

1-1 By: Menendez (Senate Sponsor - Van de Putte) H.B. No. 2540
1-2 (In the Senate - Received from the House May 19, 2003;
1-3 May 20, 2003, read first time and referred to Committee on Veteran
1-4 Affairs and Military Installations; May 22, 2003, reported
1-5 favorably by the following vote: Yeas 3, Nays 1; May 22, 2003, sent
1-6 to printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to granting a defense base development authority the power
1-10 of eminent domain.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Chapter 378, Local Government Code, as added by
1-13 Chapter 1221, Acts of the 76th Legislature, Regular Session, 1999,
1-14 is amended by adding Section 378.0045 to read as follows:

1-15 Sec. 378.0045. EMINENT DOMAIN. (a) An authority may
1-16 exercise the power of eminent domain to acquire property in or
1-17 adjacent to the base property only in the manner provided by Chapter
1-18 21, Property Code.

1-19 (b) Before the authority initiates an eminent domain
1-20 proceeding to acquire property, the board must:

1-21 (1) adopt a master development and redevelopment plan
1-22 for the property in or adjacent to the base property and incorporate
1-23 and approve the plan as part of the master plan of the municipality
1-24 in which the base property is located; and

1-25 (2) find, after conducting a public hearing, that:

1-26 (A) notice of the hearing was published in a
1-27 newspaper of general circulation in the municipality in which the
1-28 base property is located not later than the 15th day before the date
1-29 of the hearing;

1-30 (B) the property lies in a redevelopment project
1-31 designated under Section 378.009, as added by Chapter 1221, Acts of
1-32 the 76th Legislature, Regular Session, 1999; and

1-33 (C) the use of eminent domain is necessary to
1-34 acquire the property to carry out the essential objectives of the
1-35 master development and redevelopment plan as approved by the
1-36 municipality.

1-37 SECTION 2. This Act takes effect immediately if it receives
1-38 a vote of two-thirds of all the members elected to each house, as
1-39 provided by Section 39, Article III, Texas Constitution. If this
1-40 Act does not receive the vote necessary for immediate effect, this
1-41 Act takes effect September 1, 2003.

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