

SUBJECT: Requiring use of county courts at law for condemnation hearings

COMMITTEE: Land and Resource Management — committee substitute recommended

VOTE: 8 ayes — Walker, Crabb, Bosse, F. Brown, Hardcastle, Howard, Krusee, Mowery

0 nays

1 absent — B. Turner

WITNESSES: For — Billy Dyer, Texans for Fair Compensation; Durwood Tucker, Texas Farm Bureau

Against — None

BACKGROUND: Property Code, sec. 21.013(b) gives a party that initiates a condemnation proceeding the option to file a petition in a county court at law if such a court exists in the county where the property in question is located.

DIGEST: CSHB 1187 would *require* a party initiating a condemnation proceeding to file the petition in a county court at law if such a court existed in the county where the property was located. The petition would have to be filed with a county court clerk authorized to handle condemnation petitions.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house.

SUPPORTERS SAY: The exclusive use of county courts at law for condemnation hearings, where these courts are available, would improve the efficiency and effectiveness of the hearing process. District courts often are overburdened with heavy caseloads covering a wide variety of subjects. County courts could be more efficient in conducting condemnation hearings because of their lighter caseloads.

Condemnation cases, which rely heavily on complex eminent-domain laws, require expertise and careful attention that district court judges often cannot give. County court judges could develop this expertise if they were required

consistently to preside over condemnation hearings. This would improve the effectiveness of the condemnation process for all participants.

Harris County requires the exclusive use of county courts at law for condemnation hearings. Harris County judges have improved their expertise in eminent-domain law significantly, while petitioners and landowners have benefitted from a more efficient and effective hearing process.

**OPPONENTS
SAY:**

Assigning condemnation cases exclusively to county courts at law could be detrimental to petitioners and landowners by narrowing their available options. Petitioners and landowners might feel uncomfortable if they had to have their cases heard at a county court of law if they believed that the only court or courts available to them would treat them unfairly. This would be of special concern in a county with only one county court at law.

NOTES:

The committee substitute added the provision requiring a condemnation petitioner to file the petition with a county court clerk who is authorized to handle condemnation petitions.