

## **BILL ANALYSIS**

Senate Research Center  
78R12539 MXM-D

H.B. 2540  
By: Menendez (Van de Putte)  
Veteran Affairs & Military Installations  
5/20/2003  
Engrossed

### **DIGEST AND PURPOSE**

Under current law, defense base development authorities (authority) are given broad powers and duties relating to the development and redevelopment of military bases that are closed or realigned under the federal Defense Base Realignment Closure Act of 1990. An authority's purpose is to engage in the economic development of the base property and areas around the base property; however, property, desired for the development or redevelopment of closed bases, can be difficult to acquire. H.B. 2540 grants a defense base development authority the power of eminent domain to acquire property in or adjacent to the base property within the framework of the Property Code's chapter regulating eminent domain. This bill also requires the authority, before moving ahead with acquiring property through eminent domain, to meet certain criteria, including adopting a master development and redevelopment plan and incorporating and approving the plan as part of the master plan of the municipality in which the base property is located, and making certain findings after conducting a public hearing.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 378, Local Government Code, by adding Section 378.0045, as follows:

Sec. 378.0045. EMINENT DOMAIN. (a) Authorizes a defense development authority established under this chapter (authority) to exercise the power of eminent domain to acquire property in or adjacent to the base property only in the manner provided by Chapter 21 (Eminent Domain), Property Code.

(b) Requires the board of directors of the authority, before the authority initiates an eminent domain proceeding to acquire property, to adopt a master development and redevelopment plan for the property in or adjacent to the base property and incorporate and approve the plan as part of the master plan of the municipality in which the base property is located and make certain findings after conducting a public hearing.

SECTION 2. Effective date: upon passage or September 1, 2003.