

## **BILL ANALYSIS**

Senate Research Center

H.B. 3879  
By: Menendez (Uresti)  
S/C on Base Realignment and Closure  
5/10/2007  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Current statute authorizes the creation of defense base authorities for the purpose of redeveloping military facilities impacted by the federal Base Realignment and Closure process.

H.B. 3879 authorizes a defense base development authority, established for the purpose of redeveloping military facilities impacted by the federal base realignment and closure, to establish and operate an inland port and related port facilities to engage in world trade and enter into agreements enhancing world trade. The bill also resolves a minor conflicts in the language of the statute governing an authority's exercise of eminent domain, and further restricts the use of such power in order to ensure that it is used only in connection with projects meeting the statutory purposes of the authority.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 379B, Local Government Code, by adding Section 379B.0041, as follows:

Sec. 379B.0041. INLAND PORT AND TRADE POWERS. Authorizes a defense base development authority (authority) to establish and operate an inland port and related port facilities to engage in world trade, and to participate in national and international agreements advancing world trade at the port.

SECTION 2. Amends Section 379B.0045, Local Government Code, as follows:

Sec. 379B.0045. EMINENT DOMAIN. (a) Authorizes 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 the base property or in an area surrounding the base, rather than adjacent to the base property, only in the manner provided by Chapter 21, Property Code.

(b) Requires the directors of the authority (board), before the authority initiates an eminent domain proceeding to acquire property, to find, after conducting a public hearing, that the property lies in a redevelopment project designated under Section 379B.009, rather than Section 378.009, as added by Chapter 1221, Acts of the 76th Legislature, Regular Session, 1999. Makes a conforming change.

SECTION 3. Amends Chapter 379B, Local Government Code, by adding Section 379B.0085, as follows:

Sec. 379B.0085. HEARINGS BY TELEPHONE OR SIMILAR MEANS. (a) Authorizes any number of members of a board of directors of an authority (board) or committee to attend a board or committee meeting by use of telephone conference call, video conference call, or other similar telecommunication device if the president, vice president, chairperson, or vice chairperson of a board or board committee is physically present at a meeting of the board or committee, as an exception to Chapter 551 (Open

Meetings), Government Code, and other law. Provides that this subsection applies for purposes of constituting a quorum, voting, and any other purpose which authorizes a board or committee member to otherwise fully participate in a board or committee meeting, and without exception regarding the subject of the meeting or topics considered by members.

(b) Sets forth the requirements governing a meeting held by use of telephone conference call, video conference call, or other similar telecommunication device.

SECTION 4. Amends Section 379B.009(a), Local Government Code, to authorize the board to designate as a redevelopment project a project that relates to the development of property directly related to the purposes or goals of the authority, rather than the development of a defense base in the territory of the municipality that established the authority and areas surrounding that base.

SECTION 5. Provides that the change in law made by Section 379B.0085, Local Government Code, as added by this Act, applies only to meetings of a board or board committee occurring on or after the effective date of this Act.

SECTION 6. Effective date: September 1, 2007.