

# The Times-Picayune

## Voters to decide on oil taxes, judges

Amendments also include new school district

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By Jan Moller

BATON ROUGE -- Voters will decide Nov. 7 whether parishes should reap a greater share of oil and gas severance taxes, whether the Legislature should get new authority to create special judgeships and whether East Baton Rouge Parish should get a new school district.

The amendments are among eight measures on the ballot, which also includes congressional races and runoffs in local elections. They are in addition to the 13 amendments voters approved in the Sept. 30 election

Amendment No. 2 would increase the amount of oil and gas severance taxes that parishes can collect by \$100,000 per year, and allow that amount to rise each year by the rate of inflation.

Sponsored by Rep. Rick Gallot, D-Ruston, the amendment sailed through the Legislature last spring. It would transfer about \$3 million a year from state coffers to parish governments starting July 1.

Currently, 20 percent of severance taxes on natural resources other than sulfur, lignite or timber goes to the parish in which the production takes place, but the Constitution caps the annual amount at \$750,000 per year in each parish.

The amendment would raise that ceiling to \$850,000 per year, and would allow it to increase by the rate of inflation each year beginning in 2008.

Although all of Louisiana's 64 parishes got some severance tax revenue in 2005, only 31 received the maximum \$750,000, according to an analysis by the nonpartisan Public Affairs Research Council of Louisiana. If the distribution limit is raised, PAR estimates that 30 parishes would have been eligible for the larger share.

Supporters say it makes sense to adjust the cap each year for inflation, so that the value of the severance tax allocation won't decline over time. But opponents argue that it will deprive the state of revenue, and that parishes already get other benefits -- such as jobs -- from oil and gas production.

Specialized judgeships

Voters also will decide if the Legislature should have the authority to create special judgeships such as those devoted to juvenile or family court matters.

East Baton Rouge, Jefferson, Orleans and Caddo parishes have such specific courts but most were created before the existing Constitution and were ratified in the document.

The proposal is designed to give lawmakers the specific authority to create a family court or juvenile court section in an existing district court, said Rep. Robbie Carter, D-Greensburg.

In several parishes now, the judges of a court appoint a colleague to handle juvenile and family court matters, Carter said.

Charlotte Bergeron, a former lawyer with the Public Affairs Research Council who analyzed the amendment, said that although the state charter gives lawmakers the power to create judgeships with general or limited jurisdictions -- like district courts, city courts and parish courts -- it is silent "as to the creation of specialized judgeships that may hear only family or juvenile matters."

Bergeron said although the courts "have relied on their inherent constitutional powers to create juvenile and family divisions or sections, there has been some question regarding their legal status."

In the PAR analysis, Bergeron said that some legal scholars and lawyers contend that the arbitrary designation of one judge to hear just juvenile or family court matters violates the random allotment process that assigns cases to any judge.

If passed, Carter's proposal would take effect Jan. 1.

Twenty-first Judicial District Court Judge Robert Morrison, who is a legislative liaison for the state district court judges, said the amendment will not cause a glut of new judgeships because the Legislature relies on an arm of the state Supreme Court to recommend judgeships based on caseload and need.

The measure has the support of the Council for a Better Louisiana of Baton Rouge, and the New Orleans-based Bureau of Governmental Research, both nonpartisan government watchdog groups.

CABL President Barry Erwin said that juvenile and family courts "are a positive for the judicial system (and) some communities feel they would be beneficial to add them." BGR President Janet Howard said the proposal will allow the court system "to respond more efficiently to the problems of juveniles and families without incurring the expense of setting up separate courts; it would promote the election of judges devoted to those matters."

#### New school district

The final proposed amendment on the ballot, No. 8, would let Central become the third East Baton Rouge Parish community in three years to break off into a separate school district. It also would prohibit the use of state dollars to discriminate against equal educational opportunity for all students.

To become law, the proposal must pass statewide and in the parish. Final approval will be needed from the U.S. Department of Justice.

Two elementary schools, a middle school and a high school would fall into the new district, a suburban and rural area in the northeastern part of the parish. Local taxes collected within the boundaries that previously went to the parish school system would be steered to the new system, which would begin operation July 1.

The result would change the racial makeup of the schools, currently 47 percent African-American and 52 percent white. Busing of minority students to the Central schools would stop, leaving the schools with about 15 percent black enrollment.

Proponents say a new school system is the best way to battle declining enrollment and test scores at the local schools. Just under half the students in the Central area are enrolled in the local schools, due partly to a trend of families placing their children in private schools. A smaller district would lead to better test scores and reduce the need for busing, proponents say. The Bureau of Governmental Research supports the amendment.

The amendment is opposed by the state Board of Elementary and Secondary Education, the East Baton Rouge Parish School Board and the Council for a Better Louisiana. A new school district would create needless bureaucracy, encourage further splintering of school districts and hurt financing for higher-cost programs that target children in the inner-city schools, they say.

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Staff writer Robert Travis Scott contributed to this report