

BILL ANALYSIS

Senate Research Center
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H.B. 2536
By: Harless et al. (Whitmire)
State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In Texas, district courts and county courts generally have concurrent jurisdiction in eminent domain cases, but the Harris County district court jurisdiction over eminent domain was removed nearly 30 years ago to alleviate a caseload imbalance between the county courts and district courts. This imbalance no longer exists, and providing county courts with exclusive jurisdiction over eminent domain cases has become unnecessary. H.B. 2536 seeks to address this issue.

H.B. 2536 amends the Government Code to remove the specification that a county civil court at law in Harris County has exclusive jurisdiction over statutory and inverse eminent domain proceedings regardless of the amount in controversy and, instead, to condition such exclusive jurisdiction on the amount in controversy in a statutory proceeding not exceeding \$200,000, excluding interest, statutory or punitive damages and penalties, and attorney's fees and costs. The bill authorizes a party initiating a condemnation proceeding in Harris County to file a petition with the district clerk when the amount in controversy exceeds such an amount. The bill establishes that the amount in controversy is the amount of the bona fide offer made by the entity with eminent domain authority to acquire the property from the property owner voluntarily.

H.B. 2536 amends current law relating to jurisdiction in an eminent domain proceeding in Harris County.

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 25.1032, Government Code, by amending Subsection (c) and adding Subsection (d), as follows:

(c) Provides that a county civil court at law has exclusive jurisdiction in Harris County of eminent domain proceedings, both statutory and inverse, if the amount in controversy in a statutory proceeding does not exceed the amount provided by Section 25.0003(c) (providing that, in addition to other jurisdiction provided by law, a statutory county court exercising civil jurisdiction concurrent with the constitutional jurisdiction of the county court has concurrent jurisdiction with the district court in civil cases in which the matter in controversy exceeds \$500 but does not exceed \$200,000, excluding interest, statutory or punitive damages and penalties, and attorney's fees and costs, as alleged on the face of the petition; and certain appeals) in civil cases. Authorizes a party initiating a condemnation proceeding in Harris County, notwithstanding Section 21.013 (Venue; Fees and Processing for Suit Filed in District Court), Property Code, to file a petition with the district clerk when the amount in controversy exceeds the amount provided by Section 25.0003(c). Provides that the amount in controversy is the amount of the bona fide offer made by the entity with eminent domain authority to acquire the property from the property owner voluntarily. Deletes existing text providing that a county civil court at law has exclusive jurisdiction in Harris County of eminent domain proceedings, both statutory and inverse, regardless of the amount in controversy.

(d) Creates Subsection (d) from existing text. Makes no further change to this subsection.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2015.