

Regular Session, 2010

HOUSE BILL NO. 1249

BY REPRESENTATIVES BROSSETT AND LEGER

LEGISLATION: Provides for a date on which new census numbers become the numbers used to determine the applicability of laws that apply to classes of parishes or municipalities based on population criteria

1 AN ACT

2 To amend and reenact R.S. 1:11, relative to determinations of the populations of parishes,  
3 municipalities, and other political subdivisions; to provide relative to the  
4 applicability of a new census to statutes that define classes of political subdivisions  
5 based on population; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. The legislature recognizes that though official census numbers are  
8 delivered to the president of the United States in December of the year a decennial census  
9 is taken, official populations of parishes, municipalities, and other local places are not  
10 available until some months later. States and local governing authorities do not know in  
11 advance exactly when this information will be available to them or how they will be affected  
12 once the numbers are available. The legislature also recognizes that when a law becomes  
13 applicable or no longer applicable to a parish or municipality due to a change in population,  
14 the effect of such a change is the same as an enactment by the legislature. Therefore, the  
15 legislature concludes that there should be a date certain on which a new census becomes the  
16 census used to determine the applicability of laws that apply to classes of political  
17 subdivisions identified by population categories and that the normal effective date of laws  
18 passed during a regular session of the Legislature of Louisiana is an appropriate date.

19 Section 2. R.S. 1:11 is hereby amended and reenacted to read as follows:

20 §11. Population, how determined; new census

21 A. Except as otherwise provided, the number of inhabitants of a political  
22 subdivision is that shown by the latest regular or special federal census.

1           B. To provide for orderly transition in the implementation of any law  
2           applicable to a class of political subdivisions identified by a population category, a  
3           particular federal census shall become the "latest" and the "most recent" federal  
4           census on August fifteenth of the year following the year in which the census is  
5           taken and shall remain the "latest" and "most recent" federal census until August  
6           fifteenth of the year following the year in which the subsequent census is taken;  
7           however, the provisions of this Subsection shall not apply to any law providing for  
8           reapportionment or redistricting.

9           Section 3. R.S. 1:11(B) is hereby amended and reenacted to read as follows:

10          §11. Population, how determined; new census

11   \*           \*           \*

12           B. To provide for orderly transition in the implementation of any law  
13           applicable to a class of political subdivisions identified by a population category, a  
14           particular federal census shall become the "latest" and the "most recent" federal  
15           census on August ~~fifteenth~~ first of the year following the year in which the census  
16           is taken and shall remain the "latest" and "most recent" federal census until August  
17           ~~fifteenth~~ first of the year following the year in which the subsequent census is taken;  
18           however, the provisions of this Subsection shall not apply to any law providing for  
19           reapportionment or redistricting.

20          Section 4.(A) Sections 1 and 2 and this Section of this Act shall become effective  
21          upon signature of this Act by the governor or, if not signed by the governor, upon expiration  
22          of the time for bills to become law without signature by the governor, as provided by Article  
23          III, Section 18 of the Constitution of Louisiana. If this Act is vetoed by the governor and  
24          subsequently approved by the legislature, Sections 1 and 2 and this Section of this Act shall  
25          become effective on the day following such approval.

26          (B) Section 3 of this Act shall take effect and become operative if and when the  
27          proposed amendment of Article III of the Constitution of Louisiana contained in Act No. 537  
28          of the 2009 Regular Session of the Legislature of Louisiana is adopted at a statewide election  
29          to be held in 2010 and becomes effective.

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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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Brossett

HB No. 1249

**Abstract:** Specifies a date on which new census numbers become the numbers used to determine the applicability of any law that applies to a class of parishes, municipalities, or other political subdivisions based on population criteria. Provides that the date is the same as the normal effective date of laws passed in a regular session (currently Aug. 15, but changes to Aug. 1 if a proposed amendment to the constitution is adopted by the voters this year.)

Present law provides that unless otherwise provided, the number of inhabitants of a political subdivision is that shown by the latest regular or special federal census.

Present law includes numerous provisions covering a wide variety of subjects which are applicable to classes of parishes or municipalities, with the class being defined by the population according to the "latest" or "most recent" federal census.

Proposed law expresses legislative finding including the recognition that official census numbers for parishes and municipalities are not known until sometime during the year after the census is taken and that changes in the applicability of laws due to changes in population are effectively the same as changes in the law made by acts of the legislature. Expresses legislative conclusion that there should be a date certain on which a new census becomes the census used to determine the applicability of population-based laws and that the normal effective date of laws passed during a regular session is an appropriate date.

Present constitution provides that, unless otherwise provided in proposed law, laws enacted during a regular session become effective on Aug. 15 of the same year. Proposed constitutional amendment (Act No. 537 of the 2009 R.S.) changes this effective date to Aug. 1.

Proposed law provides that a particular federal census shall become the "latest" and the "most recent" federal census on Aug. 15 of the year after the year the census is taken and remains the "latest" and "most recent" federal census until Aug. 15 of the year after the next census is taken. Proposed law changes the date to Aug. 1 if proposed constitutional amendment is approved by the voters.

Proposed law provides that proposed law does not apply to any law providing for reapportionment or redistricting.

Effective upon signature of governor or lapse of time for gubernatorial action. Effective in part if and when the proposed amendment of Art. III of the Constitution of Louisiana contained in Act No. 537 of the 2009 R.S. is adopted at a statewide election and becomes effective.

(Amends R.S. 1:11)