

Regular Session, 2011

SENATE BILL NO. 42

BY SENATOR WALSWORTH

ELECTED OFFICIALS. Repeals certain powers and duties of the city of Bastrop. (gov sig)

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. 623 of the 2010 Regular Session  
4 of the Legislature; Paragraph (15) of Section 5 of Act No. 253 of the 1952 Regular  
5 Session of the Legislature; and Section 6 of Act No. 253 of the 1952 Regular Session  
6 of the Legislature, as amended by Act No. 623 of the 2010 Regular Session of the  
7 Legislature, relative to the city of Bastrop; to provide relative to the powers and  
8 duties of the city; to provide relative to restrictions; to provide relative to penalties  
9 for the violation of city ordinances; and to provide for related matters.

10 Notice of intention to introduce this Act has been published.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. Paragraph (6) of Section 5 of Act No. 253 of the 1952 Regular Session  
13 of the Legislature, as amended by Act No. 623 of the 2010 Regular Session of the  
14 Legislature; Paragraph (15) of Section 5 of Act No. 253 of the 1952 Regular Session of the  
15 Legislature; and Section 6 of Act No. 253 of the 1952 Regular Session of the Legislature,  
16 as amended by Act No. 623 of the 2010 Regular Session of the Legislature, are hereby  
17 enacted to read as follows:

1           Section 5. Enumerated powers. In addition to the powers and capacities  
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 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 years and subject to  
23 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 plants shall be entered into until  
26 submitted to a vote of the qualified electors and approved by a majority of those  
27 voting.

28                                   \*           \*           \*

29           Section 6. Enforcement provisions.

The city of Bastrop may provide suitable penalties, not exceeding a fine of five hundred dollars or imprisonment for not more than six months, or both, for any one offense, for the violation of any of the regulatory ordinances which it is authorized to enact under this Act; **however, in the cases of operating a vehicle while intoxicated, reckless operation of a vehicle, and hit and run driving, the penalties may exceed such limits** ~~except that in every instance authorized or permitted by state law, penalties may be imposed in excess of such limits but shall not exceed the penalties authorized for the violation of such state crimes. Such offenses shall be cognizable by the City Court of Bastrop or any other court of competent jurisdiction. The city may also require licenses or permits whenever such requirement will facilitate the enforcement of any regulatory ordinance enacted under the provisions of this Act or any law. The city may contract with the police jury of Morehouse Parish, which is empowered in the premises, for the use of the parish jail by the municipality.~~

\* \* \*

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by James Benton.

# DIGEST

Present law (Act No. 253 of 1952 R.S.) creates and provides by special legislative charter for the city of Bastrop. Defines the boundaries, provides for the administration of its affairs, and provides relative to the powers and duties of the city and its officers.

Present law includes within the powers and duties of the city the power to acquire for any municipal purpose ownership of or a lesser interest in or to property inside and outside the boundaries of the city. Authorizes the city to acquire such property by expropriation, purchase, gift, devise, or lease. Grants the city quick taking powers and authorizes the city to acquire property or a lesser interest in property by exchange. Clarifies that the city may acquire property or a lesser interest in or to property inside or outside the boundaries of the city.

Proposed law removes the city's quick taking powers and authorizes the city to acquire property or a lesser interest in property by exchange.

Present law authorizes the city to hold, manage, control, and sell or lease any such property as it may appear. Prohibits, however, real estate from being sold by the city except at public sale. Authorizes the city to dispose of such property by exchange. Requires that real estate sold at public sale be sold by sealed bid or public auction. Provides that nothing shall prohibit the exchange of real estate.

Proposed law retains present law but removes the city's authorization to dispose of real estate by exchange.

Present law provides that procedures for expropriation and quick taking shall be as provided by law.

Proposed law retains present law only as it applies to expropriation.

Present law includes within the powers of the city the power to erect, purchase, expropriate, maintain, and operate waterworks, electric plants, and gas plants inside or outside the city limits, including the pipe and transmission lines incident thereto. Additionally authorizes the district to take and quick take any such waterworks, electric plants, and gas plants. Further authorizes the city to erect, purchase, expropriate, take, quick take, maintain, and operate public utility services. In addition to transmission lines, includes other methods of delivery incident to such public utilities.

Proposed law retains present law but removes the authority of the district to take and quick take any such waterworks, electric plants, and gas plants. Further removes the authority of the city to erect, purchase, expropriate, take, quick take, maintain, and operate public utility services. Except for transmission lines, removes other methods of delivery incident to such public utilities.

Present law provides that for the purpose of supplying water, gas, and electricity inside or outside the city boundaries, the city may charge and collect compensation for any such purpose and provide penalties for unauthorized use of water, gas, and electricity. Further authorizes the city to charge and collect compensation for the purpose of supplying communication, data, electronic media and other or like public utility services and to provide penalties for the unauthorized use thereof.

Proposed law retains present law but removes the city's authority to charge and collect compensation for the purpose of supplying communication, data, electronic media and other or like public utility services and to provide penalties for the unauthorized use thereof.

Present law authorizes the city to contract with any person for the erection and/or 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. Further authorizes the city to enter into any such contract for the erection, maintenance, and operation of utility services 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 but removes the city's authority to enter into any such contract for the erection, maintenance, and operation of utility services 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.

Present law authorizes provisions for suitable penalties, not exceeding a fine of \$500 or imprisonment for not more than six months, or both, for any one offense, for the violation of any of the regulatory ordinances which it enacts. Provides, however, that the penalties

may exceed such limits in every instance authorized or permitted by state law, in the case of operating a vehicle while intoxicated, reckless operation of a vehicle, and hit and run driving. Provides that penalties shall not exceed penalties authorized for the violation of state crimes.

Proposed law retains present law but removes provision that specifically authorizes that penalties may exceed limits in every instance authorized or permitted by state law, in the case of operating a vehicle while intoxicated, reckless operation of a vehicle, and hit and run driving.

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

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