

2015 Regular Session

HOUSE BILL NO. 577

BY REPRESENTATIVES JACKSON AND HUNTER AND SENATOR THOMPSON

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 enact R.S. 33:180(D), relative to the extension of the corporate limits of municipalities;
3 to provide relative to attempts to challenge or invalidate ordinances to annex
4 territory; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 33:180(D) is hereby enacted to read as follows:

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

8 * * *

9 D.(1) Only the state agency, political subdivision, or public body that owns
10 the land subject to a municipal annexation may challenge or otherwise seek to
11 invalidate an ordinance to enlarge the boundaries of a municipality to include
12 territory within which all of the land is owned by a state agency, political
13 subdivision, or public body.

14 (2) Notwithstanding the provisions of Paragraph (1) of this Subsection, a
15 municipality that does not own the land subject to a municipal annexation may
16 challenge or otherwise seek to invalidate an ordinance to enlarge the boundaries of
17 another municipality if the area annexed or proposed to be annexed meets all of the
18 following conditions:

19 (a) It is located within one mile of a boundary of the challenging
20 municipality.

- 1 (b) All of the land within the area is owned by state agency, political
 2 subdivision, or public body.
 3 (c) It is not contiguous to the annexing municipality.

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 Engrossed

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. 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.

Proposed law provides an exception to proposed law by authorizing a municipality that does not own the land subject to a municipal annexation to challenge or otherwise seek to invalidate an ordinance to enlarge the boundaries of another municipality if the area annexed meets all of the following conditions:

- (1) It is located within one mile of a boundary of the challenging municipality.
- (2) All of the land within the area is owned by state agency, political subdivision or public body.
- (3) It is not contiguous to the annexing municipality.

(Adds R.S. 33:180(D))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Municipal, Parochial and Cultural Affairs to the original bill:

1. Delete a proposed change of standard used in judicial suits to contest proposed annexations from whether the extension is reasonable to whether a rational basis exists for such an extension.
2. Add provisions for an exception to proposed law; Authorize a municipality that does not own the land subject to a municipal annexation to challenge or otherwise seek to invalidate an ordinance to enlarge the boundaries if the area to be annexed meets certain conditions.