

BILL ANALYSIS

Senate Research Center

S.B. 10
By: Lindsay
Jurisprudence
7/10/2003
As Filed

DIGEST AND PURPOSE

As proposed, S.B. 10 provides for concurrent jurisdiction between the district and county civil courts at law for eminent domain proceedings in a county with a population of three million or more. This bill also requires a condemnation proceeding to be assigned by rotation to a court with jurisdiction to hear the proceeding and states that a party pursuing an eminent domain case before a county civil court has the right to a 12 person jury.

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 Subchapter A, Chapter 25, Government Code, by adding Section 25.0020, as follows:

Sec. 25.0020. CONDEMNATION PROCEEDINGS IN CERTAIN COUNTIES. (a) Provides that this section applies only to a county with a population of three million or more.

(b) Provides that notwithstanding any other law, a county civil court at law has concurrent jurisdiction with the district court of eminent domain proceedings, both statutory and inverse, regardless of the amount in controversy.

(c) Authorizes a party initiating a condemnation proceeding, notwithstanding Section 21.013, Property Code (Venue; Fees and Processing for Suit Filed in District Court), to file a petition with any clerk authorized to accept the petition for the district court.

(d) Requires a condemnation proceeding to be assigned by rotation to a court with jurisdiction to hear the proceeding.

(e) Authorizes a party, notwithstanding Section 62.301, for a condemnation proceeding before a county civil court at law, to elect to have the proceeding tried before a jury of 12 persons.

SECTION 2. Effective date: November 1, 2003.