

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 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 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

1 designated under Section 378.009, as added by Chapter 1221, Acts of
2 the 76th Legislature, Regular Session, 1999; and

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

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

David Newkirk

President of the Senate

Jim Caldwell

Speaker of the House

I certify that H.B. No. 2540 was passed by the House on May 16, 2003, by the following vote: Yeas 142, Nays 1, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2540 on May 28, 2003, by the following vote: Yeas 141, Nays 0, 2 present, not voting.

Robert Hanes

Chief Clerk of the House

I certify that H.B. No. 2540 was passed by the Senate, with amendments, on May 26, 2003, by the following vote: Yeas 30, Nays 1.

Letsy Spaw

Secretary of the Senate

APPROVED: 20 JUN 03

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
5:30 PM O'CLOCK

Ann Shea
JUN 2 9 2003
Secretary of State