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BGR NEWS RELEASE

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BGR Reviews Fall Ballot Items

The Bureau of Governmental Research today releases *On the Ballot: November 6, 2012*. The report analyzes three of the nine proposed state constitutional amendments and five local propositions.

In the report, BGR provides background and analysis for each of the eight ballot items and takes a position on seven of them.

Constitutional Amendment Strengthening Gun Rights

The state constitution declares that the right to keep and bear arms “shall not be abridged,” though it contains a clause permitting laws banning the carrying of concealed weapons. The amendment (No. 2 on the ballot) would eliminate this clause and declare that the right to bear arms “is fundamental and shall not be infringed.” It also would require that any restrictions placed on gun rights be subjected to “strict scrutiny,” the most stringent standard of judicial review.

BGR Position: AGAINST.

The proposed amendment sets the stage for expanding gun rights in Louisiana far beyond those protected by the Second Amendment. By imposing a stricter standard of judicial review, the proposed amendment would make it more difficult to regulate guns in Louisiana. Both existing and newly enacted laws, such as bans on firearms in schools and bars, would be subject to challenge under the strict scrutiny standard. Furthermore, by specifically eliminating the Legislature’s authority to limit concealed weapons, the amendment sends a message to the courts to strike down common-sense requirements for concealed weapons permits. This would expose the public to unnecessary risks and hamper law enforcement efforts. There is no good reason to enter this uncharted territory.

Constitutional Amendment Benefiting Spouses of Disabled Veterans

Owner-occupied properties are eligible for a homestead exemption that shields the first \$7,500 of assessed value (\$75,000 of market value) from

property taxes. Voters in all metro area parishes except Orleans have voted to double the exemption for properties owned and occupied by a veteran with a service-related disability of 100 percent, or his surviving spouse. However, for the spouse to qualify, the exemption had to be in place before the veteran's death. The amendment (No. 4 on the ballot) would make surviving spouses eligible for the additional homestead exemption regardless of when the veteran died.

BGR Position: *FOR*.

BGR has historically opposed efforts to expand the homestead exemption and it continues to do so. However, it supports this amendment because it would make the exemption more equitable in parishes that have opted to provide it. Similarly situated spouses should have equivalent benefits.

Pension Forfeiture for Public Servants Convicted of Felonies

The amendment (No. 5 on the ballot) would authorize the Legislature to require the forfeiture of all or part of the government pensions of public employees and elected officials convicted of felonies related to their jobs. The amendment would apply only to people employed, re-employed or elected on or after Jan. 1, 2013, and to benefits earned from that date forward. Companion legislation exercising this power would go into effect if the constitutional amendment passes.

BGR Position: *FOR*.

Public corruption is a significant problem in Louisiana, and allowing the Legislature to provide for forfeiture of all or part of an employee's pension benefits is appropriate. However, the companion legislation contains significant flaws. At a minimum, lawmakers should amend it during the next legislative session to remove ambiguities and address potential community property issues. Lawmakers should also explore alternate approaches that would apply irrespective of whether a case is brought in the federal or state courts.

Crescent City Connection Tolls

Voters in Jefferson, Orleans and Plaquemines parishes will decide whether to renew tolls on the Crescent City Connection bridge (CCC). If approved, tolls would continue for the next 20 years, until December 31, 2033.

Toll revenues could be used only on the bridge and "along" the rest of U.S. 90Z, which includes a portion of the Pontchartrain Expressway and all of the Westbank Expressway. The revenue would be dedicated solely to the following purposes: "operations, maintenance, landscaping, grass cutting, trash pickup, functional and ornamental lighting, policing, inspections, motorist assistance patrols and capital projects on the bridge, approaches and roadways."

If voters reject the measure, tolls on the bridge will expire at the end of 2012.

BGR Position: *AGAINST*.

The tolls would provide a dedicated source of funding for infrastructure investments at the local level. However, the need for continued tolls has not been established.

The tolls would cover many expenses that the state would otherwise meet from other sources available for those purposes. The State Police have stated that they will assume responsibility for patrolling the bridge regardless of whether there are tolls. Likewise, the state Department of Transportation and Development has indicated that it will inspect, maintain and repair the bridge regardless of whether there are tolls. The extent to which the state would fund the proposed capital projects without tolls is unclear.

There is another uncertainty about future expenditures that prevents voters from making an informed decision. Because of the vagueness of the proposition and accompanying legislation, the geographical limits on the expenditure of toll funds are open to interpretation.

The fiscal impact of lighting expenses on the individual local jurisdictions has not been quantified. However, the DOTD's current expenditures for these purposes total \$800,000, a fraction of what would be collected through tolls. Furthermore, there will be enough money in the Transition Fund to cover these costs for a number of years. This will provide plenty of time for local jurisdictions to work out a strategy for these services.

Finally, drivers need not fear that the bridge will become unsafe. Under federal law, the state must regularly inspect the bridge to ensure proper maintenance and immediately address any safety-related deficiencies. Even if that were not the case, it is unlikely that the state would fail to prioritize one of its most vital arteries.

Term Limits for School Board Members

Voters in all but two Louisiana school districts will decide in local option elections whether to limit their school board members to three consecutive four-year terms. The exceptions are Jefferson and Lafayette parishes, which already limit school board members to three terms. If approved, the limits would apply only to terms that begin on or after Jan. 1, 2014. Thus, all current board members would be eligible to serve three terms beyond that date.

BGR Position: *FOR*.

BGR is generally supportive of term limits for local government executives and legislators, and it believes school board members should not be an exception. The proposed 12-year limit is four years longer than most term limits, providing ample time for school board members to make their contributions. Also, a provision that starts the term-limit clock ticking in 2014 will help to prevent boards from being disrupted by a sudden and sweeping turnover in membership.

New Orleans Charter Amendment: Election of At-Large Councilmembers

Currently, all candidates for the city's two at-large council seats are grouped in a single field, with voters allowed to choose up to two candidates. The charter change would establish separate races for the at-large council seats, starting with the 2014 election. Candidates would have to declare which of the two seats they are seeking.

NO POSITION.

Both the existing and proposed election methods have significant advantages and disadvantages. The current method gives voters the greatest choice and enhances competition among candidates. However, it fails to ensure that winners are backed by a majority of voters. The proposed method would require winners to gain the support of at least 50 percent of voters, but it would encourage more political maneuvering by candidates.

Orleans Levee District Property Tax

Voters on the east bank of Orleans Parish will decide whether to authorize the Southeast Louisiana Flood Protection Authority-East to levy for 30 years a property tax of 6.07 mills on property in the Orleans Levee District. Approval would result in the renewal of an existing tax of 5.46 mills, and a millage increase of 0.61 mills. The millage increase would reverse millage roll-backs and return the tax to the level voters approved in 1983.

If the proposition passes, 5.46 mills, or about \$13.9 million a year, would be dedicated to constructing and maintaining levees, levee drainage, flood protection, hurricane flood protection and related purposes, including debt service payments, in the Orleans Levee District. The remaining 0.61 mills, or about \$1.5 million a year, would be dedicated to the operation and maintenance of the district's non-flood protection assets that do not produce revenue, including Lakeshore Drive and adjacent parkland. Since the non-flood protection assets are managed by a recently created, separate authority (the Non-Flood Protection Asset Management Authority), the 0.61 mills would go to it.

BGR Position: *AGAINST.*

Although most of the millage would provide essential funding for flood protection on the east bank of Orleans Parish, the portion that would go to the Non-Flood Asset Authority is problematic. While a 30-year extension for the flood protection authority is appropriate, this is far too long a period for the non-flood authority and premature at best. Before turning to taxpayers for any revenue, the Non-Flood Asset Authority should work with public officials to determine which assets to divest itself of, and for the city and Legislature to determine the best way to manage any remaining assets in the long term. Since the millage renewal for flood protection is not needed until 2014, there is sufficient time before the existing millage expires to come up with a better solution.

New Orleans Regional Business Park Tax

Approval of the proposition would authorize the New Orleans Regional Business Park to levy a property tax of up to 20 mills within its boundaries for 20 years. Residential and personal property within the district would be exempt. Although the tax would be levied only within the district, it is subject to a citywide vote.

BGR Position: *AGAINST*.

The New Orleans Regional Business Park has a poor track record, and those who pay the tax have not benefited from it. Because administrative costs consume so much of its budget, and the millage would generate insufficient funds for significant service upgrades or infrastructure improvements, the Business Park is not positioned to promote economic development. On the contrary, by increasing the property taxes of businesses in the district by 13.6%, it would act as a disincentive to development.

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 525-4152 or visit BGR's website, www.bgr.org.