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 village when population changes of less than 200 persons would otherwise classify it as a town

AN ACT

To amend and reenact R.S. 33:342(A) and 343(A), relative to classifications of municipalities based upon population; to authorize a municipality under certain circumstances to retain its classification when population changes would otherwise change its classification; to provide procedures; to provide relative to the designation of the governing authority; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

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

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

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

(2) Notwithstanding the provisions of this Section and the provisions of R.S. 33:341, the governing authority of a municipality may elect not to change the classification of the municipality when a census shows that its population has increased by fewer than two hundred persons since the last decennial census, but such increase would change the municipality's classification from village to town. 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. Laws applicable to municipalities based upon their population shall be applicable to a municipality that elects not to change its classification as authorized in this Paragraph based upon its population and not its classification.

* * *

§343. Nomenclature; village, town, or city council

A.(1) Notwithstanding the terminology used in this Part or in any other provision of law, the governing authority of any municipality governed by this Part may, by duly adopted resolution, elect to be known and referred to as a village, town, or city council as appropriate for a municipality of its size or, if the municipality elects to retain its classification as a village as authorized in R.S. 33:342(A)(2), as appropriate for its classification rather than its size.

(2) If ~~such action is taken~~ the governing authority elects to be known as a village, town, or city council, each individual member of such council shall thereafter be known and referred to as a council member. The municipal governing authority may make other conforming changes in naming conventions, but no change pursuant to this Section shall in any way alter the applicability of state law to the municipality, its governing authority, or the members thereof.

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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 whose population has increased by less than 200 persons since the last decennial census to retain its classification as a village when such population increase would otherwise change its classification from village to town.

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 increased by less than 200 persons since the last decennial census, but such increase would change the municipality's classification from village to town. 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 proposed law based upon its population and not its classification. Also authorizes the governing authority of a municipality that chooses to be known as a council that elects to retain its village classification to be referred to as a village council as appropriate for its classification rather than its size.

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

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Summary of Amendments Adopted by House

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

1. Replaces provisions that would have authorized any municipality to retain its classification when population changes would otherwise change its classification with provisions applicable only to a village with a population increase of less than 200 persons that would otherwise classify it as a town.

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