

# STATEMENT OF PROPOSED CONSTITUTIONAL AMENDMENTS

## December 7, 2024

In compliance with R.S. 18:431 and R.S. 18:552, statements of the Proposed Constitutional Amendments for the December 7, 2024 election are provided as follows:

**1. Do you support an amendment to allow the supreme court to sanction a judge upon an investigation by the judiciary commission, and provide that the recommended sanction shall be instituted by the judiciary commission or by a majority of the supreme court, and to provide for the appointment of five members of the judiciary commission? (Amends Article V, Section 25(C); adds Article V, Section 25(A)(4))**

Act 405 (2024 Regular Session)

**Present Constitution** provides for the composition of the judiciary commission as follows: (a) one court of appeal judge and two district court judges selected by the supreme court; (b) two attorneys admitted to the practice of law for at least ten years, and one attorney admitted to the practice of law for at least three years, but not more than ten years, which three attorneys shall be selected from the Conference of Court of Appeal Judges or its successor, and which attorneys shall not be judges, active or retired, or public officials, other than notaries public; and (c) three citizens, who shall not be lawyers, judges active or retired, or public officials, and which citizens shall be selected by the Louisiana District Judges' Association or its successor.

**Proposed Constitutional Amendment** retains present constitutional language and adds five additional members to the commission, two appointees of the speaker of the Louisiana House of Representatives, two appointees of the president of the Louisiana Senate, and one appointee of the governor.

**Present Constitution** allows the supreme court, on recommendation of the judiciary commission, to censure, suspend with or without salary, remove from office, or retire involuntarily a judge for willful misconduct relating to his office and other specified offenses.

**Proposed Constitutional Amendment** provides that the supreme court, after an investigation by the judiciary commission, which shall be instituted on recommendation by the judiciary commission or by directive of a majority of the supreme court, may censure, suspend with or without salary, remove from office, or involuntarily retire a judge for willful misconduct relating to his office.

**Proposed Constitutional Amendment** provides for the addition of "malfeasance while in office" to the list of specified actions for which the supreme court may pursue disciplinary action against a sitting judge.

**Present Constitution** provides that the supreme court, on recommendation of the judiciary commission, may disqualify a judge from exercising any judicial function without loss of salary during the pendency of proceedings by the supreme court.

**Proposed Constitutional Amendment** provides that the supreme court, on recommendation of the judiciary commission or on its own motion may disqualify a judge from exercising any judicial function without loss of salary during the pendency of proceedings by the supreme court.

**Present Constitution** provides that the supreme court on recommendation of the judiciary commission may involuntarily retire a judge for a disability that seriously interferes with the performance of his duties and that is or is likely to become permanent.

**Proposed Constitutional Amendment** provides that after an investigation by the judiciary commission, which shall be instituted on recommendation by the judiciary commission or by directive of a majority of the supreme court, may involuntarily retire a judge for a disability that seriously interferes with the performance of his duties and that is or is likely to become permanent.

**2. Do you support an amendment to require that the legislature wait for at least forty-eight hours prior to concurring in a conference committee report or amendments to a bill appropriating money? (Adds Article III, Section 16(F))**

Act 406 (2024 Regular Session)

**Proposed Constitutional Amendment** provides that concurrence in a conference committee report or amendment from the Senate on a bill appropriating money shall not be considered until at least forty-eight hours after the bill, a summary detailing the proposed changes to the bill, and any additional information required by the rules of the legislature have been distributed to each member of that house of the legislature considering concurrence.

**3. Do you support an amendment to allow the legislature to extend a regular session in increments of two days up to a maximum of six days if necessary to pass a bill appropriating money? (Amends Article III, Sections 2(A)(3)(a) and (4)(a); Adds Article III, Section 2(A)(5))**

Act 407 (2024 Regular Session)

**Present Constitution** provides that in even-numbered years the regular session shall be general in nature, that the regular session of the legislature convenes at noon on the second Monday in March, that the legislature shall meet for not more than sixty legislative days in a period of eighty-five calendar days, and that no such session shall continue beyond six o'clock in the evening of the eighty-fifth calendar day after convening.

**Present Constitution** provides that in odd-numbered years the regular session of the legislature convenes at noon on the second Monday in April, that the legislature shall meet for not more than forty-five legislative days in a period of sixty calendar days, and that no such session shall continue beyond six o'clock in the evening of the sixtieth calendar day after convening.

**Proposed Constitutional Amendment** provides that if necessary to finally pass a bill appropriating money, the legislature, by a favorable record vote of two-thirds of the elected members of each house, may extend a regular session in increments of two legislative or calendar days.

