fiscal year is projected due to a decrease in the official forecast, an amount equal to 1/3 of the fund not to exceed the projected deficit may be appropriated.

(3) In no event shall the amount included in the official forecast for the next fiscal year plus the amount appropriated in the current fiscal year exceed 1/3 of the fund balance at the beginning of the current fiscal year.

(4) No appropriation or deposit to the fund shall be made if such appropriation or deposit would cause the balance in the fund to exceed 4% of total revenue receipts for the previous fiscal year.

Proposed Constitutional Amendment provides that money in the fund up to 1/3 of the fund and not to exceed the state costs associated with the disaster after consent of 2/3 of the elected members of each house of the legislature may be appropriated. Also provides that the appropriation may be made between sessions of the legislature only with written consent of 2/3 of the elected members of each house of the legislature.

Proposed Constitutional Amendment retains present constitution and provides that in no event shall the amount included in the official forecast of the next fiscal year, plus the amount appropriated in the current fiscal year plus the amount appropriated as a result of a federally declared disaster shall exceed 1/3 of the fund balance at the beginning of the current fiscal year.

4. Do you support an amendment to limit the growth of the expenditure limit for the state general fund and dedicated funds and to remove the calculation of its growth factor from the Constitution? (Effective June 30, 2022) (Amends Article VII, Section 10(C)(1))

Act 366 (2020 Regular Session).

Present Constitution provides that the legislature shall provide for the determination of an expenditure limit for each fiscal year to be established during the first quarter of the calendar year for the next fiscal year.

Present Constitution provides that the expenditure limit for subsequent fiscal years after the 1991-1992 Fiscal Year shall not exceed the expenditure limit for the current fiscal year plus an amount equal to that limit times a positive growth factor.

Present Constitution provides that the growth factor is the annual percentage rate of change of personal income for Louisiana as defined and reported by the United States Department of Commerce for the three calendar years prior to the fiscal year for which the limit is calculated.

Proposed Constitutional Amendment provides that the expenditure limit for subsequent fiscal years after the 1991-1992 Fiscal Year shall be as provided for by law.

Proposed Constitutional Amendment provides that the legislature shall establish by law a procedure to determine the expenditure limit which shall not provide for growth in the expenditure limit of more than 5% in any year. Further provides that once the procedure is established by law, it shall not be changed except by a law enacted by 2/3 of the elected members of each house of the legislature.

5. Do you support an amendment to authorize local governments to enter into cooperative endeavor ad valorem tax exemption agreements with new or expanding manufacturing establishments for payments in lieu of taxes? (Adds Article VII, Section 21(O))

Act 370 (2020 Regular Session).

Proposed Constitutional Amendment adds an exemption from ad valorem taxation for property that is subject to a cooperative endeavor agreement between the owner and one or more taxing authorities which requires the property owner to make payments in lieu of taxes. Further provides that property eligible for the exemption shall be limited to a new manufacturing establishment or an addition to an existing manufacturing establishment.

Proposed Constitutional Amendment provides the exemption shall be to the extent agreed to and provided for in the cooperative endeavor agreement and requires the

property exempted to be listed on the assessment rolls and submitted to the Louisiana Tax Commission.

Proposed Constitutional Amendment provides that enactment of any law to implement the provisions relating to the exemption and any amendment to that law shall require a 2/3 vote of the elected members of each house of the legislature.

6. Do you support an amendment to increase the maximum amount of income a person may receive and still qualify for the special assessment level for residential property receiving the homestead exemption? (Amends Article VII, Section 18(G)(1)(a)(ii))

Act 369 (2020 Regular Session).

Present Constitution provides a special assessment level of residential property receiving the homestead exemption which is owned and occupied by the following person or persons who remain qualified for the special assessment level: 1) people who are 65 years of age or older; 2) people who have a service-connected disability rating of 50% 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 90 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.

