HLS 11RS-351 **ORIGINAL**

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

AN ACT

To amend and reenact Paragraph (6) of Section 5 of Act No. 253 of the 1952 Regular Session of the Legislature, as amended by Act No. 540 of the 1954 Regular Session of the Legislature, Act No. 16 of the 1968 1st Extraordinary Session of the Legislature, and Act No. 623 of the 2010 Regular Session of the Legislature and Paragraph (15) of Section 5 of Act No. 253 of the 1952 Regular Session of the Legislature as amended by Act No. 623 of the 2010 Regular Session of the Legislature, relative to Bastrop; to provide relative to the acquisition and alienation of property, including the removal of "quick take" expropriation authority and authority to exchange property; to provide relative to the acquisition and operation of utilities including the types of utility property that may be acquired and operated by the city and the removal of "quick take" expropriation authority with respect to utility property; to require voter approval of contracts for erection, purchase, or maintenance and operation of utilities; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

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

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

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

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

* * *

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

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electric plants, or gas plants shall be entered into until submitted to a vote of the qualified electors and approved by a majority of those voting.

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Section 2. With respect to any petition for a declaration of taking filed by the city of Bastrop pursuant to Section 1 of Act No. 623 of the 2010 Regular Session of the Legislature, no court shall issue an order declaring that property has been taken pursuant to such a petition after the effective date of this Act. Any monies deposited in the registry of the court pursuant to such a petition shall be returned to the city.

Section 3. 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.

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)]

Little HB No. 330

Abstract: Removes "quick take" expropriation authority of Bastrop with respect to property generally and to certain utility property; requires voter approval of utility contracts.

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 property. Authorizes the city to acquire such property by expropriation, purchase, gift, devise, or lease. Authorizes the city to hold, manage, control, and sell or lease any such property. Proposed law retains present law.

Present law additionally grants the city quick take powers and authorizes the city to acquire and dispose of property by exchange. Proposed law removes present law.

Present law prohibits the sale of real estate except at public sale by sealed bid or public auction. Proposed law retains requirement for public sale but removes specifications regarding sealed bid or public auction.

Present law authorizes the city 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. Proposed law retains present law. Present law

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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)

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