

By: Nixon

H.B. No. 2033

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to procedures in condemnation proceedings in certain  
3 counties.

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

5 SECTION 1. Subchapter A, Chapter 25, Government Code, is  
6 amended by adding Section 25.0020 to read as follows:

7 Sec. 25.0020. RIGHTS, DUTIES, AND PROCEDURES IN  
8 CONDEMNATION PROCEEDINGS IN CERTAIN POPULOUS COUNTIES. (a) This  
9 section applies only to a county with a population of three million  
10 or more.

11 (b) Notwithstanding Section 25.1032 or any other law, a  
12 county civil court at law has concurrent jurisdiction with the  
13 district court of eminent domain proceedings, both statutory and  
14 inverse, except that the county civil court does not have  
15 jurisdiction over eminent domain proceedings in which the matter in  
16 controversy exceeds \$100,000, excluding any interest and  
17 attorney's fees and costs, as alleged on the face of the petition.  
18 If an eminent domain case is pending in a county court at law and the  
19 court determines that the case involves an issue of title or any  
20 other matter that cannot be fully adjudicated in that court, the  
21 judge shall transfer the case to a district court.

22 (c) Notwithstanding Section 21.013, Property Code, a party  
23 initiating a condemnation proceeding shall file a petition with any  
24 clerk authorized to accept the petition for the district courts.

1        (d) A condemnation proceeding shall be assigned by rotation  
2 to a court with jurisdiction to hear the proceeding.

3        (e) Notwithstanding Sections 25.0007 and 62.301, for a  
4 condemnation proceeding before a county civil court at law, a party  
5 may elect in a timely filed jury demand to have the proceeding tried  
6 before a jury of 12 persons.

7        SECTION 3. This Act takes effect September 1, 2005.