

2016 Regular Session

HOUSE BILL NO. 786

BY REPRESENTATIVE BISHOP

MUNICIPAL/ANNEXATION: Provides relative to annexation ordinances adopted by municipalities

1 AN ACT

2 To amend and reenact R.S. 33:160(B) and 171(A) and to enact R.S. 33:160(C), 171(D), and
3 178(C) and (D), relative to municipal annexation; to require municipal governing
4 authorities to provide copies of municipal annexation ordinances, by electronic
5 medium, to the registrar of voters and the secretary of state; to provide alternative
6 methods of providing such information; to provide for definitions; and to provide for
7 related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 33:160(B) and 171(A) are hereby amended and reenacted and R.S.
10 33:160(C), 171(D), and 178(C) and (D) are hereby enacted to read as follows:

11 §160. Returns of election; recording returns; proclaiming result; effect of vote
12 favoring annexation

13 * * *

14 B. The municipal governing authority shall furnish ~~to~~, by electronic medium,
15 the registrar of voters and the secretary of state a copy of all municipal ordinances
16 annexing territory within fifteen days after adoption of such ordinances, as well as
17 a map and written description of all newly annexed territory. If the municipal

1 governing authority does not have the ability to submit the information required by
2 this Paragraph by electronic medium, the governing authority shall submit the
3 information by certified mail or commercial courier.

4 * * *

5 C. As used in this Section, the following terms shall have the meanings
6 ascribed to them by this Subsection:

7 (1) "Electronic medium" means by electronic mail or facsimile.

8 (2) "Commercial courier" means any foreign or domestic business entity
9 having as its primary purpose the delivery of letters and parcels of any type which
10 acquires a signed receipt from the addressee, or the addressee's agent, of the letter
11 or parcel upon completion of delivery and has no direct or indirect interest in the
12 outcome of the matter to which the letter or parcel concerns.

13 * * *

14 §171. Ordinance to enlarge or contract corporate limits; distribution of certain
15 revenues in annexed areas

16 A. The limits and boundaries of incorporated municipalities shall remain as
17 established on July 31, 1946, but may be enlarged or contracted, by ordinance of the
18 governing body as hereinafter provided, the city of New Orleans excepted. The
19 municipal governing authority shall furnish, by electronic medium, the registrar of
20 voters of the affected area and the secretary of state a copy of all municipal
21 ordinances annexing territory within fifteen days after adoption of such ordinances,
22 as well as a map and written description of all newly annexed territory. If the
23 municipal governing authority does not have the ability to submit the information
24 required by this Paragraph by electronic medium, the governing authority shall
25 submit the information by certified mail or commercial courier.

26 * * *

27 D. As used in this Section, the following terms shall have the meanings
28 ascribed to them by this Subsection:

29 (1) "Electronic medium" means by electronic mail or facsimile.

1 (2) "Commercial courier" means any foreign or domestic business entity
2 having as its primary purpose the delivery of letters and parcels of any type which
3 acquires a signed receipt from the addressee, or the addressee's agent, of the letter
4 or parcel upon completion of delivery and has no direct or indirect interest in the
5 outcome of the matter to which the letter or parcel concerns.

6 * * *

7 §178. Ordinance defining territory excluded or included and description of
8 boundary as changed required to be filed with clerk of district court

9 * * *

10 C. Each municipal governing authority shall furnish, by electronic medium,
11 the registrar of voters and the secretary of state a copy of the municipal ordinance
12 enlarging or contracting the boundaries of the municipality within fifteen days after
13 adoption of such ordinance, as well as a map and written description of the entire
14 boundary of the municipality as changed. If the municipal governing authority does
15 not have the ability to submit the information required by this Paragraph by
16 electronic medium, the governing authority shall submit the information by certified
17 mail or commercial courier.

18 D. As used in this Section, the following terms shall have the meanings
19 ascribed to them by this Subsection:

20 (1) "Electronic medium" means by electronic mail or facsimile.

21 (2) "Commercial courier" means any foreign or domestic business entity
22 having as its primary purpose the delivery of letters and parcels of any type which
23 acquires a signed receipt from the addressee, or the addressee's agent, of the letter
24 or parcel upon completion of delivery and has no direct or indirect interest in the
25 outcome of the matter to which the letter or parcel concerns.

26 Section 2. This Act shall become effective upon signature by the governor or, if not
27 signed by the governor, upon expiration of the time for bills to become law without signature
28 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

- 1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
2 effective on the day following such approval.

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 786 Original

2016 Regular Session

Bishop

Abstract: Requires municipal governing authorities to furnish to the registrar of voters and the secretary of state, by electronic medium, copies of municipal annexation ordinances.

Present law authorizes owners of property lying contiguous and adjacent to the territorial corporate limits of any municipality, except in New Orleans, to petition the mayor and governing authority of the municipality to annex their property into the municipality. Requires that the petition contain one-third in number and value of the bona fide owners of the property and that a majority in number and value of the qualified electors residing in and upon the property vote in favor of annexation at an election held for that purpose.

Present law authorizes the municipality, once annexation is approved by the property owners, to order an election and submit a proposition to qualified electors residing within the corporate limits of the municipality for the purpose of deciding whether they consent to the proposed annexation.

Proposed law retains present law.

Present law requires the municipal governing authority to furnish the registrar of voters a copy of all municipal ordinances annexing territory as well as a map and written description of all newly annexed territory.

Proposed law specifies that a copy of the ordinances be furnished, by electronic medium, to the registrar of voters and secretary of state within 15 days of the adoption of the ordinances. Requires the municipal governing authority, if it cannot furnish the information by electronic medium, to furnish it by certified mail or commercial courier.

Present law authorizes the governing authorities of incorporated municipalities to enlarge or contract the municipal boundaries by ordinance.

Proposed law retains present law.

Present law requires the municipal governing authority to furnish the registrar of voters a copy of all municipal ordinances annexing territory as well as a map and written description of all newly annexed territory.

Proposed law specifies that a copy of the ordinances be furnished, by electronic medium, to the registrar of voters and secretary of state within 15 days of the adoption of the ordinances. Requires the municipal governing authority, if it cannot furnish the information by electronic medium, to furnish it by certified mail or commercial courier.

Present law requires, within 10 days after the adoption of the ordinance, that a written description of the entire boundary of the municipality as changed be filed by the clerk of the municipality with the clerk of the district court of the parish in which the municipality is located.

Proposed law retains present law and additionally requires the municipal governing authority to furnish the registrar of voters and the secretary of state, a copy of the ordinance enlarging or contracting the boundaries of the municipality, within 15 days of the adoption of the ordinance, as well as a map and written description of the entire boundary of the municipality as changed. Requires the municipal governing authority, if it cannot furnish the information by electronic medium, to furnish it by certified mail or commercial courier.

Proposed law defines the terms "electronic medium" to mean electronic mail or facsimile and "commercial courier" to mean any foreign or domestic business entity having as its primary purpose the delivery of letters and parcels of any type and which acquires a signed receipt from the addressee, or the addressee's agent.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 33:160(B) and 171(A); Adds R.S. 33:160(C), 171(D), and 178(C) and (D))