

**SB 9 By Senator Boasso**

**KEYWORD AND SUMMARY AS IT LEFT THE SENATE**

FLOODS/FLOODING. Constitutional amendment to provide for the establishment of regional flood protection authorities. (2/3 - CA13s1(A))

**SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL**

1. Limits geographical area in which regional flood protection authorities are permitted to parishes and levee districts or parts thereof which are within the coastal zone.
2. Provides that authority-wide taxes shall be subject to the homestead and other exemptions provided in the constitution.
3. Clarifies that taxes of levee districts created after 1/1/06 are limited to property not exempt from taxation located within the alluvial portions of the district and are subject to voter approval. In multi-parish districts, would also require approval in each parish.

**DIGEST OF THE SENATE BILL AS IT LEFT THE SENATE**

Boasso

SB No. 9

Present constitution, relative to levee districts, authorizes the legislature to provide by law for the consolidation, division, or reorganization of existing levee districts or create new levee districts.

Proposed constitutional amendment retains present constitution and additionally authorizes the legislature to establish regional flood protection authorities as authorized in proposed constitutional amendment.

Present constitution requires that the members of the board of commissioners of a district be appointed or elected from among residents of the district, as provided by law.

Proposed constitutional amendment retains present constitution, but provides that the district residence requirement shall not apply to a regional flood protection authority.

Proposed constitutional amendment authorizes the legislature, by law, to establish regional flood protection authorities for the purpose of constructing and maintaining levees, levee drainage, flood protection, hurricane flood protection and provide for its territorial jurisdiction, governing authority, powers, duties, and functions.

Authorizes the legislature, by law, to include within the territorial jurisdiction of an authority one or more parishes or portions of parishes which are included in a levee district that is not included in the authority. However, this inclusion shall not affect the authority of such levee districts (a) to levy taxes in the included area nor prohibit the levy of taxes provided for in the proposed constitutional amendment, (b) to employ and provide for its employees, or (c) to own, construct, and maintain its property.

Provides that the governing authority of an authority may levy property taxes. Requires that the necessity and the levy and rate of the tax, or any increase thereof, be submitted to the electors within the authority, and provides that the tax or increase shall take effect only if approved by (a) a majority of the electors voting thereon within the authority and (b) a majority of electors voting in each parish.

Present constitution establishes the Wetlands Conservation and Restoration Fund and provides that the money in the fund may be appropriated for purposes consistent with the

Wetlands Conservation and Restoration Plan developed by the Wetlands Conservation and Restoration Authority, or its successor. Further, no appropriation shall be made from the fund inconsistent with the purposes of the plan. Proposed constitutional amendment (Act 69 of 2005 1ES) pending vote of electorate on September 30, 2006, redesignates the fund as the Coastal Protection and Restoration Fund and provides that the money in the fund may be appropriated for purposes consistent with the Coastal Protection Plan developed by the Coastal Protection and Restoration Authority, or its successor. Further, no appropriation shall be made from the fund inconsistent with the purposes of the plan.

Proposed constitutional amendment provides that notwithstanding Art. VII, Sec. 10.2(D) of the Constitution, the legislature may appropriate to regional authorities up to \$500,000 annually from the Coastal Protection and Restoration Fund.

Proposed constitutional amendment provides that no action taken under proposed constitutional amendment shall impair the obligation of outstanding bonded indebtedness or of any other contract of a levee district.

Present constitution provides that:

1. Subject to State Bond Commission approval, the governing authority of a levee district may fund the proceeds of its taxes or other revenues into bonds or other evidences of indebtedness; with proceeds therefrom being used for the levee district purposes or for funding or payment of any outstanding indebtedness; provided that such bonds be sold as provided by law. (Art. IV, Sec. 40)
2. The governing authority of any levee district may cooperate with the federal government in constructing and maintaining levees in this state, under terms and conditions provided by the federal authorities and accepted by the governing authority. (Art. IV, Sec. 41)
3. Except for transfers provided for in Terrebonne Parish, lands and mineral interests of a levee district shall not be lost by prescription. (Art. IX, Sec. 4)

Proposed constitutional amendment provides that when "levee district" is used in Article VI, Secs. 40-41 and in Articles VII and IX of the Constitution, it includes a regional flood protection authority.

Present constitution provides that for the purpose of constructing and maintaining levees, levee drainage, flood protection, hurricane flood protection, and for all other purposes incidental thereto, the governing authority of a levee district may levy annually a tax not to exceed five mills, except the Board of Levee Commissioners of the Orleans Levee District, which may levy annually a tax not to exceed 2-1/2 mills on the dollar of the assessed valuation of all taxable property situated within the alluvial portions of the district subject to overflow. Proposed constitutional amendment retains this direct grant of authority to levy taxes without a vote in all levee districts *except* one that is created within the jurisdiction of a regional authority after the effective date of the constitutional amendment.

Specifies submission of the amendment to the voters at the statewide election to be held on September 30, 2006.

(Amends Const. Art. VI, Sec. 38(A)(1) and 39(A) and Adds Const. Art. VI, Sec. 38.1)

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