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; and to provide for related matters.

9   Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members

10   elected to each house concurring, that there shall be submitted to the electors of the state of

11   Louisiana, for their approval or rejection in the manner provided by law, a proposal to

12   amend Article VI, Section 2 of the Constitution of Louisiana, to read as follows:

13   §2. Municipalities

14   Section 2.(A)   The legislature shall provide by general law for the

15   incorporation, consolidation, merger, and government of municipalities. No local

16   or special law shall create a municipal corporation or amend, modify, or repeal a

17   municipal charter. However, a special legislative charter existing on the effective

18   date of this constitution may be amended, modified, or repealed by local or special

19   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.

8   (2) The exemption provided by Article VII, §20(A)(9)(a) for general city

9   taxes shall not apply to property located in any municipality in the parish of Orleans

10   existing prior to or after the ratification of Paragraph (B)(1) of this Section.

11   Section 2. Be it further resolved that this proposed amendment shall be submitted

12   to the electors of the state of Louisiana at the statewide election to be held on October 24,

13   2015.

14   Section 3. Be it further resolved that on the official ballot to be used at the election,

15   there shall be printed a proposition, upon which the electors of the state shall be permitted

16   to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as

17   follows:

18   Do you support an amendment to authorize the legislature to provide, by

19   local law, for the incorporation of any area located within the boundaries of

20   a single parish as a municipality within such parish if the parish contains

21   fewer than two incorporated areas; to provide for the reincorporation of the

22   area within the boundaries of any existing municipality; and to provide

23   relative to the application of the homestead exemption to ad valorem taxes

24   in the city of New Orleans if a municipality is incorporated subsequent to

25   ratification of this amendment? (Amends Article VI, Section 2)

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)]

HB 235 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.

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 which exists prior to or after the ratification of the proposed constitutional amendment.

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.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.