

2015 Regular Session

HOUSE BILL NO. 235

BY REPRESENTATIVE ARNOLD

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

LOCAL GOVERNMENT: (Constitutional Amendment) Authorizes the legislature to provide, by local law, for the incorporation of any area located within a single parish

## 1 A JOINT RESOLUTION

2 Proposing to amend Article VI, Section 2 of the Constitution of Louisiana, to authorize the  
3 legislature to provide, by local law, for the incorporation of any area located within  
4 the boundaries of a single parish and to exclude the area from the boundaries of any  
5 municipality; to provide for the effectiveness of such boundary change; to provide  
6 for applicability of the homestead exemption in certain municipalities incorporated  
7 in the parish of Orleans; to provide limitations; to provide for submission of the  
8 proposed amendment to the electors; to provide for an election of the voters of the  
9 newly incorporated area; and to provide for related matters.

10 Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members  
11 elected to each house concurring, that there shall be submitted to the electors of the state of  
12 Louisiana, for their approval or rejection in the manner provided by law, a proposal to  
13 amend Article VI, Section 2 of the Constitution of Louisiana, to read as follows:

## 14 §2. Municipalities

15 Section 2.(A) The legislature shall provide by general law for the  
16 incorporation, consolidation, merger, and government of municipalities. No local  
17 or special law shall create a municipal corporation or amend, modify, or repeal a  
18 municipal charter. However, a special legislative charter existing on the effective  
19 date of this constitution may be amended, modified, or repealed by local or special  
20 law.

1           (B)(1) Notwithstanding any contrary provision of this constitution, including  
2           Article VI, Sections 4 and 6, the legislature may provide by local law for the  
3           incorporation of any area located within the boundaries of a single parish as a  
4           municipality within such parish if the parish contains fewer than two incorporated  
5           areas on January 1, 2016. The legislature may also provide, by local law, for the  
6           exclusion of the area from the boundaries of any municipality. Such an exclusion  
7           shall not be effective until the effective date of such incorporation and upon approval  
8           by a majority of the electors residing in the newly incorporated area.

9           (2) The exemption provided by Article VII, §20(A)(9)(a) for general city  
10           taxes shall not apply to property located in any municipality in the parish of Orleans  
11           existing prior to or after the ratification of Subparagraph (1) of this Paragraph.

12           Section 2. Be it further resolved that this proposed amendment shall be submitted  
13 to the electors of the state of Louisiana at the statewide election to be held on October 24,  
14 2015.

15           Section 3. Be it further resolved that on the official ballot to be used at the election,  
16 there shall be printed a proposition, upon which the electors of the state shall be permitted  
17 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as  
18 follows:

19           Do you support an amendment to authorize the legislature to provide, by  
20           local law, for the incorporation of any area located within the boundaries of  
21           a single parish as a municipality within such parish if the parish contains  
22           fewer than two incorporated areas; to provide for the reincorporation of the  
23           area within the boundaries of any existing municipality; and to provide  
24           relative to the application of the homestead exemption to ad valorem taxes  
25           in the city of New Orleans if a municipality is incorporated subsequent to  
26           ratification of this amendment? (Amends Article VI, Section 2)

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**DIGEST**

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 235 Re-Reengrossed

2015 Regular Session

Arnold

**Abstract:** Authorizes the legislature to provide, by local law, for the incorporation of any area located within a single parish and to change the boundaries of any municipality affected by the incorporation, and removes application of the homestead exemption for general city taxes for property located in Orleans Parish

Present constitution provides that the legislature shall provide by general law for the incorporation, consolidation, merger, and government of municipalities. Provides that no local or special law shall create a municipal corporation, or amend, modify, or repeal a municipal charter. Present constitution provides, however, that a special legislative charter existing on the effective date of present constitution may be amended, modified, or repealed by local or special law.

Proposed constitutional amendment retains present constitution except authorizes the legislature to provide, by local law, for the incorporation of any area located within a single parish, if the parish contains fewer than two incorporated areas on Jan. 1, 2016, and to provide for the exclusion of the area from the boundaries of any existing municipality. Provides that such exclusion shall not be effective until the effective date of such incorporation and upon approval by a majority of the electors residing in the newly incorporated area.

Proposed law provides that the exemption from ad valorem taxes for general city taxes shall not apply to property located in any municipality in the parish of Orleans.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Oct. 24, 2015.

(Amends Const. Art. VI, §2)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the engrossed bill:

1. Limit applicability to parishes containing fewer than two incorporated areas.
2. Remove application of the homestead exemption for general city taxes for property located in Orleans Parish.
3. Add technical changes to the ballot language.

The House Floor Amendments to the reengrossed bill:

1. Add a requirement that a majority of the electors residing in the newly incorporated area approve the exclusion of the area from the boundaries of an existing municipality prior to the exclusion becoming effective.