

## **BILL ANALYSIS**

C.S.H.B. 2540

By: Menendez

Defense Affairs and State-Federal Relations  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Under current law, Defense Base Authorities 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 Closure and Realignment Act of 1990. A Defense Base Authority's purpose is to engage in the economic development of the base property and areas around the base property; however, property, essential for the orderly development or redevelopment of closed bases, can be difficult to acquire. C.S.H.B. 2540 seeks to grant a defense base development authority the power of eminent domain in order to more efficiently acquire private property needed to engage in the economic development. Moreover, the power of eminent domain will be granted only if the objectives are consistent with the surrounding municipality's adopted development plan.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

SECTION 1. Amends the Local Government Code to allow an authority to exercise the power of eminent domain in order to acquire property in or adjacent to the base property only if the board adopts a master plan for base development and incorporates and approves the plan as part of the master plan of the municipality in which the base property is located. Also, the power of eminent domain may be used only if the board, after conducting a public hearing, finds it necessary to carry out the essential objectives of the base plan and that notice of the hearing was published in a newspaper of general circulation no later than the 15th day before the date of the hearing.

SECTION 2. Effective Date: September 1, 2003, unless the Act receives the necessary votes for immediate effect.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The substitute modifies the original version of the bill in SECTION 1 by placing restrictions on a defense base development authority's use of the power of eminent domain, including adopting a master plan, a publication in a newspaper, and a determination that the use of eminent domain is necessary to carry out the objectives of the base plan.