Smiley (HB 215) **Act No. 260**

Provides relative to changes in the classification of certain municipalities from village to town as follows:

Existing 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

Existing 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. Existing 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.

New law authorizes a municipal governing authority, notwithstanding existing law, to elect not to change its classification when a census shows that its population has increased by fewer 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 new 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.

Effective August 15, 2011.

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