

Regular Session, 2014

HOUSE BILL NO. 768

BY REPRESENTATIVES PRICE AND SMITH

MUNICIPAL/INCORPORATION: Provides relative to incorporation petitions

1 AN ACT

2 To amend and reenact R.S. 33:1, relative to the incorporation of municipalities; to provide
3 relative to the process of petitioning for incorporation; to provide relative to the time
4 petitioners have to obtain signatures for incorporation; to provide for approval of
5 petitions by the secretary of state; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S.33:1 is hereby amended and reenacted to read as follows:

8 §1. Petition for incorporation; contents; circulation; required signatures

9 A. Residents of any unincorporated area with a population in excess of two
10 hundred inhabitants may propose the incorporation of the area by petition for an
11 incorporation election as provided in this Subpart. The secretary of state shall
12 provide a form approved by the attorney general to be used for the petition for an
13 incorporation election. All incorporation petitions shall be on an approved form or
14 on a form which contains the same information as required on the approved form,
15 and any petition not on such a form shall be invalid. The form shall include the
16 following information ~~A petition proposing the incorporation of the area shall be~~
17 ~~prepared and shall contain the following:~~

18 (1) A legal description of the area proposed for incorporation and the
19 statement that all lands included in the area constitute a contiguous area. The
20 description shall also include a list of every parish in which the proposed area of
21 incorporation is wholly or partially situated.

1 (2) A statement of the number of inhabitants residing in the unincorporated
2 area. Such statement shall be based on the latest federal decennial census or another
3 current population report or count which is verifiable.

4 (3) A statement of the assessed value of the real property located in the
5 unincorporated area.

6 (4) A listing of the public services the municipal corporation proposes to
7 render to the area and a plan for the provision of these services.

8 (5) A statement of the corporate name desired for the new municipality.

9 (6) The names of two or more chairpersons for the petition for incorporation
10 who shall serve as agents for the petitioners in all legal matters, including the receipt
11 of notices. Notice will be sufficient if served on any one of the chairpersons.

12 (7) A copy of the incorporation petition that will be used to obtain the
13 requisite number of signatures for incorporation.

14 B.(1)(a) Prior to entering any signatures, the petitioners shall file the initial
15 petition with the secretary of state. Upon the filing of the initial petition for
16 incorporation, the secretary of state shall review for compliance and certify that the
17 petition meets the requirements of this Section and endorse thereon the fact and the
18 date of filing. The secretary of state shall notify the petitioners of the endorsement
19 and certification of the initial petition and shall transmit a copy of the petition to the
20 registrar of voters for each parish in which the proposed incorporated area is situated.
21 The petitioners shall have one hundred eighty days from the day on which the
22 petition was endorsed by the secretary of state to obtain ~~The~~ the required signatures
23 of ~~twenty-five percent~~ of the electors residing in the area proposed for incorporation
24 shall be required in order to file the petition as provided in R.S. 33:2(A). The
25 petitioners shall not collect any signatures for incorporation until they have received
26 notice of the certification and endorsement of the petition for incorporation. The
27 signed and dated petition shall be submitted to the registrar of voters as required by
28 R.S. 33:2 not later than one hundred eighty days after the day on which the petition
29 was endorsed by the secretary of state.

1 (2) Notwithstanding the provisions of Paragraph (1) of this Subsection, if
2 fewer than one thousand qualified electors reside within an area proposed for
3 incorporation, the petitioners shall have ninety days from the day on which the initial
4 petition for incorporation was endorsed by the secretary of state to obtain the
5 required signatures.

6 C.(1) If the secretary of state determines that the initial petition for
7 incorporation fails to meet all of the requirements of Subsection A of this Section,
8 the petitioners shall have an additional thirty days from the date they are notified of
9 the rejection of the petition to resubmit the petition for incorporation.

10 (2) If the petitioners fail to resubmit an amended petition within thirty days
11 or if the amended petition is rejected by the secretary of state, no petition for
12 incorporation of all or part of the area proposed for incorporation shall be submitted
13 to the secretary of state for two years after the expiration of the thirty day period or
14 upon the notification of the rejection of the amended petition.

15 D. If the final day for submitting the signed and dated petition falls on a
16 Saturday, Sunday, or legal holiday, the deadline for submitting such petition shall be
17 on the next day which is not a Saturday, Sunday, or legal holiday.

18 E. The handwritten signatures of the electors must reasonably correspond
19 with their signatures on file in the office of the registrar of voters. All electors shall
20 be eligible to sign the petition. More than one copy of the petition may be circulated,
21 and signatures of electors on any copy of the petition shall be counted.

22 ~~(b) All electors, whether or not they own land, shall be eligible to sign the~~
23 ~~petition.~~

24 ~~(c) The handwritten signatures of the electors must reasonably correspond~~
25 ~~with their signatures on file in the office of the registrar of voters.~~

26 ~~(d) More than one copy of the petition may be circulated and signatures of~~
27 ~~electors on any copy of the petition shall be counted as part of the required twenty-~~
28 ~~five percent.~~

- 1 ~~(2)~~E. Any elector may withdraw his name from the petition by filing a signed
2 statement of withdrawal with the registrar of voters at any time before the registrar
3 of voters certifies that twenty-five percent of the electors residing in the area
4 proposed for incorporation have signed the petition as provided by R.S. 33:2(C).

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)]

Price

HB No. 768

Abstract: Provides relative to the procedures and time limits for the 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, the statement that all lands included in the area constitute a contiguous area, and a list of every parish in which the proposed area of incorporation is wholly or partially situated.
- (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 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. 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 180 days from the date of endorsement to collect signatures, except in an area that contains fewer than 1,000 electors, the time limit is 90 days.

(Amends R.S. 33:1)