**Proposed Constitutional Amendment** provides that in no event shall a regular session be extended by more than six calendar days beyond the original time and day for the session for final adjournment, and

during the time a regular session has been extended, the legislature shall not consider any matter having the effect of law other than those contained in a bill appropriating money.

**4. Do you support an amendment to eliminate mandatory tax sales for nonpayment of property taxes and require the legislature to provide for such procedures by law; to limit the amount of penalty and interest on delinquent property taxes; and to provide for the postponement of property tax payments under certain circumstances? (Amends Article VII, Section 25)**

Act 409 (2024 Regular Session)

**Present Constitution** prohibits the forfeiture of property for the non-payment of taxes.

**Present Constitution** provides that at the expiration of the year in which the taxes are due, the collector is required after giving notice of the delinquency to the taxpayer, and without suit, to advertise for sale the property on which the taxes are due. The advertisement shall be published in the official journal of the parish or municipality or if there is no official journal as provided by law for sheriffs' sales in the manner required for judicial sales.

**Present Constitution** provides that on the day of sale, the collector shall sell the portion of the property that the debtor identifies. If the property is not sufficient, the collector shall immediately sell the least quantity of property that any bidder will buy for the amount of taxes, interest, and costs. This shall be without appraisal. A tax deed by a tax collector shall be prima facie evidence that a valid sale was made.

**Present Constitution** provides that if property in a municipality with a population of more than four hundred fifty thousand persons as of the most recent federal census fails to sell for the minimum required bid in the tax sale, the collector may then offer the property at a subsequent tax sale with no minimum required bid. The proceeds of the sale shall be applied to the taxes, interest, and costs due on the property, and any remaining deficiency shall be eliminated from the tax rolls.

**Present Constitution** provides with respect to tax sale redemptions that the property sold in a tax sale shall be redeemable for three years after the date of recordation of the tax sale by paying the price given including costs, five percent penalty thereon, and interest at the rate of one percent per month until redemption.

**Present Constitution** provides for specific redemption rules in the City of New Orleans. When property that is abandoned or blighted is sold pursuant to law, it shall be redeemable for eighteen months after the date of recordation of the tax sale by payment made in accordance with the Constitution.

**Present Constitution** provides that in any parish other than Orleans when such property sold is vacant residential or commercial property that has been declared blighted as defined by law on January 1, 2013, or abandoned as defined by law on January 1, 2013, it shall be redeemable for eighteen months after the date of recordation of the tax sale in accordance with the Constitution.

**Present Constitution** provides with respect to annulment that no sale of property for taxes shall be set aside for any cause except on proof of payment of the taxes prior to the date of the sale, unless the proceeding to annul is instituted within six months after service of notice of sale. A notice of sale shall not be served until the final day for redemption has ended but must be served within five years after the date of the recordation of the tax deed if notice is not given. The fact that taxes were paid on a part of the property sold prior to the sale thereof, or that a part of the property was not subject to taxation, shall not be cause for annulling the sale of any part thereof on which the taxes for which it was sold were due and unpaid. No judgment annulling a tax sale shall have effect until the price and all taxes and costs are paid, and until ten percent per annum interest on the amount of the price and taxes paid from date of respective payments are paid to the purchaser. Present constitution provides that this shall not apply to sales where taxes were paid prior to the date of sale.

**Proposed Constitutional Amendment** retains the present constitutional provision that there shall be no forfeiture of property for non-payment of taxes and repeals all other current constitutional provisions for immovables.

**Proposed Constitutional Amendment** provides that the assessment of ad valorem taxes and other impositions on immovable property shall constitute a lien and privilege on the property assessed in favor of the political subdivision to which taxes and other impositions are owed.

**Proposed Constitutional Amendment** provides that the legislature shall establish laws for the efficient administration of tax sales for immovables.

**Proposed Constitutional Amendment** provides that the legislature provide by law for tax sale procedures, which laws shall at a minimum include: (a) an imposition of interest on the delinquent taxes and other impositions not to exceed one percent per month on a non-compounding basis; (b) an imposition of penalty not to exceed five percent of the delinquent taxes and other impositions; (c) a period of time during which the lien cannot be enforced; and (d) a procedure for claiming the excess proceeds from the sale of the property, as a result of the enforcement of the lien.

**Proposed Constitutional Amendment** provides the legislature may by law grant authority to the tax collector to waive penalties for good cause.

**Present Constitution** authorizes the legislature to postpone the payment of taxes only in cases of overflow, general conflagration, general crop destruction, or other public calamity.

**Proposed Constitutional Amendment** repeals present law and authorizes the legislature to postpone the payment of taxes only in cases of an emergency declared by the governor or by a parish president pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act.