

SENATE BILL NO. 9

BY SENATORS BOASSO, MOUNT, ADLEY, AMEDEE, BAJOIE, BARHAM, BROOME, CAIN, CHAISSON, CHEEK, DARDENNE, DUPLESSIS, DUPRE, ELLINGTON, FONTENOT, B. GAUTREAU, N. GAUTREAU, HINES, HOLLIS, JACKSON, KOSTELKA, LENTINI, MALONE, MARIONNEAU, MCPHERSON, MICHOT, MURRAY, NEVERS, QUINN, ROMERO, SCHEDLER, SHEPHERD, SMITH, THEUNISSEN AND ULLO AND REPRESENTATIVES K. CARTER, DORSEY, SALTER, JEFFERSON, ALEXANDER, ANSARDI, ARNOLD, BADON, BALDONE, BAUDOIN, BAYLOR, BEARD, BOWLER, BRUCE, BRUNEAU, BURNS, BURRELL, CAZAYOUX, CRANE, CRAVINS, CROWE, CURTIS, DAMICO, DANIEL, DOERGE, DOVE, DOWNS, DURAND, ERDEY, FANNIN, FAUCHEUX, FRITH, GALLOT, GLOVER, GRAY, GREENE, E. GUILLORY, M. GUILLORY, HILL, HONEY, HOPKINS, JACKSON, KATZ, KENNARD, KENNEY, LAFLEUR, LAMBERT, LANCASTER, MARTINY, MCDONALD, MCVEA, MONTGOMERY, MORRELL, MORRISH, PIERRE, PITRE, M. POWELL, T. POWELL, QUEZAIRE, RICHMOND, RITCHIE, SCALISE, SCHNEIDER, SMILEY, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOOMY, TRAHAN, TRICHE, TUCKER, WADDELL, WALSWORTH, WHITE AND WINSTON

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A JOINT RESOLUTION

Proposing to amend Section 38(A)(1) and Section 39 and to add Section 38.1 of Article VI of the Constitution of Louisiana and to redesignate the title to Part III of said Article, relative to flood protection; to provide for the establishment of regional flood protection authorities and its governing authority, powers, duties, functions; to provide for the governing authority of levee districts within the territorial jurisdiction of a regional flood protection authority; to provide for taxing authority; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state, for their approval or rejection in the manner provided by law, a proposal to amend Section 38(A)(1) and Section 39 and to add Section 38.1 of Article VI of the Constitution of Louisiana and to redesignate the title to Part III of said Article, to read as follows:

PART III. LEVEE DISTRICTS

AND REGIONAL FLOOD PROTECTION AUTHORITIES

§38. Levee Districts

Section 38.(A) Retention; Reorganization; Consolidation. Levee districts as organized and constituted on January 1, 1974 shall continue to exist, except that

(1) The legislature may provide by law for the consolidation, division, or reorganization of existing levee districts ~~or~~, may create new levee districts, or may establish regional flood protection authorities as authorized by Section 38.1 of this Part. However, except for the board of commissioners of a regional flood protection authority the members of the board of commissioners of a district heretofore or hereafter created shall be appointed or elected from among residents of the district, as provided by law.

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§38.1. Regional Flood Protection Authorities

Section 38.1.(A) Establishment. (1) The legislature by law may establish regional flood protection authorities, with territorial jurisdiction limited to parishes and levee districts which are situated entirely or partially within the coastal zone as described in R.S. 49:214.24 as of the effective date of this Section, and provide for their territorial jurisdiction, governing authority, powers, duties, and functions for the purpose of constructing and maintaining levees, levee drainage, flood protection, and hurricane flood protection within the territorial jurisdiction of the authority, and for all other purposes incidental thereto. Each authority shall be governed by a board of commissioners which shall also be the governing authority of each levee district within the territorial jurisdiction of the authority.

(2) The legislature, by law, may include within territorial jurisdiction of the regional flood protection authority one or more parishes or portions of parishes which are included in one or more levee districts that are not included within territorial jurisdiction of the authority. The inclusion of such parishes or portions of parishes shall not affect the authority of the respective levee district

1 (a) to levy taxes in such areas nor prohibit the levy of taxes provided for in this
 2 Section in such areas, (b) to employ and provide for its employees, or (c) to own,
 3 construct, and maintain its property.

