

BILL ANALYSIS

C.S.S.B. 1708
By: Wentworth
Land & Resource Management
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, no mechanism exists to allow a person whose property was acquired by the government through eminent domain, when the project for which the property was acquired is canceled, to get the property back, other than a bidding process.

C.S.S.B. 1708 requires the government to contact the last owner and offer the person the property before it is set for sale through the bidding process. The bill also provides a mechanism to allocate eminent domain case loads.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 21, Property Code, by adding a new Section 21.023, as follows:

Requires a governmental entity to disclose certain things to a property owner at the time property is taken through eminent domain procedures (right to repurchase the property if it is later not used for a public use, repurchase price is the fair market value).

SECTION 2. Amends Chapter 21, Property Code, by adding Subchapter E, as follows:

Provides that the subchapter applies only to a real property interest acquired by a governmental entity through eminent domain for a public use that was later cancelled.

Provides that the subchapter does not apply to right-of-ways under the jurisdiction of a county, municipality, or TxDOT

Requires the governmental entity to send by certified mail to each property owner a notice containing certain information.

Requires the governmental entity, on request of the person, to offer to sell the property interest to that person for the fair market value.

SECTION 3. Amends Section 25.1032, Government Code, by amending Subsection (c) and adding Subsection (m), as follows:

Provides that a county civil court at law in Harris County has concurrent, rather than exclusive, jurisdiction with the district court of eminent domain proceedings,

both statutory and inverse, regardless of the amount in controversy.

Authorizes a party initiating a condemnation proceeding in Harris County to file a petition with any clerk authorized to accept the petition for the district courts.

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

Authorizes a party for a condemnation proceeding before a county civil court at law, to have the proceeding tried before a jury of 12 persons.

SECTION 4. Act prospective.

SECTION 5. Effective date.

EFFECTIVE DATE

January 1, 2004.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.S.B. 1708 adds a new SECTION 3 regarding lessening caseloads of courts that handle eminent domain proceedings.