

STATEMENT OF PROPOSED CONSTITUTIONAL AMENDMENTS
November 4, 2008

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, 2008 election is provided as follows:

1. Act 935 (2008 Regular Session) amends Article IV, Section 21(A), Article VIII, Sections 3(B), 5(B), 6(B), 7(B), and 7.1(B), Article IX, Section 8(B), Article X, Sections 3(B) and 43(B) and adds Article IV, Section 22 to provide for term limits on certain boards and commissions as follows:

Present Constitution provides that the Public Service Commission shall consist of five members who shall be elected for overlapping terms of six years at the time fixed for congressional elections from single member districts established by law.

Present Constitution provides that the State Board of Elementary and Secondary Education shall consist of eleven members, eight of whom shall be elected from single-member districts, which shall be determined as provided by law, and three of whom shall be appointed by the governor from the state at large, with consent of the Senate. Provides that members shall serve terms of four years which shall be concurrent with the term of the governor.

Present Constitution provides that the Board of Regents shall be composed of two members from each congressional district and one member from the state at large appointed by the governor, with consent of the Senate, for overlapping terms of six years following initial terms which shall be fixed by law.

Present Constitution provides that the Board of Supervisors for the University of Louisiana System shall be composed of two members from each congressional district and one member from the state at large appointed by the governor with consent of the Senate. Provides that the members shall serve overlapping terms of six years following initial terms fixed by law.

Present Constitution provides that the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College and Board of Supervisors of Southern University and Agricultural and Mechanical College shall be composed of two members from each congressional district and one member from the state at large appointed by the governor with consent of the Senate. Provides that the members shall serve overlapping terms of six years following initial terms fixed by law.

Present Constitution provides that the Board of Supervisors of Community and Technical Colleges shall be composed of fifteen members appointed by the governor and two student members. Provides that the members selected and appointed by the governor shall be appointed with the consent of the Senate. Provides that of the members selected and appointed by the governor, two members shall be from each congressional district and the remaining member or members from the state at large. Further provides that the members selected and appointed by the governor shall serve terms of six years, except that the initial members shall serve terms as provided by law.

Present Constitution provides that the Louisiana Forestry Commission shall consist of seven members. Provides that the head of the Department of Forestry at Louisiana State University and Agricultural and Mechanical College and the director of the Wildlife and Fisheries Commission shall serve ex officio as members. Further provides that the governor shall appoint the remaining five members, subject to confirmation by the Senate, for overlapping terms of five years, as provided by law.

Present Constitution provides that the State Civil Service commission shall consist of seven members and no more than one appointed member shall be from each congressional district. Provides that the governor shall appoint six members and one member shall be elected by the classified employees of the state. Further provides that the members appointed by the governor shall serve overlapping terms of six years.

Present Constitution provides that the State Police Commission shall consist of seven members and no more than one appointed member shall be from each congressional district. Provides that the governor shall appoint six members and one member shall be elected by the classified state police officers of the state. Further provides that the members shall serve terms of six years.

Proposed Constitutional Amendment provides that no person who has served as a member of the Public Service Commission, State Board of Elementary and Secondary Education, Board of Regents, Board of Supervisors for the University of Louisiana System, Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, Board of Supervisors of Southern University and Agricultural and Mechanical College, Board of Supervisors of Community and Technical Colleges, Louisiana Forestry Commission, State Civil Service Commission or State Police Commission for more than two and one-half terms in three consecutive terms shall be elected or appointed, as applicable, to the board or commission for the succeeding term. Further provides that this proposed constitutional amendment shall not apply to any person elected or appointed, as applicable, to the board or commission prior to the effective date of this proposed constitutional amendment, except that it shall apply to any term of service of any such person that begins after such date.

Proposed Constitutional Amendment provides that a person who has served as a member of the Public Service Commission, State Board of Elementary and Secondary Education, Board of Regents, Board of Supervisors for the University of Louisiana System, Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, Board of Supervisors of Southern University and Agricultural and Mechanical College, Board of Supervisors of Community and Technical Colleges, Louisiana Forestry Commission, State Civil Service Commission or State Police Commission for more than two and one-half terms in three consecutive terms combined shall not serve as a member of any of the boards or commissions listed in this paragraph for a period of at least two years after the completion of such consecutive terms of service. Further provides that this proposed constitutional amendment shall not apply to any person who is serving on any such board or commission on the effective date of this proposed constitutional amendment, except that it shall apply to any term of service of any such person that begins after such date.