4 (B) Authority-wide Tax. In addition to the taxes authorized to be levied
 5 by any levee district situated within the territorial jurisdiction of a regional
 6 flood protection authority, the board of commissioners of the authority may
 7 levy annually a tax on the dollar of the assessed valuation of all property not
 8 exempt from taxation situated within the territorial jurisdiction of the
 9 authority. The necessity and the levy and rate of the tax, or any increase
 10 thereof, shall be subject to the provisions of Article VII, Section 20 of this
 11 Constitution and shall be subject to the provisions of Article VII, Section 21(F)
 12 of this Constitution and shall be submitted to the electors within the authority,
 13 and the tax or increase shall take effect only if approved by:

14 (1) A majority of the electors voting thereon within that authority, and

15 (2) Each of the parishes in that authority, by a majority of the electors
 16 voting thereon in each parish, in an election held for that purpose.

17 (C) Notwithstanding the provisions of Article VII, Section 10.2(D) of this
 18 Constitution, the legislature may appropriate up to five hundred thousand
 19 dollars annually to regional flood protection authorities from the Coastal
 20 Protection and Restoration Fund.

21 (D) Obligation of Contract Affirmed. No action taken under this Section
 22 shall impair the obligation of outstanding bonded indebtedness or of any other
 23 contract of a levee district.

24 (E) The phrase "levee district" when used in Sections 40 and 41 of this
 25 Part and in Articles VII and IX of this Constitution shall include regional flood
 26 protection authorities.

27 §39. Levee District Taxes

28 Section 39.(A) District Tax; Millage Limit. For the purpose of constructing
 29 and maintaining levees, levee drainage, flood protection, hurricane flood protection,
 30 and for all other purposes incidental thereto, the governing authority of a levee

1 district created prior to January 1, 2006, may levy annually a tax not to exceed
2 five mills, except the Board of Levee Commissioners of the Orleans Levee District
3 which may levy annually a tax not to exceed two and one-half mills on the dollar of
4 the assessed valuation of all taxable property situated within the alluvial portions of
5 the district subject to overflow.

6 (B) Millage Increase. If the necessity to raise additional funds arises in any
7 levee district created prior to January 1, 2006, for any purpose set forth in
8 Paragraph (A) of this Section, or for any other purpose related to its authorized
9 powers and functions as specified by law, the tax may be increased. However, the
10 necessity and the rate of the increase shall be submitted to the electors of the district,
11 and the tax increase shall take effect only if approved by a majority of the electors
12 voting thereon in an election held for that purpose.

13 (C) Districts Created After January 1, 2006. For any purpose set forth
14 in Paragraph (A) of this Section, the governing authority of a levee district
15 created after January 1, 2006, may annually levy a tax on all property not
16 exempt from taxation situated within the alluvial portions of the district subject
17 to overflow. However, such a district shall not levy such a tax nor increase the
18 rate of such a tax unless the levy or the increase is approved by a majority of the
19 electors of the district who vote in an election held for that purpose. If the
20 district is comprised of territory in more than one parish, approval by a
21 majority of the electors who vote in each parish comprising the district is also
22 required for any such levy or increase.

23 Section 2. Be it further resolved that this proposed amendment shall be submitted
24 to the electors of the state of Louisiana at the statewide election to be held on September 30,
25 2006.

26 Section 3. Be it further resolved that on the official ballot to be used at said election
27 there shall be printed a proposition, upon which the electors of the state shall be permitted
28 to vote FOR or AGAINST, to amend the Constitution of Louisiana, which proposition shall
29 read as follows:

30 To authorize the legislature to establish regional flood protection authorities

1 and provide for its governing authority, powers, duties, and functions, for the
2 governing authority of levee districts within the territorial jurisdiction of the
3 regional authority, and authorizing ad valorem taxes subject to voter
4 approval. (Amends Article VI, Sections 38(A)(1) and 39 and adds Article VI,
5 Section 38.1)

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES