

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Municipal, Parochial and Cultural Affairs
to Engrossed Senate Bill No. 42 by Senator Walsworth

AMENDMENT NO. 1

On page 1, delete lines 3 through 9 in their entirety and insert the following:

"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."

AMENDMENT NO. 2

On page 1, delete lines 12 through 17 in their entirety and delete page 2 in its entirety and on page 3, delete lines 1 through 15 in their entirety and insert the following:

"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 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:

* * *

(6)(a) 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.

(b) In addition to the authority granted in Subparagraph (a) of this Paragraph, the city shall have the power to acquire property for roads by quick taking for any municipal purpose.

* * *

(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

1 and/or maintenance and operation of waterworks, electric plants, or gas plants, ~~or~~
 2 ~~utility services~~ for terms not exceeding twenty-five years and subject to regulation
 3 and fixing of rates by the city or the public service commission as provided by law.
 4 **No contract for the erection, purchase, or maintenance and operation of**
 5 **waterworks, electric plants, or gas plants shall be entered into until submitted**
 6 **to a vote of the qualified electors and approved by a majority of those voting.**

7 * * *

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

13 AMENDMENT NO. 3

14 On page 3, at the beginning of line 16, change "Section 2." to "Section 3."