

Amending the Louisiana Constitution: Amendments 7-9

Written by Marty Carlson
Friday, 19 October 2012 06:59 -



Hopefully, by now most readers of this space have visited the Louisiana Public Affairs Research Council's (PAR) website (www.parlouisiana.org) to peruse the organization's always excellent Guide to 2012 Constitutional Amendments. But just in case not everyone has the ability to visit the site, here's a brief look – largely based on PAR information — at the last three of the nine proposed Constitutional amendments that will appear on the November 6 ballot.

As it concerns proposed Constitutional amendment number seven, my first recommendation would be to skip to the end of the PAR review and forego trying to make sense of why the state Constitution, instead of statutory law, mandates how appointments are made to state boards and commissions.

PAR notes that presently the “membership of six constitutionally created boards and commissions is based in large part on Louisiana's congressional districts. After the 2012 Census, Louisiana lost one of its congressional districts ... As a result, the membership selection process for these boards and commissions is no longer valid.”

The proposed amendment would reconfigure how the members of these boards/ commissions are selected – ensuring equity of membership among the remaining six congressional districts.

In its guide PAR concludes the review for each proposed amendment with an “Argument For” and “Argument Against.” For this proposed amendment, the “Argument Against” is every reason to vote “no” for this proposition, to-wit:

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“Logic would indicate that a housekeeping measure like the proposed amendment could be more easily accomplished by simply changing the statutes. When these six boards were created, however, the decision was made to put the membership details into the Constitution. That means the Constitution must be amended every time the membership selection process has to be changed.”

“A vote against might send a signal of growing voter impatience with the large number of constitutional amendments that continue to show up on the ballot and prod officials to begin a discussion about working harder to use the Constitution as it was intended – as a framework – and to use the statutes to fill in the details.”

Proposed Constitutional amendment number 8 – Property Tax Exemption for Non-Manufacturing Businesses – if approved, would expand an already successful industrial development tool for Louisiana.

Currently all property owners in Louisiana pay property or ad valorem taxes – but state law allows for certain property to be exempt from the tax. Per PAR, the state Constitution lists which entities may receive an exemption from paying property taxes, the condition under which an exemption may be granted and for what period of time. New/expanding manufacturing plants are eligible; non-manufacturing companies aren't part of the list.

So, while the state could exempt a small engine manufacturing plant, the same exemption wouldn't be available to a distribution center even though the fiscal impact of both enterprises could be about the same.

According to PAR: “The proposed amendment would create a limited exemption from local property taxes for certain targeted non-manufacturing businesses in parishes and towns that decide to take part in the program. The first \$10 million of assessed value or 10 percent of the fair market value (whichever is greater) would be taxed. Any value above that would be exempt. In addition, at least 50 percent of the business's sales would have to be to out-of-state customers, or to in-state customers who resell the product out of state, or the federal government, or some combination thereof.”

There's a good bit more detail to this proposed amendment, not the least of which is that the

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state Board of Commerce would be the exemption granting authority, and that the role of local government participation includes every taxing entity in a parish being on the same page in agreeing to participate and take advantage of the program.

PAR's arguments for and against this proposed amendment are really necessary reading for voters truly interested in making an informed vote – unfortunately those arguments are too long to summarize here.

Finally, proposed Constitutional amendment number nine deals with Crime Prevention and Security Districts – and more specifically, a proposal to increase the number of times that bills to create such districts must advertised and include a requirement to state whether a parcel fee would be imposed/collected ...

Because these districts are currently exclusively Orleans and East Baton Rouge Parishes oriented, it's unlikely that Bossier Parish voters are remotely acquainted with or interested in the issue – but perhaps we can help send a message that such does not belong in the state Constitution.

Per PAR, "Crime prevention districts – also called security districts – have become increasingly popular in Louisiana. Through them neighborhood groups can collect a parcel fee – or tax – from every homeowner or property owner within a specific area and use the money to enhance crime prevention and security efforts."

Apparently when it comes to public notice of intent to establish such districts, the public isn't getting what it needs, thus the proposal to increase the number of times notice is advertised.

However, there are apparently two ways to establish these districts: constitutionally – with the apparently little-noticed notices, and statutorily with a collection of signatures for a petition calling for an election to approve the district and parcel fee ...

Why we are even voting on this proposed amendment is a mystery to me and I tend to agree with PAR's final thought in its argument against this proposal: "This level of micromanagement of the election process does not belong in the state Constitution."

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Vote November 6 – and do so as an informed voter.

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