
DIGEST

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HB 125 Original

2016 Regular Session

Smith

Abstract: Provides relative to the procedures and time limits for the petition for the incorporation of a new municipality.

Present law provides that residents of any unincorporated area with a population in excess of 200 people may propose the incorporation of the area. A petition for incorporation must contain the following information:

- (1) A legal description of the area proposed for incorporation 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 unincorporated area, 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 unincorporated area.
- (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 generally retains present law and additionally provides the following with respect to such a petition:

- (1) Requires the secretary of state to provide a form for such a petition that is approved by the attorney general and requires that all petitions be on an approved form or a form which contains the same information as required on the approved form.
- (2) Requires that a list of every parish in which the proposed area of incorporation is wholly or partially situated be included within the legal description.

Proposed law requires, prior to the collection of signatures, submission of the proposed petition to the secretary of state. Requires the secretary of state to review the petition for compliance with

present law and proposed law and to certify that the petition meets all legal requirements and endorse the fact and the date of endorsement. Requires the secretary of state to notify petitioners within 10 days, by certified mail, return receipt requested, of the certification and endorsement and to transmit a copy of the petition to the registrar of voters for each parish in which the proposed incorporated area is situated.

Proposed law prohibits the collection of signatures until petitioners receive notification of the certification and endorsement and grants the petitioners 180 days from the day of the endorsement to obtain the number of signatures required by present law. Requires petitioners to submit the signed petition to the registrar of voters not later than 180 days from the day of the endorsement. Further requires petitioners to attach an affidavit to the petition attesting to the fact that no signatures were obtained prior to the receipt of notice of the certification and endorsement.

Proposed law prohibits the registrar of voters from reviewing the signed petition to determine if it contains the requisite number of signatures if petitioners fail to submit the signed petition within 180 days.

(Amends R.S. 33:1)