Regular Session, 2010

ENROLLED ACT NO. 623

HOUSE BILL NO. 1195

BY REPRESENTATIVE LITTLE AND SENATOR WALSWORTH

| 1 | AN ACT |
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| 2 | To amend and reenact Paragraph (6) of Section 5 of Act No. 253 of the 1952 Regular |
| 3 | Session of the Legislature, as amended by Act No. 540 of the 1954 Regular Session |
| 4 | of the Legislature, and Act No. 16 of the 1968 1st Extraordinary Session of the |
| 5 | Legislature; Paragraph (15) of Section 5 of Act No. 253 of the 1952 Regular Session |
| 6 | of the Legislature; and Section 6 of Act No. 253 of the 1952 Regular Session of the |
| 7 | Legislature, as amended by Act No. 127 of the 1987 Regular Session of the |
| 8 | Legislature, relative to the city of Bastrop; to provide relative to the powers and |
| 9 | duties of the city; to remove certain restrictions; to provide relative to penalties for |
| 10 | the violation of city ordinances; and to provide for related matters. |
| 11 | Notice of intention to introduce this Act has been published |
| 12 | as provided by Article III, Section 13 of the Constitution of |
| 13 | Louisiana. |
| 14 | Be it enacted by the Legislature of Louisiana: |
| 15 | Section 1. Paragraph (6) of Section 5 of Act No. 253 of the 1952 Regular Session |
| 16 | of the Legislature, as amended by Act No. 540 of the 1954 Regular Session of the |
| 17 | Legislature, and Act No. 16 of the 1968 1st Extraordinary Session of the Legislature; |
| 18 | Paragraph (15) of Section 5 of Act No. 253 of the 1952 Regular Session of the Legislature; |
| 19 | and Section 6 of Act No. 253 of the 1952 Regular Session of the Legislature, as amended |
| 20 | by Act No. 127 of the 1987 Regular Session of the Legislature, are hereby amended and |
| 21 | reenacted to read as follows: |

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

| 1 | Section 5. Enumerated powers. In addition to the powers and capacities |
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| 2 | granted by other Sections of this Act, the City city of Bastrop shall have power: |
| 3 | * * * |
| 4 | (6) Acquisition and alienation of property. To acquire for any municipal |
| 5 | purpose ownership of or a lesser interest in or to property within and or without its |
| 6 | boundaries by the city's boundaries by expropriation, quick taking, purchase, gift, |
| 7 | devise, lease or expropriation exchange and to hold, manage, control, exchange and |
| 8 | sell or lease such property as its interest may appear; provided that no real estate |
| 9 | shall be sold by the city except at public sale by sealed bid or public auction, and |
| 10 | nothing shall prohibit the exchange of real estate. The procedure procedures for |
| 11 | expropriation and for quick taking shall be [as] as provided for by law. |
| 12 | * * * |
| 13 | (15) Waterworks, electric plants, and gas plants, and utilities. To erect, |
| 14 | purchase, expropriate, take, quick take, maintain, and operate waterworks, electric |
| 15 | plants, and gas plants, and public utility services within or without its corporate |
| 16 | limits, with the pipe, and transmission lines and other methods of delivery incident |
| 17 | thereto, for the purpose of supplying water, gas, and electricity, communication, |
| 18 | data, electronic media and other or like public utility services within and or without |
| 19 | the city city's boundaries, to charge and collect compensation therefor, and to |
| 20 | provide penalties for unauthorized use thereof; or to contract with any person for the |
| 21 | erection and/or maintenance and operation of waterworks, electric plants, or gas |
| 22 | plants, or utility services for terms not exceeding twenty-five (25) years and subject |
| 23 | to regulation and fixing of rates by the city or the public service commission as |
| 24 | provided by law. No contract for the erection, purchase, or maintenance and |
| 25 | operation of waterworks, electric plants or gas plans shall be entered into until |
| 26 | submitted to a vote of the qualified electors and approved by a majority of those |
| 27 | voting. |
| 28 | * * * |

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| 1 | Section 6. Enforcement provisions. |
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| 2 | The City city of Bastrop may provide suitable penalties, not exceeding a fine |
| 3 | of five hundred dollars $($ \$500.00 $)$ or imprisonment for not more than six (6) months, |
| 4 | or both, for any one (1) offense, for the violation of any of the regulatory ordinances |
| 5 | which it is authorized to enact under this Act; however, in the cases of operating a |
| 6 | vehicle while intoxicated, reckless operation of a vehicle, and hit and run driving, the |
| 7 | penalties may exceed such limits except that in every instance authorized or |
| 8 | permitted by state law, penalties may be imposed in excess of such limits but shall |
| 9 | not exceed the penalties authorized for the violation of such state crimes. Such |
| 10 | offenses shall be cognizable by the City Court of Bastrop or any other court of |
| 11 | competent jurisdiction. The city may also require licenses or permits whenever such |
| 12 | requirement will facilitate the enforcement of any regulatory ordinance enacted |
| 13 | under the provisions of this Act or any law. The city may contract with the police |
| 14 | jury of Morehouse Parish, which is empowered in the premises, for the use of the |
| 15 | parish jail by the municipality. |
| 16 | * * * |
| 17 | Section 2. This Act shall become effective upon signature by the governor or, if not |
| 18 | signed by the governor, upon expiration of the time for bills to become law without signature |

igned by the governor, upon ex ٢ŀ 19 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If 20 vetoed by the governor and subsequently approved by the legislature, this Act shall become 21 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

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