2. Act 937 (2008 Regular Session) amends Article III, Section 2(B) to provide for the convening of a special session of the legislature as follows:

Present Constitution provides that an extraordinary session of the legislature may be convened at other times by the governor and shall be convened by the presiding officers of both houses upon written petition of a majority of the elected members of each house. Further provides that at least five days prior to convening the legislature in extraordinary session, the governor or the presiding officers, as the case may be, shall issue a proclamation stating the objects of the session, the date on which the session shall convene, and the number of days for which it is convened.

Proposed Constitutional Amendment provides that the proclamation for the extraordinary session shall be issued at least seven calendar days prior to convening the legislature in extraordinary session.

3. Act 931 (2008 Regular Session) adds Article III, Section 4(F) to provide for the temporary succession of a legislator who is called to active duty in the armed services of the United States as follows:

Present Constitution provides that a member of the legislature shall be elected for a four-year term and a vacancy in the legislature shall be filled for the remainder of the term only by election by the electors of the respective district as provided by law.

Proposed Constitutional Amendment retains present law and requires the legislature to provide by law for the prompt and temporary succession to the powers and duties of a member of the legislature if the incumbent member is unavailable to perform his functions or duties due to being ordered to active duty in the armed services of the United States.

4. Act 932 (2008 Regular Session) amends Article VII, Section 4(D)(3) and enacts Article VII, Section 4(D)(4) and (5) to provide for an increase in severance tax on natural resources to certain parishes as follows:

Present Constitution provides that effective July 1, 2007, one-fifth of the severance tax on all natural resources other than sulphur, lignite or timber shall be remitted to the governing authority of the parish in which severance or production occurs and the initial maximum amount remitted shall not exceed \$850,000.

Proposed Constitutional Amendment increases the maximum amount remitted to the parish in which severance or production occurs to \$1,850,000 effective July 1, 2009 and to \$2,850,000 effective July 1, 2010.

Proposed Constitutional Amendment defines “excess severance tax” as the amount of severance tax remitted to a parish which is in excess of the amount of severance tax remitted to the parish for the fiscal year prior July 1, 2009.

Proposed Constitutional Amendment provides that at least 50% of the excess severance tax received by a parish in a fiscal year shall only be used within the parish in the same manner and for the same purposes as money received by the parish from the Parish Transportation Fund or its successor.

Proposed Constitutional Amendment provides that beginning July 1, 2009, after deposit to the Bond Security and Redemption Fund, payment of royalties to the parishes and payment into the Louisiana Wildlife and Fisheries Conservation Fund, 50% of the revenues received from severance taxes on state lands in the Atchafalaya Basin each fiscal year, not to exceed \$10,000,000 each fiscal year, shall be deposited into the Atchafalaya Basin Conservation Fund. The money in the fund shall be appropriated to the Department of Natural Resources to be used exclusively to fund projects contained in the state or federal Basin master plans or an annual Basin plan developed by an Atchafalaya Basin Research and Promotion Board and other advisory or approval boards which the legislature shall create and provide for by law within the Atchafalaya Basin Program; or to provide match for the Atchafalaya Basin Floodway System, Louisiana Project.

Proposed Constitutional Amendment provides that 85% of the money allocated in a fiscal year shall be used for water management, water quality or access projects in the Atchafalaya Basin and 15% may be used to complete ongoing projects and for projects that are in accordance with the mission statement of the state master plan. Further provides that a maximum of 5% of the money allocated in any one fiscal year may be used for the operational costs of the program or the Department of Natural Resources.

5. Act 933 (2008 Regular Session) adds Article VII, Section 18(G)(6) to provide for the transfer of the special assessment level to new property purchased to replace expropriated property as follows:

Present Constitution provides that the assessment of residential property receiving the homestead exemption which is owned and occupied by any person who meets all of the requirements for a special assessment level 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 remains qualified for and receives the special assessment level.

