
DIGEST

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HB 744 Reengrossed

2015 Regular Session

Arnold

Abstract: Relative to the parish of Orleans, provides for the incorporation of the 15th ward of the parish, provides for governance of newly created municipality, and changes the boundaries of the city of New Orleans.

Proposed law provides that residents of the 15th ward of the parish of Orleans may propose the incorporation of the area as a municipality within the parish of Orleans as provided by proposed law. Provides that a petition proposing incorporation shall be prepared and shall contain the following:

- (1) A legal description of the territory included within the 15th ward of the parish of Orleans and a statement that all lands included in the area constitute a contiguous area.
- (2) A statement of the number of inhabitants residing in the 15th ward of the parish of Orleans 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 15th ward of the parish of Orleans.
- (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.

Proposed law requires the signatures of 10% of the electors residing in the 15th ward of the parish of Orleans in order to file the petition as provided by proposed law. Provides that all electors, whether or not they own land, shall be eligible to sign the petition and provides that the signatures must reasonably correspond with their signatures on file in the office of the registrar of voters.

Proposed law provides that more than one copy of the petition may be circulated and signatures of electors on any copy of the petition shall be counted as part of the required 10%.

Proposed law provides that any elector may withdraw his name from the petition in accordance with certain specified procedures.

Proposed law provides that when the proponents of the petition for incorporation believe they have the signatures of at least 10% of the electors residing in the 15th ward of the parish of Orleans, they shall file the petition with the registrar of voters for the parish of Orleans. Provides that the registrar of voters shall determine if 10% or more of the electors residing in the 15th ward of the parish of Orleans have signed the petition. Provides that the required percentage shall be determined on the basis of the number of electors on the rolls of the registrar of voters at the time the petition was filed with the registrar of voters.

Proposed law provides that if the registrar of voters determines that the required 10% of electors have signed the petition, the registrar of voters shall issue a certificate stating that 10% or more of the electors residing in the 15th ward of Orleans Parish have signed the petition and shall forward this certificate to the governor.

Proposed law provides that if the registrar of voters determines that less than 10% of the electors have signed the petition, the proponents of the incorporation shall have additional time in which to obtain additional signatures to the petition to meet the 10% requirement.

Proposed law provides that upon receipt of the certificate from the registrar of voters, the governor shall determine if the petition complies with the provisions of proposed law. Requires the governor, if he finds that there has been compliance with the provisions of proposed law, to call a special election to be held on the next possible date for special elections specified in present law.

Proposed law provides that the special election shall be for the purpose of determining whether the 15th ward of the parish of Orleans shall become a municipality. Provides that all qualified electors residing within the 15th ward of the parish of Orleans shall be entitled to vote in the special election and the election shall be held in accordance with the procedures specified in present law. Provides that the costs of the special election shall be borne by the parish of Orleans.

Proposed law provides that if a majority of electors voting in the special election approve the incorporation, a chairperson for the petition shall publish the results of the election once in the official journal of the parish of Orleans. Provides that the notice of the results of the election shall also state the name of the municipality, that the municipality will be legally incorporated 30 days from the date of the publication unless a legal action contesting the incorporation is filed within the 30-day period, and that notice of such action must be served on a chairperson within the 30-day period.

Proposed law provides that if a chairperson has not received notice within the prescribed period, the area proposed to be incorporated shall become a municipal corporation at the expiration of the prescribed period and shall have the municipal name set forth in the petition. Requires a chairperson for the petition to file the following documents in the office of the secretary of state: a copy of the petition, a certified copy of the results of the election, and a copy of the notice or notices announcing the results of the election and stating the date on which the municipality would become legally incorporated barring the institution of legal action within the time specified in proposed law.

Proposed law provides that any elector residing in the 15th ward of the parish of Orleans or any

person owning land in such area may file a petition contesting the incorporation. Provides that the petition shall be filed and summons served on the chairperson of the petition within the times specified in proposed law.

Proposed law provides that the petition shall be filed in the district court having jurisdiction over the area in which all or a majority of the electors eligible to have voted in the special election on incorporation reside. Provides that the petition shall set forth the reasons why the incorporation should not be approved. Proposed law provides that the procedures applicable to a civil action shall be applicable to these actions. Provides that if more than one petition is filed, the actions shall be consolidated for trial.

Proposed law provides that the district court may designate or appoint a commissioner who shall be a noninterested party to hold hearings on the petition. Provides that the designated or appointed commissioner, after holding such hearings, shall file a written report stating his findings of fact and conclusions of law concerning the petition and making a recommendation to the district court concerning whether the area should be incorporated.

Proposed law provides that the district court shall determine whether there has been full compliance with the provisions of proposed law, including the accuracy of the statements in the petition and of the certification of the registrar of voters. Provides that the court shall also reach a determination as to whether the municipality can in all probability provide the proposed public services within a reasonable period of time.

Proposed law provides that if the district court determines that the provisions of proposed law have been complied with and that the municipality has the capacity to provide the proposed public services within a reasonable period of time the district court shall enter an order declaring the date the municipality shall become incorporated. Provides that the order shall set forth the name and the boundaries of the municipality. Provides that unless this order is vacated by a timely suspensive appeal, a copy of the order shall be filed in the office of the secretary of state.

Proposed law provides that if the district court determines that the provisions of proposed law have not been complied with, that the proposed municipality will not be able to provide the public services proposed in the petition within a reasonable period of time, or that the incorporation is unreasonable, the district court shall enter an order denying the incorporation.

Proposed law provides that any person that filed a petition contesting the proposed incorporation as provided in proposed law may appeal a district court order granting the incorporation within the time and in the manner provided by law. Proposed law additionally provides that any elector residing in the area proposed for incorporation or any person owning land in the area proposed for incorporation may appeal a district court order denying incorporation of the area within the time and in the manner provided by law.

Proposed law provides that the governor shall appoint the initial officers of a newly incorporated municipality, who shall give bond as required. Provides that such officers shall hold office until the next general municipal election and until their successors take their oaths of office.

Proposed law provides that the municipal corporation created pursuant to the provisions of proposed law shall be governed by the provisions of the Lawrason Act (mayor-board of aldermen) until such time of the adoption of a home rule charter pursuant to present constitution.

Proposed law provides that upon incorporation of the 15th ward the boundaries of the city of New Orleans shall not include the territory included within the 15th ward of the parish of Orleans.

Effective if and when the proposed amendment of Article VI of the Constitution of La. contained in the Act which originated as House Bill No. ___ of this 2015 R.S. of the Legislature is adopted at a statewide election and becomes effective.

(Adds R.S. 33:11.1-11.8)