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## **BGR MEDIA RELEASE**

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### **BGR examines state, local ballot propositions**

The Bureau of Governmental Research today releases *On the Ballot: Jefferson, Orleans and State Propositions, November 2008*. In the report, BGR analyzes two local propositions and seven constitutional amendments on the Nov. 4 ballot. The report is available on BGR's web site, [www.bgr.org](http://www.bgr.org).

A proposition in New Orleans would amend the city charter to make comprehensive changes to planning and land use decision making in the city. A proposition in Jefferson would expand the permissible uses of an existing sales tax to include drainage improvements.

The state constitutional amendments take on a variety of issues, including term limits, assessments and expropriation.

### **New Orleans Charter Amendment**

The amendment would make significant changes in the arena of planning and land use decision making. They include:

- Setting forth the general contents of the city's master plan and processes for creating and amending it.
- Giving the plan the force of law.
- Requiring the City Council to establish a system for neighborhood participation in planning and land use decision making.

Proposed charter changes produced by BGR in 2006 formed the foundation for this charter amendment. BGR participated in drafting the language now before voters.

**BGR Position: FOR.** The proposed charter revision is the necessary first step toward rationalizing land use decision making and enhancing neighborhood participation.

“This amendment presents a major opportunity to depoliticize land use decisions and give neighborhoods a real voice in decisions that affect them,” said BGR President Janet R. Howard. “If voters approve the amendment and the city properly executes it, New Orleans could end up with a consistent, fair and rational approach to planning and land use.”

### **Jefferson Parish Sales Tax Rededication**

In 1984, voters in Jefferson Parish approved a parishwide 1% sales tax. They dedicated seven-eighths of the tax collected in the parish’s unincorporated area, as well as all of the tax collected in the Town of Jean Lafitte, solely to sewerage improvements. In 1998, voters extended the tax to 2022 and expanded permissible uses to include roads. The proposition before the voters would add drainage improvements to the list of permitted uses.

**BGR Position: FOR.** The proposition will provide Jefferson Parish with greater flexibility in infrastructure spending and free up funds to address pressing local drainage needs.

### **Constitutional Amendment No. 1: Term Limits**

The amendment would impose term limits on members of 10 boards and commissions:

- Louisiana Public Service Commission
- Louisiana State Board of Elementary and Secondary Education (BESE)
- Louisiana Board of Regents
- University of Louisiana System Board of Supervisors
- Southern University System Board of Supervisors
- Louisiana State University System Board of Supervisors
- Board of Supervisors of Community and Technical Colleges
- Forestry Commission
- State Civil Service Commission
- State Police Commission

The amendment addresses both elected and appointed boards and commissions. It would place term limits on continuous service on a single board or commission, and restrict a term-limited member from service on another board or commission.

**BGR Position: AGAINST.** The proposed amendment is poorly conceived and overly broad.

### **Constitutional Amendment No. 2: Special Sessions of Legislature**

Constitutional Amendment No. 2 would increase the amount of notice required to call an extraordinary session of the State Legislature from five days to seven calendar days.

**BGR Position: AGAINST.** The notice issue is too insignificant to warrant a constitutional amendment. In addition, there may be times when it is useful for the extraordinary sessions to be called on five-day notice.

### **Constitutional Amendment No. 3: Temporary Replacement of Legislators Called to Military Duty**

This amendment would require the Legislature to establish a procedure to appoint a temporary replacement for a legislator called to active military duty. It amendment would activate companion legislation requiring a legislator called to active duty for more than 180 days to submit a list of at least three candidates to be interviewed by a panel from the house in which he serves. The Senate president or House speaker would select the temporary successor from among the three.

**BGR Position: AGAINST.** BGR appreciates the sacrifices made by military personnel. However, an individual's interest in maintaining a legislative seat is outweighed by his constituents' right to elect the individual who represents them. The responsible course of action for a legislator called to extended military duty is to resign.

### **Constitutional Amendment No. 4: Mineral Severance Tax Allocations to Parishes and Atchafalaya Basin Conservation Fund**

Currently, the constitution dedicates 20% of severance tax revenue, up to a maximum of \$850,000 per year, to the parish in which the production or severance occurs. The \$850,000 cap is adjusted annually for inflation.

Constitutional Amendment No. 4 would raise the cap by \$2 million over a two year period. Thereafter, the cap would be adjusted for inflation based on the Consumer Price Index (CPI). It would also require the parishes to spend on transportation-related projects at least 50% of any increase in its severance tax revenues over receipts as of the fiscal year ending June 30, 2008.

The amendment would also create the Atchafalaya Basin Conservation Fund to be administered by the Louisiana Department of Natural Resources. It would dedicate to the fund 50% of severance tax revenue generated from state land in the Atchafalaya Basin. The dedication is capped at \$10 million per year.

**BGR Position: FOR.** Parishes that produce natural resources bear the brunt of infrastructure and environmental damage. These parishes are entitled to a larger share of mineral severance tax revenues to mitigate this damage.

### **Constitutional Amendment No 5: Special Assessment Levels**

**What it would do**

The proposed constitutional amendment would allow an eligible homeowner whose home is sold to or expropriated by the government to transfer his assessment freeze to another property. The assessment freeze is available to certain homeowners who are over 65, certain disabled citizens, certain members of the military and surviving spouses.

**BGR Position: AGAINST.** The amendment expands a tax benefit at the expense of local governments.

### **Constitutional Amendment No. 6: Expropriation**

In 2006, Louisiana voters approved a pair of constitutional amendments that limited the power of state and local government to expropriate private property and set forth restrictions on the transfer of expropriated property to a private party. The proposed amendment would remove the transfer restrictions in the case of blighted property.

**BGR Position: FOR.** While the amendment does not address all of the flaws and ambiguities in the current expropriation provisions, it takes a step in the right direction by removing blighted property from the resale restrictions imposed in 2006.

### **Constitutional Amendment No. 7: Investments in Equities**

The proposed amendment would authorize the state and its political subdivisions to invest funds set aside for post-employment benefits, other than pensions, in equities.

**BGR Position: FOR.** An equity component is appropriate and desirable for long-term trusts that fund post-employment benefits. In the long run, careful equity investment is likely to increase the return and reduce taxpayers' costs. The underlying prudent financial management standards and the investment restrictions will guide appropriate equity investment of trust funds.

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*BGR is a private, nonprofit, independent research organization. Since its founding in 1932, it has been dedicated to informed public policy-making and the effective use of public resources in the Greater New Orleans area. For more information call 504-525-4152 or visit BGR's web site, [www.bgr.org](http://www.bgr.org).*