

Amendments 4, 5 and 6

Written by Marty Carlson
Friday, 12 October 2012 07:06 -



Picking up where last week's discussion of the proposed Constitutional amendments to appear on the November 6 ballot, I'll once again encourage readers to visit the Public Affairs Research Council of Louisiana (PAR) website (www.parlouisiana.org) for in-depth reviews of the propositions – and from which this review is largely drawn.

In the meantime, proposed Constitutional amendment number 6 addresses property tax exemption for spouses of certain disabled veterans. Per PAR, the proposal seeks to “tweak” the language of the 2010 amendment to the Constitution that gave local parish governments the authority to allow voters to decide whether to double the homestead exemption in their respective parishes for disabled veterans with a 100 percent military related disability rating.

Most parishes saw voters approve the measure, which sets the homestead exemption at \$150,000 for those who qualify. In Bossier Parish, over 70 percent of voters favored the amendment.

In addition to the higher exemption, spouses of the veterans who qualified for it were allowed to continue to claim the exemption if it was in effect when the veteran died. But the 2010 amendment didn't include any provision for spouses if the disabled veteran died before the higher homestead exemption became effective.

The PAR guide notes that this actually happened to “at least one spouse of a disabled veteran” before the 2010 amendment was effective – and that the concern that other spouses could have the same problem was reasoning for this proposed amendment.

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Among the arguments in favor of the proposal, according to PAR: “This amendment is a good gesture of support for veterans and their spouses.”

That’s probably the majority Bossier Parish sentiment as well for this proposed amendment.

Proposed Constitutional amendment number five – Forfeiture of Public Retirement Benefits for Convicted Public Servants – is one of those that sounds good, but bears much closer study to fully understand.

According to PAR, this proposed amendment represents Rep. Tony Ligi’s third attempt to enact a “retirement forfeiture penalty” for Louisiana public servants – 23 other states already have such laws.

PAR notes that the state Constitution already allows “seizing a portion of public retirement benefits under certain conditions. For instance, current law provides that a public employee or official’s retirement benefits may be seized to pay court-ordered child support or garnished to pay court-ordered fines or restitution ...”

But this proposed amendment means that a public servant convicted of a felony related with his office could be forced to give up some or all of his public retirement benefits – if he was convicted of a crime – related to his office – which brought him financial gain, or the possibility of such gain, or if there was a conviction for a “criminal sexual act with a minor and there was a direct association between the two related to the public servant’s job.”

It would be up to the court to decide what percentage of retirement benefits would be seized. PAR also points out:

“Only the publicly funded portion of a person’s retirement benefits would be affected.”

This proposed amendment would apply only to public employees hired on or after January 1,

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2013; current employees would be exempt.

In summary, a vote for this proposed amendment would let the courts use the forfeiture of part of public retirement benefits for part of a sentence for a felony conviction related to a public servant's office; a vote against would leave the present system in place – which is not nearly as punitive.

Proposed Constitutional amendment number six concerns a Property Tax Exemption Authority for New Iberia. Some weeks ago, in much shorter “skim” of the amendments, I suggested that as this proposition pertains exclusively to New Iberia, perhaps just a “no” vote would be in order.

And I'm still inclined to cast that vote, particularly in light of PAR's review. Currently, per PAR, “[T]he Constitution lists which type of entities may receive an exemption from paying ad valorem (property) taxes and specifies under what conditions an exemption may be granted and how long it may remain in effect ... Municipalities and parishes do not have their own authority to grant an exception.”

PAR cites the state Board of Commerce and Industry as a state entity permitted to approve property tax abatement contracts for very specific industries – many of which have taken advantage of this program. Local officials who do not have such authority to grant property tax abatement must ask for an amendment to the Constitution.

That's what the city of New Iberia is doing in the hopes of crafting new incentives for economic development.

Presently, new or expanding businesses aren't particularly agreeable to annexation into the city limits because they will pay city property taxes without the associated benefit of new/additional public services. City law enforcement services are provided by the Iberia Parish Sheriff's Office; both the city and parish use the wastewater treatment plant.

But granting ad valorem tax abatement contracts – for up to 10 years — for those agreeable to becoming a part of the city is a fair incentive for reluctant property owners.

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Two points made by PAR, however, should be strongly considered by voters. First, if the amendment passes and it works for New Iberia, other municipal governments could look be asking their local lawmakers for the same consideration – the result being contentious relationships between cities and parishes, and cities. Think Shreveport – Bossier City on this one.

Next, per PAR, New Iberia might realize the same economic development goal though establishment of a tax rebate program, which doesn't require a constitutional amendment.

Next up proposed amendments seven, eight and nine.

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