

Constitutional Amendments

Eight proposed constitutional amendments will be on the ballot on Tuesday, Nov. 7 -- bringing to 21 the total number of amendments considered by voters this election season. Since Louisiana's constitution was adopted in 1974, a total of 202 proposed amendments have been placed before voters and 140 of them have been approved -- nearly doubling the length of the original document. In noting the number of times that the fundamental law of the state has been changed in recent years, the Public Affairs Research Council (PAR) stated in its guide to the latest propositions (www.par.org) that "amendments have often been drafted for a specific situation rather than to set a guiding principle." We agree, and with that principle in mind we offer the following recommendations.

Amendment 1 -- FOR. This amendment would expand eligibility for a property tax assessment freeze to certain current and former military personnel, persons with permanent and total disabilities and some of their surviving spouses. Louisiana already freezes property tax assessments for seniors age 65 or older and the surviving spouses, subject to certain limitations. The amendment would extend the freeze (and applicable limitations) to people with a military service-related disability rating of 50 percent or more, military personnel who are missing in action or POWs for more than 90 days, spouses of military personnel killed in action, and any person deemed by a state or federal administrative agency to be permanently and totally disabled.

Amendment 2 -- FOR. This amendment would increase the maximum amount of state oil and gas severance tax revenue that is shared with the parish from which the oil or gas is extracted. The current cap is \$750,000 a year. The amendment would raise it to \$850,000 in 2008 and automatically adjust it for inflation thereafter. Thus, there would be no further need for amendments to take care of adjustments.

Amendment 3 -- AGAINST. This measure would exempt from property taxation any leased medical equipment at small, nonprofit rural hospitals -- as defined (very narrowly) by the language of the amendment. As PAR noted in its analysis, there are 34 nonprofit community hospitals in Louisiana, but only three would qualify for the tax break under this amendment. Why not give them all a break?

Amendment 4 -- FOR. The constitution exempts motor vehicles from state, parish and special property taxes -- but not from "municipal" (read: New Orleans) property taxes. This amendment would effectively kill the New Orleans personal property tax on motor vehicles -- the only one of its kind in the state. While we do not like to starve the city of needed revenue, there is no reason why New Orleans should be the only city or parish in the state to tax ownership of a vehicle.

Amendment 5 -- FOR. The constitution exempts art that is owned in the home from property taxes, but not art that hangs for sale on consignment in a gallery or is otherwise owned for sale. In recent years, New Orleans and other Louisiana communities have developed arts districts that attract galleries showcasing the works of local and visiting artists. Taxing art on consignment or art that is owned for sale has the effect of depressing the market for art and detracting from New Orleans' image as a burgeoning arts community. When art is sold, sales taxes are collected -- and that is a reasonable way to tax art. Passage of this amendment also would help spur the recovery of local art galleries in the wake of Hurricane Katrina.

Amendment 6 -- FOR. The constitution allows lawmakers to create judgeships with general or limited jurisdiction but it is silent as to the creation of "specialized" judgeships such as family or juvenile courts. This proposal would specifically authorize the Legislature to create family or juvenile judgeships within existing district courts. This would allow judges to concentrate in those areas and develop expertise in those sensitive areas of the law.

Amendment 7 -- FOR. This one is the most high-profile amendment on the ballot. It would consolidate New Orleans' seven assessors into one. It must pass both statewide and in New Orleans. We urge our readers to vote *for* this amendment because New Orleans pays a steep price for its current system of seven assessors. We are the only parish in the state with more than one assessor, and that distinction is dubious at best. Lawmakers and voters already voted to consolidate local levee boards, local sheriffs and clerks offices, and local courts. It's time to finish the job of consolidation and apply it to our seven assessors as well. This reform is long overdue, and it will send an important message to the rest of the country that we are getting our house in order after Katrina.

Amendment 8 -- AGAINST. This amendment would allow the Baton Rouge community of Central to form its own school system. The idea arises because the people in one part of East Baton Rouge Parish don't like being part of a larger, urban school system. We think it's a bad idea to balkanize a parish's public school system because it will have the ultimate effect of isolating and starving the poorest neighborhoods and their schools.

On Sept. 20, less than 23 percent of Louisiana voters went to the polls. We hope the turnout is higher on Nov. 7. If you don't vote, you have no right to complain about the outcome.