

BILL ANALYSIS

Senate Research Center
79R9592 AJA-F

S.B. 1578
By: Duncan
Jurisprudence
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As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, district courts and county courts at law have concurrent jurisdiction over condemnation or eminent domain lawsuits in Texas. However, venue statutes effectively limit the filing of such cases to county courts at law.

As proposed, S.B. 1578 amends the venue provisions and allows a party initiating a condemnation proceeding to file the petition in either a district court or a county court at law.

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 Section 21.001, Property Code, to provide that district courts and county courts at law have concurrent jurisdiction in eminent domain cases in every county in the state, notwithstanding any other law.

SECTION 2. Amends Section 21.013, Property Code, as follows:

Sec. 21.013. New heading: VENUE; FEES AND PROCESSING FOR ACTION FILED IN DISTRICT COURT. (a) Makes no changes to this subsection.

(b) Requires a party initiating a condemnation proceeding, except where otherwise provided by law, to file the petition with any clerk authorized to handle such filings for a court that has jurisdiction in eminent domain cases. Deletes existing text relating to more than one county court at law having jurisdiction.

(c) Deletes existing text relating to a party initiating a condemnation proceeding being required to file a condemnation petition with the district clerk in certain cases.

(d) Makes no changes to this subsection.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: upon passage or September 1, 2005.