

By: Menendez

H.B. No. 3879

A BILL TO BE ENTITLED

AN ACT

relating to the powers and duties of defense base development authorities; modifying the power of eminent domain.

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

SECTION 1. Chapter 379B, Local Government Code, is amended by adding Section 379B.0041 to read as follows:

Sec. 379B.0041. INLAND PORT AND TRADE POWERS. (a) The authority may establish and operate an inland port and related port facilities to engage in world trade.

(b) The authority may participate in national and international agreements advancing world trade at the port.

SECTION 2. Section 379B.0045, Local Government Code, is amended to read as follows:

Sec. 379B.0045. EMINENT DOMAIN. (a) An authority or an authority whose subject property is within the territorial limits of a municipality may exercise the power of eminent domain to acquire property in ~~[or adjacent to]~~ the base property or in an area surrounding the base 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 or in an area surrounding the base and incorporate and approve the plan as part of

1 the master plan of the municipality in which the base property is
2 located; and

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

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

8 (B) the property lies in a redevelopment project
9 designated under Section 379B.009 [~~378.009, as added by Chapter~~
10 ~~1221, Acts of the 76th Legislature, Regular Session, 1999~~]; and

11 (C) the use of eminent domain is necessary to
12 acquire the property to carry out the essential objectives of the
13 master development and redevelopment plan as approved by the
14 municipality.

15 SECTION 3. Chapter 379B, Local Government Code, is amended
16 by adding Section 379B.0085 to read as follows:

17 Sec. 379B.0085. HEARINGS BY TELEPHONE OR SIMILAR MEANS.

18 (a) As an exception to Chapter 551, Government Code, and other
19 law, if the president or vice president of a board, or chairperson
20 or vice chairperson of a board committee, is physically present at a
21 meeting of the board or committee, any number of the other members
22 of the board or committee may attend the meeting by use of telephone
23 conference call, video conference call, or other similar
24 telecommunication device. This subsection applies for purposes of
25 constituting a quorum, for purposes of voting, and for any other
26 purpose allowing a board or committee member to otherwise fully
27 participate in any board or committee meeting. This subsection

1 applies without exception with regard to the subject of the meeting
2 or topics considered by the members.

3 (b) A meeting held by use of telephone conference call,
4 video conference call, or other similar telecommunication device:

5 (1) is subject to the notice requirements applicable
6 to other meetings;

7 (2) must specify in the notice of the meeting the
8 location of the meeting at which the president, vice president,
9 chairperson, or vice chairperson will be physically present;

10 (3) must be open to the public and audible to the
11 public at the location specified in the notice of the meeting as the
12 location of the meeting at which the president, vice president,
13 chairperson, or vice chairperson will be physically present; and

14 (4) must provide two-way audio communication between
15 all board or committee members attending the meeting during the
16 entire meeting, and if the two-way audio communication link with
17 any member attending the meeting is disrupted at any time, the
18 meeting may not continue until the two-way audio communication link
19 is reestablished.

20 SECTION 4. Subsection (a), Section 379B.009, Local
21 Government Code, is amended to read as follows:

22 (a) The board may designate as a redevelopment project a
23 project that relates to:

24 (1) the development of base property and the
25 surrounding areas; or

26 (2) the development of property directly related to
27 the purposes or goals of the authority [~~the development of a defense~~

1 ~~base in the territory of the municipality that established the~~
2 ~~authority and areas surrounding that base].~~

3 SECTION 5. The change in law made by Section 379B.0085,
4 Local Government Code, as added by this Act, applies only to a
5 meeting of the board of directors of a defense base development
6 authority or a meeting of a board committee that occurs on or after
7 the effective date of this Act.

8 SECTION 6. This Act takes effect September 1, 2007.