

BILL ANALYSIS

Senate Research Center
81R3936 JD-D

H.B. 768
By: Kolkhorst (Hegar)
Transportation & Homeland Security
5/18/2009
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The process of jury of view has been replaced by traditional eminent domain proceedings in Chapter 21 (Eminent Domain), Property Code. Jury of view is seen by some as an abuse of due process, and is an antiquated, anomalous, and archaic procedure left from the 1880s that has since been supplanted by the due process guarantees contained in the eminent domain provisions of Chapter 21, Property Code.

H.B. 768 repeals Section 251.054 (Laying Out New Roads by Jury of View), Transportation Code.

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. Repealer: Section 251.054 (Laying Out New Roads by Jury of View), Transportation Code.

SECTION 2. Effective date: upon passage or September 1, 2009.