

By: Callegari

H.B. No. 2478

Substitute the following for H.B. No. 2478:

By: Mowery

C.S.H.B. No. 2478

A BILL TO BE ENTITLED

AN ACT

relating to inverse condemnation cases.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 4, Property Code, is amended by adding Chapter 30 to read as follows:

CHAPTER 30. INVERSE CONDEMNATION

Sec. 30.001. CONCURRENT JURISDICTION. District courts and county courts at law have concurrent jurisdiction in inverse condemnation cases. A county court has no jurisdiction in inverse condemnation cases.

Sec. 30.002. TRANSFER OF CASES. If an inverse condemnation case is pending in a county court at law and the court determines that the case involves an issue of title or any other matter that cannot be fully adjudicated in that court, the judge shall transfer the case to a district court.

Sec. 30.003. DISTRICT COURT AUTHORITY. A district court may determine all issues in an inverse condemnation case, including whether property has been taken or damaged for a public purpose without compensation and the assessment of damages, in any suit in which this state, a political subdivision of this state, a person, an association of persons, or a corporation is a party.

Sec. 30.004. STANDARD PROCEDURE. (a) The judge of a court in which an inverse condemnation petition is filed shall order a bench trial to:

1 (1) determine whether the property owned by the
2 plaintiff was taken or damaged for a public purpose without
3 compensation; and

4 (2) resolve any jurisdictional matters.

5 (b) If the judge determines that the taking of or damage to
6 the property occurred, the judge, if requested, shall conduct a
7 jury trial on valuation issues.

8 (c) If the judge determines that the taking of or damage to
9 the property has not occurred, the judge shall dismiss the
10 petition.

11 SECTION 2. The change in law made by this Act applies only
12 to an inverse condemnation action filed on or after the effective
13 date of this Act. An inverse condemnation action filed before the
14 effective date of this Act is governed by the law in effect on the
15 date the action was filed, and the former law is continued in effect
16 for that purpose.

17 SECTION 3. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2003.