

SENATE BILL NO. 42

BY SENATOR WALSWORTH AND REPRESENTATIVE LITTLE

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 Be it enacted by the Legislature of Louisiana:

17 Section 1. Paragraph (6) of Section 5 of Act No. 253 of the 1952 Regular Session of the
18 Legislature, as amended by Act No. 540 of the 1954 Regular Session of the Legislature, Act
19 No. 16 of the 1968 1st Extraordinary Session of the Legislature, and Act No. 623 of the 2010
20 Regular Session of the Legislature and Paragraph (15) of Section 5 of Act No. 253 of the
21 1952 Regular Session of the Legislature as amended by Act No. 623 of the 2010 Regular
22 Session of the Legislature are hereby amended and reenacted 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 of Bastrop shall have power:

3 * * *

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

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

15 * * *

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

30 * * *

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

6 Section 3. This Act shall become effective upon signature by the governor
7 or, if not signed by the governor, upon expiration of the time for bills to become law
8 without signature by the governor, as provided by Article III, Section 18 of the
9 Constitution of Louisiana. If vetoed by the governor and subsequently approved by
10 the legislature, this Act shall become effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____