

By: Uresti, Van de Putte S.B. No. 1237  
(In the Senate - Filed March 6, 2007; March 14, 2007, read first time and referred to Subcommittee on Base Realignment and Closure; April 12, 2007, reported favorably from Committee on Veteran Affairs and Military Installations by the following vote: Yeas 5, Nays 0; April 12, 2007, sent to printer.)

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 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 379B.009 ~~[378.009, as added by Chapter 1221, Acts of the 76th Legislature, Regular Session, 1999]~~; and

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

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

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

(a) As an exception to Chapter 551, Government Code, and other law, if the president or vice president of a board, or chairperson or vice chairperson of a board committee, is physically present at a meeting of the board or committee, any number of the other members of the board or committee may attend the meeting by use of telephone conference call, video conference call, or other similar telecommunication device. This subsection applies for purposes of constituting a quorum, for purposes of voting, and for any other purpose allowing a board or committee member to otherwise fully participate in any board or committee meeting. This subsection applies without exception with regard to the subject of the meeting or topics considered by the members.

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

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

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

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

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

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

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

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

(2) the development of property directly related to the purposes or goals of the authority ~~[a defense base in the territory of the municipality that established the authority and areas surrounding that base]~~.

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

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

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