



2010 PROPOSED CONSTITUTIONAL AMENDMENTS

NOV. 2, 2010 ELECTION

The ten constitutional amendments are in the order they will appear on the ballot. Click on an Act number link to read the complete text of an Act at the Legislature's Web Portal database.

Proposed Amendment No. 1

[Act 539](#) – Senate Bill No. 67, Regular Session, 2009

To provide that any salary increase enacted by law for certain state elected officials, including statewide elected officials, members of the Public Service Commission, and members of the legislature, not be implemented until a subsequent term of office. (Amends Article IV, Section 4; Adds Article III, Section 4(G) and Article IV, Section 21(F))

Proposed Amendment No. 2

[Act 541](#) – House Bill No. 765, Regular Session, 2009

To decrease the amount of taxes retained by the state on the severance of natural resources, other than sulphur, lignite, and timber, and to increase the maximum amount of such revenues which are remitted to the parish governing authority from where the severance occurs, to be implemented in the event that the official forecast of severance tax revenues for any fiscal year includes an estimate for severance tax collections which will exceed that actually collected by the state in Fiscal Year 2008-2009; to change the annual maximum amount to be remitted to a parish governing authority from eight hundred fifty thousand dollars to one million eight hundred fifty thousand for the first fiscal year of implementation, which amount would increase to two million eight hundred fifty thousand dollars for the following and subsequent fiscal years; to provide for annual adjustment of the maximum amounts in accordance with the consumer price index; to require that of the revenues received by a parish governing authority under these provisions, that portion which is in excess of the amount of such revenues received in Fiscal Year 2011-2012 be used within the parish for the same purposes as monies received from the Parish Transportation Fund; to require that of the severance taxes and royalty revenues retained by the state from activity on state lands within the Atchafalaya Basin, up to ten million dollars per year be deposited into a special fund created in the state treasury to be known as the Atchafalaya Basin Conservation Fund; to provide that monies in this fund be used exclusively for conservation, improvement, and management of the Atchafalaya Basin in accordance with formal state and federal plans; to require legislative approval for and specific limitations on the

use of monies appropriated from the fund. (Effective April 1, 2012.) (Adds Article VII, Section 4(D)(4))

Proposed Amendment No. 3

[Act No. 1049](#) – House Bill No. 246, Regular Session, 2010

To exempt from ad valorem tax, in addition to the homestead exemption, the next seventy-five thousand dollars of value of property which is owned and occupied by a veteran with a service-connected disability rating of one hundred percent; to authorize the exemption to apply to the surviving spouse of a deceased veteran if the exemption was in effect on the property prior to the death of the veteran and the surviving spouse remains the owner of the property; to require the taxing authority to absorb any decrease in the total amount of ad valorem taxes collected as a result of this exemption; to prohibit the exemption from creating any additional tax liability for other property taxpayers; to prohibit implementation of the exemption from triggering reappraisal of property or adjustment of millages; provides that the exemption shall only extend and apply if established through an election called by the local governing authority and approved by a majority of the registered voters in an election held for that purpose. (Effective January 1, 2011)(Adds Article VII, Section 21(K))

Proposed Amendment No. 4

[Act No. 542](#) – House Bill No. 903 (Substitute for House Bill No. 375), Regular Session, 2009

To provide that the power of a taxing authority with a governing authority which is not elected to increase millage rates without voter approval after reappraisal, which is presently limited by the prior year's maximum millage rate, be further limited to annual increases which do not exceed two and one-half percent of the property tax collections for the immediately preceding calendar year; to exclude from such restriction taxing authorities which are special fire protection or fire department districts or ports, port harbor, and terminal districts, and millages levied by certain levee districts under authority granted by the Constitution of Louisiana. (Amends Art. VII, Section 23(C))

Proposed Amendment No. 5

[Act No. 1050](#) – Senate Bill No. 21, Regular Session, 2010

To authorize continuation of the homestead exemption and the special assessment level for a homestead that has been destroyed or is uninhabitable due to a disaster for two years if the homeowner's claim for damages is pending in a formal appeal process with a governmental agency or program offering assistance for repairing or rebuilding homes damaged by the disaster or if a homeowner has a damage claim filed and pending against the insurer of the property; to authorize an assessor to grant up to three additional one-year extensions of the continuation of the homestead exemption and the special assessment level as prescribed by law. (Amends Article VII, Sections 18(G)(5) and 20(A)(10))

Proposed Amendment No. 6

[Act No. 1048](#) – House Bill No. 229, Regular Session, 2010

To require a two-thirds vote of the elected members of each house of the legislature to enact any benefit provision for members of a Louisiana public retirement system if the provision has an actuarial cost. (Amends Article X, Section 29(E)(5); Adds Article X, Section 29(F))

Proposed Amendment No. 7

[Act No. 540](#) – House Bill No. 509, Regular Session, 2009

To provide relative to the bidding process for ad valorem property tax sales by authorizing a bidder at a tax sale to bid down the existing five percent penalty in increments of one-tenth of one percent; to require the payment of penalties by a bidder at ad valorem property tax sales; to require the payment of interest, penalties, and costs by a taxpayer who is delinquent on the payment of taxes on movables. (Amends Article VII, Section 25(A)(1) and (E))

Proposed Amendment No. 8

[Act No. 1052](#) – House Bill No. 276, Regular Session, 2010

Provides that property expropriated for the public purpose of removing a threat to public health or safety caused by the existing use or disuse of the property shall not be subject to the requirement of offering the property back to the original owner who allowed the property to become a threat to public health or safety or to the requirement of public sale. (Amends Article I, Section 4(H)(1))

Proposed Amendment No. 9

[Act No. 1051](#) – Senate Bill No. 42, Regular Session, 2010

To provide that, in civil matters only, when a court of appeal is to modify or reverse an administrative agency determination in a workers' compensation claim and one judge dissents, the case shall be reargued before a panel of at least five judges prior to rendition of judgment, and a majority shall concur to render judgment. (Amends Article V, Section 8(B))

Proposed Amendment No. 10

[Act No. 1053](#) – House Bill No. 940, Regular Session, 2010

To permit criminal defendants, except in capital cases, to waive their right to a trial by jury no later than forty-five days prior to the trial date. (Amends Article I, Section 17(A))