

By: Landgraf

H.B. No. 2862

A BILL TO BE ENTITLED

AN ACT

relating to the appointment of special commissioners to assess damages in an eminent domain proceeding.

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

SECTION 1. Section 21.014(a), Property Code, is amended to read as follows:

(a) The judge of a court in which a condemnation petition is filed or to which an eminent domain case is assigned shall appoint, not later than the third day after the date the condemnation petition is filed, three disinterested real property owners who reside in the county as special commissioners to assess the damages of the owner of the property being condemned. The judge appointing the special commissioners shall give preference to persons agreed on by the parties. The judge shall provide the owner of the property being condemned and the condemnor ~~[each party]~~ a reasonable period not to exceed 20 days after the date of the appointment to strike one of the three commissioners appointed by the judge. If a person fails to serve as a commissioner or is struck by a party to the suit, the judge shall appoint a replacement not later than the third day after the date the judge receives notice that the appointee will not serve or is struck.

SECTION 2. Section 21.014, Property Code, as amended by this Act, applies only to a condemnation proceeding in which the petition is filed on or after the effective date of this Act. A

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1 condemnation proceeding filed before the effective date of this Act  
2 is governed by the law as it existed immediately before the  
3 effective date of this Act, and that law is continued in effect for  
4 that purpose.

5       SECTION 3. This Act takes effect September 1, 2019.