Present Constitution provides that a person shall be prohibited from receiving the special assessment if the person's adjusted gross income as reported in the federal tax return for the year prior to the application for special assessment exceeds \$50,000. Provides that the adjusted gross income shall be determined by combining the adjusted gross income on both federal tax returns for persons applying for the special assessment whose filing status is married filing separately. Further provides that for each tax year beginning in 2001 and thereafter, the \$50,000 limit shall be adjusted annually by the Consumer Price Index.

Proposed Constitutional Amendment changes the income threshold from \$50,000 with annual adjustments by the Consumer Price Index to qualify for the special assessment to \$100,000 with annual adjustments by the Consumer Price Index beginning in tax year 2026.

7. Do you support an amendment to create the Louisiana Unclaimed Property Permanent Trust Fund to preserve the money that remains unclaimed by its owner or owners? (July 1, 2021) (Adds Article VII, Sections 10(F)(4)(i) and 28)

Act 38 (2020 First Extraordinary Session).

Proposed Constitutional Amendment creates the Louisiana Unclaimed Property Permanent Trust Fund, effective July 1, 2021, in the state treasury as a special permanent trust fund referred to as the “UCP Permanent Trust Fund” and provides that no appropriation shall be made from the fund.

Proposed Constitutional Amendment provides that the purpose of the fund is to ensure a source of payment for claims made by owners of unclaimed property. Further provides that the treasurer shall annually deposit in and credit to the UCP Permanent Trust Fund the net amount of all monies received as a result of the Uniform Unclaimed Property Act of 1997 or its successor after allocation of money to the Bond Security and Redemption Fund, after the payment of all administrative fees, costs, and expenses as provided by law, and after the deposit of monies into the Unclaimed Property Leverage Fund.

Proposed Constitutional Amendment provides that realized capital gains, dividend income, and interest income earned on the investments in the UCP Permanent Trust Fund, net of trust fund investment and administrative expenses, shall be deposited into the State General Fund.

Proposed Constitutional Amendment provides that all monies shall be credited to the fund until the balance in the UCP Permanent Trust Fund equals the amount of the state’s potential liability to unclaimed property claimants as reported by the state treasurer in the previous fiscal year and all money received above the state’s potential liability to unclaimed property claimants as reported by the state treasurer shall be deposited into the State General Fund.

Proposed Constitutional Amendment provides that the money credited to the UCP Permanent Trust Fund shall be permanently credited to the fund and shall be invested by the treasurer. Further provides that a portion of the money in the UCP Permanent Trust Fund, not to exceed 50% of the money in the fund may be invested in equities and requires the legislature to establish by law procedures for the investment of such monies. Further provides that the treasurer may contract, with the approval of the State Bond Commission, for the management of such investments and investment earnings shall be available for appropriation to pay expenses incurred in the investment and management of the UCP Permanent Trust Fund.

Proposed Constitutional Amendment requires the state treasurer to submit a report to the legislature and the governor not less than 60 days prior to the beginning of each regular session of the legislature that includes the balance of the UCP Permanent Trust Fund as of the close of the prior fiscal year and the state’s potential liability to unclaimed property claimants as of the close of the prior fiscal year.

Proposed Constitutional Amendment also requires the state treasurer to submit a report to the legislature and the governor not less than 60 days prior to the beginning of the 2022 Regular Session of the legislature that includes the balance of the UCP

Permanent Trust Fund as of January 1, 2022 and the state's potential liability to unclaimed property claimants as of the close of the prior fiscal year.

Proposed Constitutional Amendment provides that if unclaimed property claims exceed receipts, the state treasurer shall certify the amount needed to pay received claims and shall allocate sufficient funds from the UCP Permanent Trust Fund to pay that amount and shall also immediately notify the legislature and the governor of the amount transferred from the UCP Permanent Trust Fund and amount remaining in the UCP Permanent Trust Fund.

Proposed Constitutional Amendment provides that property received in the state pursuant to the Uniform Unclaimed Property Act of 1997 or its successor and deposited into the UCP Permanent Trust Fund is private property that is held in trust until a claim is made for it by the owner.

Proposed Constitutional Amendment provides that the provisions of this amendment shall become effective on July 1, 2021.