

2015 Regular Session

HOUSE BILL NO. 577

BY REPRESENTATIVE JACKSON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

MUNICIPAL: Provides relative to extension or contraction of corporate limits of municipalities by means of petition and ordinance

1 AN ACT

2 To amend and reenact R.S. 33:174(B)(1) and (C) and to enact R.S. 33:180(D), relative to the
3 extension of the corporate limits of municipalities; to provide with respect to judicial
4 suits to contest the reasonableness of proposed extension of corporate limits; to
5 provide relative to attempts to challenge or invalidate ordinances to annex territory;
6 and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 33:174(B)(1) and (C) is hereby amended and reenacted and R.S.
9 33:180(D) is hereby enacted as follows:

10 §174. Suit to contest reasonableness of proposed extension of corporate limits

11 * * *

12 B. The sole questions to be presented to the court in a contest of a proposed
13 extension of the corporate limits shall be as follows:

14 (1) Whether a rational basis exists for the proposed extension ~~is reasonable~~.

15 * * *

16 C. If the extension of boundaries is adjudged to be rationally based
17 ~~reasonable~~, the ordinance shall go into effect ten days after the judgment is rendered
18 and signed unless a suspensive appeal therefrom has been taken within the time and
19 manner provided by law. If the proposed extension is adjudged invalid, the
20 ordinance shall be vacated and the proposed extension shall be denied, and no

1 ordinances proposing practically the same extension shall be introduced for one year
2 thereafter. A similar right of appeal from the judgment of the district court annulling
3 the ordinance shall be granted the municipality or any interested citizen as
4 hereinabove provided.

5 * * *

6 §180. Ordinance to annex territory owned by a public body

7 * * *

8 D. Only the state agency, political subdivision, or public body that owns the
9 land subject to a municipal annexation may challenge or otherwise seek to invalidate
10 an ordinance to enlarge the boundaries of a municipality to include territory within
11 which all of the land is owned by a state agency, political subdivision, or public
12 body.

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 577 Original

2015 Regular Session

Jackson

Abstract: Provides relative to attempts to challenge or invalidate extensions of corporate limits by municipalities.

Present law provides relative to annexation by municipalities. Further provides that any interested citizen of the territory proposed to be annexed may file suit in the district court having jurisdiction over the municipality to contest the proposed extension of the corporate limits. Provides that one of the questions to be presented to the court in such a suit is whether the proposed extension is reasonable. Present law requires that, if the extension is adjudged to be reasonable, the ordinance goes into effect 10 days after the judgment is final.

Proposed law replaces criteria used in judicial suits from whether the extension is reasonable to whether a rational basis exists for such an extension. Otherwise retains present law.

Present law authorizes the governing body of any municipality other than the city of New Orleans to, by ordinance, enlarge the boundaries of the municipality to include territory within which all of the land is owned by a state agency, political subdivision, or public body. Provides that such annexation requires petition of the governing body of the agency, political subdivision, or public body owning the land which is to be so included. Proposed law retains present law and specifies that only the state agency, political subdivision, or public body that owns the land subject to such a municipal annexation may challenge or otherwise seek to invalidate an ordinance to enlarge the boundaries of the municipality.

(Amends R.S. 33:174(B)(1) and (C); Adds R.S. 33:180(D))