

First Extraordinary Session, 2011

HOUSE BILL NO. 28

BY REPRESENTATIVE TUCKER

CENSUS: Provides relative to classifications of political subdivisions by population (Item #8)

1 AN ACT

2 To amend and reenact R.S. 11:721.1(A), R.S. 18:54 and 423(D)(2), R.S. 25:1253(A)(1)(r),  
3 R.S. 33:130.781(A), 151, and 172(F)(1), and R.S. 42:15(B) of the Louisiana Revised  
4 Statutes of 1950 and to repeal Subpart B-31 of Part IV of Chapter 1 of Title 33 of the  
5 Louisiana Revised Statutes of 1950, comprised of R.S. 33:130.591 through 130.599,  
6 relative to classifications of parishes, municipalities, or other political subdivisions  
7 or local areas according to population; to specify applicability to one or more  
8 political subdivisions or local areas; to adjust population categories to retain  
9 applicability; to repeal certain provisions that are based upon such classifications;  
10 and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 11:721.1(A) is hereby amended and reenacted to read as follows:

13 §721.1. Option to participate in system

14 A. Notwithstanding any other provision of law to the contrary, ~~no city or~~  
15 ~~parish~~ the superintendent of a the Orleans or Jefferson Parish school system ~~located~~  
16 ~~in a city or parish having a population in excess of four hundred fifty thousand shall~~  
17 ~~be~~ is not required to participate in the Teachers' Retirement System of Louisiana;  
18 however, he shall have the option of retaining membership in the Teachers'

1 Retirement System of Louisiana if he is eligible, provided that his retirement benefit  
2 computation shall be in accordance with the provisions of this Chapter.

3 \* \* \*

4 Section 2. R.S. 18:54 and 423(D)(2) are hereby amended and reenacted to read as  
5 follows:

6 §54. Qualification; date; duplicate oath; bond; approval of bond

7 Within thirty days after the date of his commission, each registrar shall  
8 qualify for office by subscribing to the oath of office prescribed by the constitution.  
9 The oath shall be filed with the clerk of court and a duplicate original or a certified  
10 copy thereof shall be filed with the secretary of state and with the state treasurer. In  
11 a parish containing a municipality with a population of ~~four hundred seventy-five~~  
12 three hundred thousand or more, the oath shall be filed with the clerk of the civil  
13 district court. Each registrar also shall file with the state treasurer a bond, in favor  
14 of the governor and with security, for the faithful performance of the duties required  
15 of him and for the payment of such damages as may be sustained by his failure to  
16 discharge his duties. The sureties on the bond shall be with a company authorized  
17 to do business in Louisiana, and in each parish the bond shall be in the amount of  
18 five thousand dollars.

19 \* \* \*

20 §423. Parish boards of election supervisors

21 \* \* \*

22 D.

23 \* \* \*

24 (2) Employees. In a parish containing a municipality with a population of  
25 ~~four hundred fifty~~ three hundred thousand or more, the parish board of election  
26 supervisors may employ an executive administrator who shall be the principal  
27 assistant to the parish board of election supervisors.

28 \* \* \*

1 Section 3. R.S. 25:1253(A)(1)(r) is hereby amended and reenacted to read as  
2 follows:

3 §1253. Commission; appointment, term, and related matters

4 A.(1) The commission shall be comprised of twenty-nine members who shall  
5 reflect the ethnic and cultural diversity of the population of the state and be  
6 geographically representative of the regions included in the River Road parishes as  
7 defined in R.S. 25:1251(2) and shall be appointed as follows:

8 \* \* \*

9 (r) One representative of ~~a parish having a population of at least four~~  
10 ~~hundred fifty thousand and not more than four hundred eighty thousand persons~~  
11 ~~according to the latest federal decennial census~~ Jefferson Parish, appointed by the  
12 governor.

13 \* \* \*

14 Section 4. R.S. 33:130.781(A), 151, and 172(F)(1) are hereby amended and  
15 reenacted to read as follows:

16 ~~SUBPART B-41. PARISH CONVENTION CENTER COMMISSIONS~~ IBERIA  
17 PARISH CONFERENCE CENTER COMMISSION

18 §130.781. ~~Parish convention center commissions~~ Conference center commission;  
19 Iberia Parish

20 A. There is hereby established a conference center commission in ~~every~~  
21 ~~parish with a population of no less than seventy thousand persons nor more than~~  
22 ~~seventy-five thousand persons based on the latest federal decennial census~~ the parish  
23 of Iberia. The commission shall study and develop the best possible plan and design  
24 for a future conference center.

25 \* \* \*

26 §151. Petition for annexation of territory

27 Whenever one-third in number and value of the bona fide owners of any lots  
28 or land, lying contiguous and adjacent to the territorial corporate limits of any city  
29 or town, the city of New Orleans excepted, ~~or, whenever one-half in number and~~

1 value of the bona fide owners of any lots or land, lying contiguous and adjacent to  
 2 the corporate limits of any city located in a parish which parish has a population of  
 3 between one hundred fifteen thousand and one hundred twenty-five thousand persons  
 4 desire that such lots or land be annexed to and included in the territorial corporate  
 5 limits of any such adjacent and contiguous city or town, so as to constitute a part  
 6 thereof, or whenever one-fourth in number of the bona fide owners of any lots or  
 7 land, lying contiguous and adjacent to the corporate limits of any city located in the  
 8 parish of Rapides desire that such lots or land be annexed to and included in the  
 9 territorial corporate limits of any such adjacent and contiguous city or town, so as to  
 10 constitute a part thereof, they shall present to the mayor and governing body of such  
 11 city or town as constituted by law, by whatever name called, a petition in writing  
 12 signed by them, setting forth their desire that said lots or land shall be annexed to and  
 13 included in the territorial corporate limits of such city or town, so as to constitute a  
 14 part thereof, and therein also fully setting forth the boundaries and accurate  
 15 description of such lots or land which they desire to be annexed to and included in  
 16 the territorial corporate limits of such adjacent and contiguous city or town.

\* \* \*

18 §172. Petition to annex territory; valuation of property; notice of filing petition;  
 19 hearing concerning proposed ordinance; alternative methods

\* \* \*

21 F.(1) Except as provided in Subsections C and D of this Section and in R.S.  
 22 33:172.1 and 172.2, the governing authority of a municipality within a parish the  
 23 parish of St. Tammany, other than a municipality with a population of more than  
 24 twenty-five thousand persons, may annex vacant land contiguous to its borders only  
 25 in accordance with the procedure provided in this Subsection. ~~As used in this~~  
 26 ~~Subsection, "parish" means any parish operating under a home rule charter with a~~  
 27 ~~population between one hundred ninety-one thousand and two hundred thirty~~

1 ~~thousand based on the most recent federal decennial census. "Parish" shall not~~  
2 ~~include any parish with a consolidated form of government.~~

3 \* \* \*

4 Section 5. R.S. 42:15(B) is hereby amended and reenacted to read as follows:

5 §15. School board meetings; public comment

6 \* \* \*

7 B. ~~A school board in a parish containing a municipality with a population of~~  
8 ~~four hundred thousand or more according to the latest federal decennial census~~ The  
9 Orleans Parish School Board, at any meeting of the school board, shall provide an  
10 opportunity for public comment subject to reasonable rules, regulations, and  
11 restrictions as adopted by the school board.

12 \* \* \*

13 Section 6. Subpart B-31 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised  
14 Statutes of 1950, comprised of R.S. 33:130.591 through 130.599, is hereby repealed in its  
15 entirety.

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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)]

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Tucker

HB No. 28

**Abstract:** Updates applicability of certain provisions as a result of the 2010 census.

Proposed law, contained in certain provisions of Titles 11 (Consolidated Public Retirement Systems), 18 (Louisiana Election Code), 25 (Libraries, Museums, & Cultural Affairs), 33 (Municipalities and Parishes), and 42 (Public Officers and Employees) of the Louisiana Revised Statutes of 1950, legislates with regard to classifications of parishes, municipalities, or other political subdivisions or local areas according to population by limiting the application of laws based upon specific population classifications to one or more specified parishes, municipalities, or other political subdivisions or local areas, by adjusting the population ranges affected by the 2010 census, and by repealing certain provisions based upon certain population classification ranges, as follows:

<b>CITATION/ TOPIC</b>	<b>EXISTING LAW</b>	<b>AFFECTED LOCATIONS</b>	<b>PROPOSED LAW</b>
R.S. 11:721.1(A) - Individuals for whom membership in the Teachers' Retirement System of Louisiana (TRSL) is optional	A city or parish having a population of 450,000+	Orleans Parish (1990, 2000 census); and Jefferson Parish (2000 census)	Orleans and Jefferson parishes
R.S. 18:54 - Filing of oath of office for registrar of voters	Parish containing a municipality with a population of 475,000+	Orleans Parish (1990, 2000 census)	A parish containing a municipality with a population of 300,000+
R.S. 18:423(D)(2) - Employees of parish boards of election supervisors	Parish containing a municipality with a population of 450,000+	Orleans Parish (2000 census)	A parish containing a municipality with a population of 300,000+
R.S. 25:1253(A)(1)(r) - Residency requirement of a member of the Mississippi River Road Commission	Parish having a population of at least 450,000 - 480,000 persons	Jefferson Parish (2000 census)	Jefferson Parish
R.S. 33:130.591 - 130.599 (Subpt B-31 of Pt IV of Ch 1) – Louisiana Delta Authority	Four contiguous parishes: at least two of them below 10,000 persons and none with a population over 21,000	Concordia, East Carroll, Madison, and Tensas parishes (2000 census)	Repealed
R.S. 33:130.781(A) – Parish convention center commission	Parish with a population of 70,000 - 75,000	Iberia Parish (2000 census)	Iberia Parish
R.S. 33:151 – Petition for annexation of territory	Procedural exception for a municipality in a parish that has a population of 115,000 - 125,000 persons	Rapides and Ouachita parishes (1970 census)	Remove procedural exception for this population classification
R.S. 33:172(F)(1) – Annexation of contiguous, vacant land	Certain municipalities in a parish with a home rule charter and a population between 191,000 - 230,000	St. Tammany Parish (2000 census)	St. Tammany Parish
R.S. 42:15(B) - Public comment at school board meetings	A school board in a parish containing a municipality with a population of 400,000+	Orleans Parish (2000 census)	Orleans Parish School Board

(Amends R.S. 11:721.1(A), R.S. 18:54 and 423(D)(2), R.S. 25:1253(A)(1)(r), R.S. 33:130.781(A), 151, and 172(F)(1), and R.S. 42:15(B); Repeals R.S. 33:130.591 - 130.599)