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## DIGEST

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Price

HB No. 768

**Abstract:** Provides with respect to the procedures and time limits relative to the filing of a petition for the incorporation of an unincorporated area.

Present law provides that residents of any unincorporated area with a population of at least two hundred people may propose the incorporation of the area. The petitioners must submit to the secretary of state a petition for incorporation that contains the following information:

- (1) A legal description of the area proposed for incorporation and the statement that all lands included in the area constitute a contiguous area.
- (2) A statement of the number of inhabitants residing in the unincorporated area, based on the latest federal decennial census or another current population report or count which is verifiable.
- (3) A statement of the assessed value of the real property located in the unincorporated area.
- (4) A listing of the public services the municipal corporation proposes to render to the area and a plan for the provision of these services.
- (5) A statement of the corporate name desired for the new municipality.
- (6) The names of two or more chairpersons for the petition for incorporation who shall serve as agents for the petitioners in all legal matters, including the receipt of notices.
- (7) The signatures of 25% of the electors residing in the area proposed for incorporation.

Proposed law generally retains present law and additionally provides the following with respect to such a petition: requires that the legal description include a list of every parish in which the proposed area of incorporation is wholly or partially situated. Requires the secretary of state to provide a form for such a petition. Requires, prior to the collection of signatures, submission of the proposed petition to the secretary of state. Provides that the secretary of state shall review the petition for compliance with present law and proposed law and certify that the petition meets all legal requirements and endorse the fact and the date of filing. Requires the secretary of state to transmit a copy of the petition to the registrar of voters for each parish in which the proposed incorporated area is situated. Provides that if the petitioners fail to get secretary of state approval of the petition after two attempts, no proposal for incorporation of the area shall be submitted for

two years thereafter. Prohibits collection of signatures until notification of such endorsement. Provides that petitioners have 12 months from the date of endorsement to collect the requisite number of signatures if fewer than 5,000 qualified electors reside in the unincorporated area and 18 months if 5,000 or more qualified electors reside in the unincorporated area.

Proposed law provides that proposed law provisions are not applicable to petitions that contain, on the effective date of proposed law, the signatures of at least 1,000 electors residing in the unincorporated area. Requires petitioners to submit such a petition, for verification, to the registrar of voters within 60 days after the effective date of proposed law. Provides that the registrar of voters has 60 days to make his determination and notify the petitioners. Provides that the petition is null and void if petitioners fail to submit the petition to the registrar of voters within the required time period or if the registrar determines that the petition does not contain the requisite number of signatures and makes proposed law provisions applicable to any subsequent proposed incorporation.

(Amends R.S. 33:1)

#### Summary of Amendments Adopted by House

##### House Floor Amendments to the engrossed bill.

1. Removes provisions that provide that petitioners have 180 days from the date of endorsement to collect the requisite number of signatures or 90 days if fewer than 1,000 electors reside in the area and instead provides that they have 12 months if fewer than 5,000 qualified electors reside in the unincorporated area and 18 months if 5,000 or more qualified electors reside in the unincorporated area.

2. Adds provisions that provide that proposed law provisions are not applicable to petitions that contain, on the effective date of the Act, the signatures of at least 1,000 electors residing in the unincorporated area. Adds provisions relative to verification of such petitions and otherwise relative to applicability of proposed law.