

Regular Session, 2011

HOUSE BILL NO. 330

BY REPRESENTATIVE LITTLE AND SENATOR WALSWORTH

MUNICIPALITIES: Provides relative to the powers and duties of the city of Bastrop with respect to expropriation of property and to acquisition and operation of utilities

1 AN ACT

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, Act No. 16 of the 1968 1st Extraordinary Session of the
5 Legislature, and Act No. 623 of the 2010 Regular Session of the Legislature and
6 Paragraph (15) of Section 5 of Act No. 253 of the 1952 Regular Session of the
7 Legislature, as amended by Act No. 623 of the 2010 Regular Session of the
8 Legislature, relative to Bastrop; to provide relative to the acquisition and alienation
9 of property, including the removal of "quick take" expropriation authority and
10 authority to exchange property; to provide relative to the acquisition and operation
11 of utilities including the types of utility property that may be acquired and operated
12 by the city and the removal of "quick take" expropriation authority with respect to
13 utility property; to require voter approval of contracts for erection, purchase, or
14 maintenance and operation of utilities; and to provide for related matters.

15 Notice of intention to introduce this Act has been published
16 as provided by Article III, Section 13 of the Constitution of
17 Louisiana.

18 Be it enacted by the Legislature of Louisiana:

19 Section 1. Paragraph (6) of Section 5 of Act No. 253 of the 1952 Regular Session
20 of the Legislature, as amended by Act No. 540 of the 1954 Regular Session of the

1 Legislature, Act No. 16 of the 1968 1st Extraordinary Session of the Legislature, and Act
2 No. 623 of the 2010 Regular Session of the Legislature and Paragraph (15) of Section 5 of
3 Act No. 253 of the 1952 Regular Session of the Legislature as amended by Act No. 623 of
4 the 2010 Regular Session of the Legislature are hereby amended and reenacted to read as
5 follows:

6 Section 5. Enumerated powers. In addition to the powers and capacities
7 granted by other Sections of this Act, the city of Bastrop shall have power:

8 * * *

9 (6) Acquisition and alienation of property. To acquire for any municipal
10 purpose ownership of or a lesser interest in or to property within or without ~~the city's~~
11 ~~boundaries by expropriation, quick taking, its boundaries by~~ purchase, gift, devise,
12 lease, or ~~exchange~~ expropriation and to hold, manage, control, ~~exchange~~ and sell or
13 lease such property as its interest may appear; ~~provided that~~ However, no real estate
14 shall be sold by the city except at public sale ~~by sealed bid or public auction, and~~
15 ~~nothing shall prohibit the exchange of real estate.~~ The ~~procedures~~ procedure for
16 expropriation ~~and for quick taking~~ shall be as provided for by law.

17 * * *

18 (15) Waterworks, electric plants, and gas plants, ~~and utilities.~~ To erect,
19 purchase, expropriate, ~~take, quick take,~~ maintain, and operate waterworks, electric
20 plants, and gas plants, ~~and public utility services~~ within or without its corporate
21 limits, with the pipe and transmission lines ~~and other methods of delivery~~ incident
22 thereto, for the purpose of supplying water, gas, and electricity, ~~communication,~~
23 ~~data, electronic media and other or like public utility services~~ within or without the
24 city's boundaries; to charge and collect compensation therefor, and to provide
25 penalties for unauthorized use thereof; or to contract with any person for the erection
26 and/or maintenance and operation of waterworks, electric plants, or gas plants, ~~or~~
27 ~~utility services~~ for terms not exceeding twenty-five years and subject to regulation
28 and fixing of rates by the city or the public service commission as provided by law.
29 No contract for the erection, purchase, or maintenance and operation of waterworks,

authorizes the city to erect, acquire, and operate other public utility services and other methods of delivery. Proposed law removes present law.

Present law authorizes the city to take and quick take waterworks, electric plants, and gas plants and public utility services. Proposed law removes present law.

Present law authorizes the acquisition of utility services for the purpose of supplying communication, data, electronic media, and other or like public utility services. Proposed law removes present law.

Present law authorizes the city, for the purpose of supplying water, gas, and electricity, to charge and collect compensation for any such purpose and to provide penalties for unauthorized use of water, gas, and electricity. Proposed law retains present law.

Present law authorizes the city to contract with any person for the erection, maintenance, and operation of waterworks, electric plants, or gas plants for terms not exceeding 25 years and subject to regulation and fixing of rates by the city or the public service commission as provided by law. Proposed law retains present law.

Present law authorizes the city to enter into such contracts for any utility services. Proposed law removes present law.

Proposed law provides that no contract for the erection, purchase, or maintenance and operation of waterworks, electric plants, or gas plants can be entered into until submitted to a vote of the qualified electors and approved by a majority of those voting.

Prohibits any court, after the effective date of proposed law, from issuing an order declaring property taken if the petition for such order was filed by the city of Bastrop pursuant to Act No. 623 of the 2010 R.S. (the Act which granted Bastrop the "quick take" authority removed by proposed law). Requires return of money deposited with the court pursuant to such a petition.

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

(Amends Para. (6) and (15) of §5 of Act No. 253 of the 1952 R.S. as amended)