

2019 Regular Session

SENATE BILL NO. 50

BY SENATOR FANNIN

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

MUNICIPALITIES. Provides relative to the petition for incorporation. (gov sig)

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AN ACT

To amend and reenact R.S. 33:1(B)(1)(a) and (b), to provide relative to petition for incorporation by unincorporated areas; to provide regarding the date of filing; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:1(B)(1)(a) and (b) are hereby amended and reenacted to read as follows:

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

* * *

B.(1)(a) Prior to entering any signatures, the chairperson shall file a copy of the incorporation petition with the secretary of state who shall endorse thereon the fact and date of filing. ~~The copy of the incorporation petition shall be deemed filed as of the date of endorsement by the secretary of state.~~ **The petition shall be considered filed when it is received in the office of the secretary of state, or at the time it is postmarked by the United States Postal Service or is receipted on a return receipt request form, if it is subsequently received in the office of the secretary of state.** The secretary of state shall notify the chairperson of the

1 ~~endorsement~~ **filing** date within ten business days, by **hand delivery or** certified mail,
2 return receipt requested. No signatures for incorporation shall be collected until the
3 chairperson receives notice of the ~~endorsement~~ **filing** date.

4 (b) The secretary of state shall immediately transmit, by mail or
5 electronically, a copy of the filed petition to the registrar of voters for each parish in
6 which the proposed incorporated area is situated. Within ten business days after the
7 date of the ~~endorsement~~, **receipt of the incorporation petition**, the registrar of
8 voters for each parish in which the proposed incorporated area is situated shall
9 transmit to the chairperson and the secretary of state, by mail or electronically, a
10 notice of the number of electors residing within the area proposed for incorporation
11 as of the date the notice is sent to the chairperson and the secretary of state.

12 * * *

13 Section 2. This Act shall become effective upon signature by the governor or, if not
14 signed by the governor, upon expiration of the time for bills to become law without signature
15 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
16 vetoed by the governor and subsequently approved by the legislature, this Act shall become
17 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Michael Bell.

DIGEST

SB 50 Original 2019 Regular Session Fannin

Present law provides, prior to the collection of signatures, submission of a copy of the proposed petition to the secretary of state. Further provides for the secretary of state to endorse the fact and the date of filing. Provides that the petition is deemed filed as of the date of endorsement. Requires the secretary of state to notify the chairperson within 10 business days, by certified mail, return receipt requested, of the date of endorsement and prohibits the collection of signatures until the receipt of the notice of endorsement.

Present law provides for the secretary of state to immediately transmit a copy of the petition, by mail or electronically, to the registrar of voters for each parish in which the proposed incorporated area is situated. Requires the registrar of voters, within 10 business days of the date of endorsement, to transmit to the chairperson and the secretary of state, by mail or electronically, a notice of the number of electors residing within the area proposed for incorporation as of the date the notice is sent to the chairperson and the secretary of state.

Proposed law retains present law but changes the way a petition is considered filed from being deemed filed as of the date of endorsement to considered filed when it is received in the office of the secretary of state, or at the time it is postmarked by the United States Postal

Service or is receipted on a return receipt request form if it is subsequently received in the office of the secretary of state.

Proposed law provides for the secretary of state to notify the chairperson of the filing date within 10 business days, by hand delivery or certified mail, return receipt requested and prohibits the collection of signatures until the receipt of the notice of the filing date.

Proposed law retains present law but requires the registrar of voters, within 10 business days of the date of receipt of the incorporation petition, to transmit to the chairperson and the secretary of state, by mail or electronically, a notice of the number of electors residing within the area proposed for incorporation as of the date the notice is sent to the chairperson and the secretary of state.

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

(Amends R.S. 33:1(B)(1)(a) and (b))