

By: Menendez

H.B. No. 2540

Substitute the following for H.B. No. 2540:

By: Noriega

C.S.H.B. No. 2540

A BILL TO BE ENTITLED

AN ACT

relating to granting a defense base development authority the power of eminent domain.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 378, Local Government Code, as added by Chapter 1221, Acts of the 76th Legislature, Regular Session, 1999, is amended by adding Section 378.0045 to read as follows:

Sec. 378.0045. EMINENT DOMAIN. (a) An authority may exercise the power of eminent domain to acquire property in or adjacent to the base property only in the manner provided by Chapter 21, Property Code.

(b) Before the authority initiates an eminent domain proceeding to acquire property, the board must:

(1) 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

(2) find, after conducting a public hearing, that:

(A) notice of the hearing was published in a newspaper of general circulation in the municipality in which the base property is located not later than the 15th day before the date of the hearing;

(B) the property lies in a redevelopment project designated under Section 378.009, as added by Chapter 1221, Acts of

1 the 76th Legislature, Regular Session, 1999; and

2 (C) the use of eminent domain is necessary to
3 acquire the property to carry out the essential objectives of the
4 master development and redevelopment plan as approved by the
5 municipality.

6 SECTION 2. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2003.