Proposed Constitutional Amendment provides that the special assessment level on property that is sold to or expropriated by the federal government, state government, or local governing authority or political subdivision shall be transferred to the new property of the owner entitled to the special assessment level and shall remain in effect on the new property at the same special assessment level of the property that was sold or expropriated, provided the owner entitled to the special assessment level remains the owner of the property.

Proposed Constitutional Amendment further provides that the transfer of the special assessment level shall only apply to new property acquired by an owner entitled to the special assessment level which is acquired no later than twenty-four months after the expropriation or sale has become final and funds have been disbursed and which is similar in nature, has a fair market value which does not exceed 200% of the fair market value of the property sold or expropriated, and is intended to replace the property sold to or expropriated by the federal government, state government, or local governing authority or political subdivision.

6. Act 936 (2008 Regular Session) adds Article I, Section 4(H)(5) to dispense with certain requirements for expropriation of blighted property as follows:

Present Constitution provides that every person has the right to acquire, own, control, use, enjoy, protect and dispose of private property subject to reasonable statutory restrictions and reasonable exercise of the police power.

Present Constitution provides that property shall not be taken or damaged by the state or its political subdivisions except for public purposes and with just compensation paid to the owner or into court for his benefit.

Present Constitution further provides that “public purpose” shall be limited to the following:

(1) A general public right to a definite use of the property.

(2) Continuous public ownership of property dedicated to one or more of the following objectives and uses:

(a) Public buildings in which publicly funded services are administered, rendered, or provided;

(b) Roads, bridges, waterways, access to public waters and lands, and other public transportation, access, and navigational systems available to the general public;

(c) Drainage, flood control, levees, coastal and navigational protection and reclamation for the benefit of the public generally;

(d) Parks, convention centers, museums, historical buildings and recreation facilities generally open to the public;

(e) Public utilities for the benefit of the public generally;

(f) Public ports and public airports to facilitate the transport of goods or persons in domestic or international commerce.

(3) The removal of a threat to public health or safety caused by the existing use or disuse of the property.

Present Constitution (Article I, Section 4(H)) further provides that:

(1) The state or its political subdivisions shall not sell or lease property which has been expropriated and held for not more than thirty years without first offering the property to the original owner or his heir, or, if there is no heir, to the successor in title to the owner at the time of expropriation at the current fair market value, after which the property can only be transferred by competitive bid open to the general public, except for leases or operation agreements for port facilities, highways, qualified transportation facilities or airports. The state or political subdivision may sell or otherwise transfer the property as provided by law after thirty years have passed from the date the property was expropriated.

(2) The state or its political subdivision which expropriated the property is required to identify all property which is not necessary for the public purpose of the project and declare the property as surplus property within one year after the completion of the project for which the property was expropriated.

(3) Within two years after completion of the project, all expropriated property identified as surplus property shall be offered for sale to the original owner or his heir, or, if there is no heir, to the successor in title to the owner at the time of expropriation at the current fair market value. Authorizes the surplus property to be offered for sale to the general public by competitive bid if the original owner, heir, or other successor in title refuses or fails to purchase the surplus property within three years from completion of the project.

(4) The original owner or his heir, or, if there is no heir, the successor in title to the owner at the time of expropriation may petition the state or its political subdivision which expropriated the property to have all or any portion of his property declared surplus after one year from the completion of the project for which the property was expropriated. Authorizes the original owner or the successor in title to petition any court of competent jurisdiction to have the property declared surplus if the state or its political subdivision refuses or fails to identify all or any portion of the expropriated property as surplus.

Proposed Constitutional Amendment retains present law and provides that the requirements set forth in Article I, Section 4(H) shall not apply when property is taken for the “public purpose” of the removal of a threat to public health or safety caused by the existing use or disuse of the property.

7. Act 934 (2008 Regular Session) amends Article VII, Section 14(B) to provide for equity investments of public funds reserved for post-employment benefits other than pensions as follows:

Present Constitution prohibits the state or a political subdivision from subscribing to or purchasing the stock of a corporation or association or for any private enterprise with specific exceptions.

Proposed Constitutional Amendment retains present law and provides an exception that authorizes the investment in equities of monies of the state and a political subdivision which have been reserved to provide for post-employment benefits other than pensions.