

BILL ANALYSIS

Senate Research Center
86R5823 AJA-F

H.B. 2831
By: Canales (Hinojosa)
State Affairs
5/16/2019
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Property Code entitles each party in an eminent domain proceeding to written notice issued by the special commissioners informing the party of the time and place of the hearing on the proceeding required by law.

There are concerns that the statutory methods for serving notice of a hearing in an eminent domain proceeding do not include several methods commonly allowed by judges under the Texas Rules of Civil Procedure, such as registered or certified mail.

H.B. 2831 seeks to address this issue by revising the methods to restrict the service of the notice to delivery to the party or to the party's agent or attorney or in another manner provided by the Texas Rules of Civil Procedure for service of citation.

H.B. 2831 amends current law relating to the service of notice of a special commissioners' hearing in an eminent domain proceeding.

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 21.016(d), Property Code, as follows:

(d) Deletes existing Subdivisions (1)–(3). Authorizes notice to be served by delivering a copy of the notice to the party or to the party's agent or attorney or in another manner provided by the Texas Rules of Civil Procedure for service of citation. Deletes existing text relating to authorizing a notice to be served if the property being condemned belongs to a deceased's estate or to a minor or other legally disabled person and the person or estate has a legal representative, by delivering a copy of the notice to the legal representative or if the property being condemned belongs to a nonresident of this state and there has been no personal service on the owner, if the identity or the residence of the property owner is unknown, or if the property owner avoids service of notice by hiding, by publication in the same manner as service of citation by publication in other civil cases in the district courts or county courts at law.

SECTION 2. Effective date: upon passage or September 1, 2019.