

Regular Session, 2011

HOUSE BILL NO. 215

BY REPRESENTATIVE SMILEY

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

MUNICIPALITIES: Provides for a municipality to retain its classification as a city, town, or village when population changes would otherwise place it in a different classification

1 AN ACT

2 To amend and reenact R.S. 33:342(A) and 343(A), relative to classifications of
3 municipalities based upon population; to authorize a municipality to retain its
4 classification when population changes would otherwise change its classification; to
5 provide procedures; to provide relative to the designation of the governing authority
6 as a village, town, or city council; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 33:342(A) and 343(A) are hereby amended and reenacted to read
9 as follows:

10 §342. Change in classification of municipality; governor's proclamation; census not
11 conclusive; judicial notice

12 A.(1) Whenever a census taken by resolution of the board of aldermen of any
13 municipality or a certified report from the federal Census Bureau shows that its
14 population has increased or decreased so as to take the municipality out of its present
15 municipal class, the board of aldermen shall adopt a resolution requesting the
16 governor to change the classification of the municipality. The results of any census
17 taken by resolution of the board of aldermen shall have been certified by the person
18 authorized to take the census.

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)]

Smiley

HB No. 215

Abstract: Authorizes a municipality to retain its classification as a city, town, or village when population changes would otherwise change its classification.

Present law provides that municipal corporations shall be divided into three classes based upon population as follows:

Cities	5,000 inhabitants or more
Towns	Less than 5,000 but more than 1,000 inhabitants
Villages	1,000 or fewer inhabitants.

Present law requires, when a census (taken by resolution of the municipal governing authority or by the federal Census Bureau) shows that a municipality's population has changed so as to place it in a different municipal class, that the governing authority adopt a resolution requesting the governor to change the municipality's classification. Requires the mayor to transmit the resolution to the governor. Provides for the governor to investigate and ascertain the facts and, if he finds that the municipality's class should be changed, requires that he issue a proclamation correctly classifying the municipality and that the proclamation be transmitted to the mayor of the municipality. Requires that the municipal governing authority, upon receiving the proclamation, adopt an ordinance changing the name of the municipality to reflect its new classification and that a copy of the proclamation and the ordinance be transmitted to the secretary of state for recordation. Requires that the courts take judicial notice of the class to which each municipality belongs. Present law authorizes a municipal governing authority by resolution to chose to be known and referred to as a village, town, or city council as appropriate for a municipality of its size.

Proposed law authorizes a municipal governing authority, notwithstanding present law, to elect not to change its classification when a census shows that its population has changed so as to place it in a different classification. Provides that if the governing authority, by resolution, elects to retain its classification and not change the classification as otherwise required, the mayor shall transmit a copy of the resolution to the governor and to the secretary of state for recordation. Provides that laws applicable to municipalities based upon their population shall be applicable to a municipality that elects not to change its classification as authorized by present law based upon its population and not its classification. Also authorizes the governing authority of a municipality that elects to retain its classification that chooses to be known as a council to be referred to as a village, town, or city council as appropriate for its classification rather than its size.

(Amends R.S. 33:342(A) and 343(A))