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A JOINT RESOLUTION

Proposing to amend Article VI, Section 42(A) and to add Article I, Section 4(G) of the Constitution of Louisiana; to provide relative to the taking of property; to provide relative to the compensation paid for certain takings of property; to provide that compensation paid for the taking of, or loss or damage to, property rights affected by certain flood control projects shall be governed by the Fifth Amendment of the United States Constitution; to specify an election for submission of the proposition to electors and provide a ballot proposition; and to provide for related matters.

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 add Article I, Section 4(G) of the Constitution of Louisiana, to read as follows:

ARTICLE I. DECLARATION OF RIGHTS

\* \* \*

§4. Right to Property

Section 4.

\* \* \*

**(G) Compensation paid for the taking of, or loss or damage to, property rights for the construction, enlargement, improvement, or modification of federal or non-federal hurricane protection projects, including mitigation related thereto, shall not exceed the compensation required by the Fifth Amendment of the Constitution of the United States of America. However, this Paragraph shall not apply to compensation paid for a building or structure that was destroyed or damaged by an event for which a presidential declaration of major disaster or emergency was issued, if the taking occurs within three years**

1 of such event. The legislature by law may provide procedures and definitions  
 2 for the provisions of this Paragraph.

3 Section 2. Be it resolved by the Legislature of Louisiana, two-thirds of the members  
 4 elected to each house concurring, that there shall be submitted to the electors of the state, for  
 5 their approval or rejection in the manner provided by law, a proposal to amend Article VI,  
 6 Section 42(A) of the Constitution of Louisiana, to read as follows:

7 ARTICLE VI. LOCAL GOVERNMENT

8 \* \* \*

9 PART III. LEVEE DISTRICTS

10 \* \* \*

11 §42. Compensation for Property Used or Destroyed; Tax

12 Section 42.(A) Compensation. Notwithstanding any contrary provision of  
 13 this constitution, lands and improvements thereon hereafter actually used or  
 14 destroyed for levees or levee drainage purposes shall be paid for as provided by law.

15 With respect to lands and improvements actually used or destroyed in the  
 16 construction, enlargement, improvement, or modification of federal or non-  
 17 federal hurricane protection projects, including mitigation related thereto, such  
 18 payment shall not exceed the amount of compensation authorized under Article  
 19 I, Section 4(G) of this constitution. However, nothing contained in this Paragraph

20 with respect to compensation for lands and improvements shall apply to bature or  
 21 to property the control of which is vested in the state or any political subdivision for  
 22 the purpose of commerce. If the district has no other funds or resources from which  
 23 the payment can be made, it shall levy on all taxable property within the district a tax  
 24 sufficient to pay for property used or destroyed to be used solely in the district where  
 25 collected.

26 \* \* \*

27 Section 3. Be it further resolved that this proposed amendment shall be submitted  
 28 to the electors of the state of Louisiana at the statewide election to be held on September 30,  
 29 2006.

30 Section 4. Be it further resolved that on the official ballot to be used at said election

1 there shall be printed a proposition, upon which the electors of the state shall be permitted  
2 to vote FOR or AGAINST, to amend the Constitution of Louisiana, which proposition shall  
3 read as follows:

4 To provide that compensation paid for the taking of, or loss or damage to,  
5 property rights affected by the construction, enlargement, improvement, or  
6 modification of hurricane protection projects, including mitigation related  
7 thereto, shall be limited to the compensation required by the Fifth  
8 Amendment of the United States Constitution; to provide an exception for  
9 the taking of buildings or structures destroyed or damaged by an event for  
10 which a presidential declaration of major disaster or emergency was issued,  
11 if the taking occurs within three years of such event; and to authorize the  
12 legislature by law to provide procedures and definitions for these  
13 requirements. (Amends Article VI, Section 42(A); Adds Article I, Section  
14 4(G))

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES