

Regular Session, 2014

SENATE BILL NO. 674

BY SENATOR NEVERS

MUNICIPALITIES. Provides relative to incorporation of unincorporated areas. (gov sig)

1 AN ACT

2 To enact R.S. 33:7.1, relative to incorporation of unincorporated areas; to provide for a
3 moratorium on incorporation of unincorporated areas; to provide for an effective
4 date; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 33:7.1 is hereby enacted to read as follows:

7 **§7.1. Moratorium on incorporation**

8 **A. Notwithstanding this Subpart or any provision of law to the contrary,**
9 **there shall be a moratorium on municipal incorporations from January 1, 2014,**
10 **through December 31, 2015. During this moratorium no residents of any**
11 **unincorporated area may petition for the incorporation of the area as provided**
12 **in this Subpart.**

13 **B.(1) If, prior to January 1, 2014, the residents of an unincorporated**
14 **area initiated a petition for incorporation under this Subpart and no election for**
15 **the incorporation was held on or before November 4, 2014, then the petition for**
16 **incorporation shall be suspended during this moratorium and may be continued**
17 **on or after January 1, 2016. Any petition suspended as a result of this**

1 moratorium shall be subject to the provisions governing municipal
2 incorporation in effect when the moratorium ends.

3 (2) If, prior to January 1, 2014, the residents of an unincorporated area
4 initiated a petition for incorporation under this Subpart and despite complying
5 with all other requirements and deadlines, an election on the petition is not held
6 on or before November 4, 2014, due to a court order or court action, the petition
7 for incorporation shall not be suspended during the moratorium and may be
8 continued. However, no signatures shall be collected for the petition after July
9 23, 2014.

10 C. The Senate Committee on Local and Municipal Affairs and the House
11 Committee on Municipal, Parochial and Cultural Affairs shall meet and
12 function as a joint committee to complete a comprehensive review and
13 evaluation of the state policies set forth within this Subpart on Municipal
14 Incorporation, and shall submit a written report of its findings and
15 recommendations, including any proposed legislation, to the legislature no later
16 than December 1, 2014, so that any proposed legislation associated with the
17 issue may be considered in the 2015 Regular Session of the Legislature. In
18 conducting the comprehensive review and evaluation, the joint committee shall
19 consider testimony and information from national and state organizations,
20 including but not limited to the Louisiana Municipal Association, the Police
21 Jury Association of Louisiana, the Louisiana Assessors' Association, the
22 Louisiana Sheriffs' Association, the Louisiana Fire Chiefs Association, the
23 Louisiana School Boards Association, the Louisiana Association of Tax
24 Administrators, the National Association of Counties, the United States
25 Conference of Mayors, and the National League of Cities.

26 D. The provisions of this Section shall not apply in the parishes of
27 Richland, Madison, East Carroll, Concordia, Tensas, Morehouse, and Ouachita.

28 E. The provisions of this Section shall not apply in the parishes of
29 Claiborne, Lincoln, Morehouse, Ouachita, Union, and West Carroll.

1 **F. The provisions of this Section shall not apply in the parishes of**

2 **Bossier and Caddo.**

3 Section 2. The provisions of this Act shall be retroactive in application.

4 Section 3. This Act shall become effective upon signature of the governor or, if not
5 signed by the governor, upon expiration of the time for bills to become law without signature
6 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
7 vetoed by the governor and subsequently approved by the legislature, this Act shall become
8 effective on the day following such approval.

The original instrument was prepared by Julie J. Baxter. The following digest, which does not constitute a part of the legislative instrument, was prepared by Ann S. Brown.

DIGEST

Nevers (SB 674)

Proposed law provides for a moratorium on municipal incorporations from January 1, 2014, through December 31, 2015. Further provides that during this moratorium, no residents of any unincorporated area may petition for the incorporation of the area as provided in present law.

Proposed law provides that, if prior to January 1, 2014, the residents of an unincorporated area initiated a petition for incorporation under present law and no election for the incorporation was held on or before November 4, 2014, then the petition for incorporation shall be suspended during this moratorium and may be continued on or after January 1, 2016. Further provides that any petition suspended as a result of the moratorium in proposed law shall be subject to the provisions governing municipal incorporation in effect when the moratorium ends.

Proposed law provides that, if prior to January 1, 2014, the residents of an unincorporated area initiated a petition for incorporation under present law and despite complying with all other requirements and deadlines, an election on the petition is not held on or before November 4, 2014, due to a court order or court action, the petition for incorporation shall not be suspended during the moratorium and may be continued. However, no signatures shall be collected for the petition after July 23, 2014.

Proposed law provides that certain standing committees shall function as a joint committee to complete a comprehensive review and evaluation of the certain state policies and submit a written report of its findings and recommendations, including any proposed legislation, to the legislature no later than December 1, 2014, so that any proposed legislation associated with the issue may be considered in the 2015 Regular Session of the Legislature.

Proposed law provides that the joint committee shall consider testimony and information from national and state organizations, including but not limited to the Louisiana Municipal Association, the Police Jury Association of Louisiana, the Louisiana Assessors' Association, the Louisiana Sheriffs' Association, the Louisiana Fire Chiefs Association, the Louisiana School Boards Association, the Louisiana Association of Tax Administrators, the National Association of Counties, the United States Conference of Mayors, and the National League of Cities.

Proposed law exempts the following parishes: Bossier, Caddo, East and West Carroll, Claiborne, Concordia, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas and Union from the provisions of proposed law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 33:7.1)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Local and Municipal Affairs to the original bill

1. Changes the election for the incorporation to be held from on or before January 1, 2014, to on or before November 4, 2014.

Senate Floor Amendments to engrossed bill

1. Makes technical changes.
2. Adds a provision that prevents suspension of certain petitions during the moratorium. Further provides that signatures cannot be collected after 7/23/14.
3. Adds a provision that excludes certain parishes from proposed law.