

SENATE BILL NO. 1

BY SENATOR MCPHERSON AND REPRESENTATIVE BRUNEAU AND SENATORS ADLEY, AMEDEE, BARHAM, CAIN, CRAVINS, DUPLESSIS, DUPRE, ELLINGTON, HINES, HOLLIS, LENTINI, MOUNT, MURRAY, NEVERS, SCHEDLER, SMITH, N. GAUTREAUX AND MARIONNEAUX AND REPRESENTATIVES STRAIN, SCHNEIDER, R. CARTER, CRAVINS, MONTGOMERY, TOWNSEND, HUNTER, ALARIO, ALEXANDER, BALDONE, BAUDOIN, BOWLER, BURNS, CAZAYOUX, CROWE, CURTIS, DAMICO, DARTEZ, DOERGE, DOWNS, DURAND, FANNIN, FARRAR, FRITH, GREENE, E. GUILLORY, HILL, JEFFERSON, JOHNS, KLECKLEY, LAFONTA, LANCASTER, MCDONALD, MCVEA, T. POWELL, RITCHIE, ROMERO, WALSWORTH, BADON, BAYLOR, BEARD, BURRELL, CHANDLER, CRANE, DEWITT, DORSEY, ERDEY, FAUCHEUX, GLOVER, HARRIS, HEATON, HEBERT, HOPKINS, JACKSON, KATZ, KENNEY, LABRUZZO, MARCHAND, MORRELL, MORRISH, ODINET, PIERRE, PINAC, PITRE, M. POWELL, ROBIDEAUX, SCALISE, GARY SMITH, JACK SMITH, JANE SMITH, THOMPSON, TRAHAN, TRICHE, TUCKER, WADDELL, WHITE AND WINSTON

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A JOINT RESOLUTION

Proposing to amend Article I, Section 4(B) and Article VI, Section 21(A) and to add Article VI, Section 21(D) of the Constitution of Louisiana, relative to the expropriation of property; to prohibit the expropriation of property by the state or a political subdivision of the state for the predominant use by or transfer to any private person or entity under certain circumstances; to provide for the definition of "public purposes"; to provide for items included in just compensation to be paid to the owner of expropriated property; to provide exceptions for the operation of public ports; 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 4(B) of Article I and Section 21(A) of Article VI and to add Section 21(D) of Article VI of the Constitution of Louisiana, to read as follows:

§4. Right to Property

Section 4. * * *

(B)**1** Property shall not be taken or damaged by the state or its political

1 subdivisions except for public purposes and with just compensation paid to the
2 owner or into court for his benefit. Except as specifically authorized by Article VI,
3 Section 21 of this Constitution property shall not be taken or damaged by the
4 state or its political subdivisions: (a) for predominant use by any private person
5 or entity; or (b) for transfer of ownership to any private person or entity.

6 (2) As used in Subparagraph (1) of this Paragraph and in Article VI,
7 Section 23 of this Constitution, "public purpose" shall be limited to the
8 following:

9 (a) A general public right to a definite use of the property.

10 (b) Continuous public ownership of property dedicated to one or more
11 of the following objectives and uses:

12 (i) Public buildings in which publicly funded services are administered,
13 rendered, or provided.

14 (ii) Roads, bridges, waterways, access to public waters and lands, and
15 other public transportation, access, and navigational systems available to the
16 general public.

17 (iii) Drainage, flood control, levees, coastal and navigational protection
18 and reclamation for the benefit of the public generally.

19 (iv) Parks, convention centers, museums, historical buildings and
20 recreational facilities generally open to the public.

21 (v) Public utilities for the benefit of the public generally.

22 (vi) Public ports and public airports to facilitate the transport of goods
23 or persons in domestic or international commerce.

24 (c) The removal of a threat to public health or safety caused by the
25 existing use or disuse of the property.

26 (3) Neither economic development, enhancement of tax revenue, or any
27 incidental benefit to the public shall be considered in determining whether the
28 taking or damaging of property is for a public purpose pursuant to
29 Subparagraph (1) of this Paragraph or Article VI, Section 23 of this
30 Constitution.

1 ~~I, Section 4~~) expropriation, and improve industrial plant buildings and industrial
 2 plant equipment, machinery, furnishings, and appurtenances, **including public port**
 3 **facilities and operations which relate to or facilitate the transportation of goods**
 4 **in domestic and international commerce**; and

5 (c) sell, lease, lease-purchase, or demolish all or any part of the foregoing.

6 * * *

7 **(D) Property excepted. The bona fide homestead, as defined by Article**
 8 **VII, Section 20(A)(1), shall not be subject to expropriation pursuant to this**
 9 **Section.**

10 * * *

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 September 30,
 13 2006.

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

18 To prohibit the expropriation of property by the state or a political
 19 subdivision of the state for predominant use by or transfer to a private person
 20 or entity under certain circumstances; to define "public purposes" relative to
 21 the expropriation of property; to provide exceptions for the operation of
 22 public ports and airports and for the expropriation of property for industrial
 23 development purposes; and to provide for items included in just
 24 compensation to be paid to the owner of the expropriated property. (Amends
 25 Article I, Section 4(B) and Article VI, Section 21(A); Adds Article VI,
 26 Section 21(D))

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES