

- SUBJECT:** Jurisdiction in eminent domain proceedings in Harris County
- COMMITTEE:** Land and Resource Management — favorable, without amendment
- VOTE:** 7 ayes — Deshotel, E. Thompson, Bell, Cyrier, Krause, Lucio III, Sanford
0 nays
- WITNESSES:** For — Steve Radack, Harris County Precinct 3 Commissioner; Robert Soard and Melissa Spinks, Harris County Attorney’s Office; Albert Clay; *(Registered, but did not testify:* Karen Rove, Associated General Contractors of Texas Highway, Heavy Branch; Don McFarlin, City of Houston; Deborah Cartwright, Olson and Olson LLP; Lee Parsley, Texans for Lawsuit Reform; Carol Sims, Texas Civil Justice League; Thure Cannon, Texas Pipeline Association; Michael Garcia, Williams Co.)

Against — *(Registered, but did not testify:* Dixon Montague)
- BACKGROUND:** Under current law, county civil courts in Harris County have exclusive jurisdiction over eminent domain proceedings. Property Code, sec. 21.014 gives judges who preside over condemnation hearings authority to appoint 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.
- DIGEST:** HB 2536 would give district courts in Harris County concurrent jurisdiction with county courts over eminent domain proceedings if the amount in controversy exceeded \$200,000. The bill would establish that the amount in controversy would be the amount of the bona fide offer made by the entity with eminent domain authority to acquire the property.

This bill would take effect September 1, 2015, and would apply only to an eminent domain proceeding for which a petition was filed on or after that date.
- SUPPORTERS** HB 2536 is necessary to streamline the eminent domain process in Harris

SAY:

County. Four county court judges currently hear eminent domain cases. This bill would expand jurisdiction over eminent domain proceedings to include 24 district court judges, which could help cases get resolved more promptly. District court judges could expand the pool of people serving as special commissioners, which could lead to faster resolution for landowners.

The bill would not take any authority away from the county courts but rather give concurrent jurisdiction to district courts over a limited number of eminent domain cases in which the bona fide offer was greater than \$200,000. About 85 percent of eminent domain cases would remain under the exclusive jurisdiction of the county courts.

Cases in which the bona fide offer exceeded the \$200,000 limit tend to be more complicated than other eminent domain cases. District courts generally handle more complex cases than county courts, and those judges are well equipped to handle issues that could arise in these cases.

County courts were given exclusive jurisdiction over these cases because of overburdened district court dockets in the 1980s. Dockets in district courts have become much more manageable, and they are fully capable of handling this caseload.

Eminent domain is an important part of providing better transportation solutions and public works projects for residents in Harris County, and the bill would allow these proceedings to function more efficiently.

OPPONENTS
SAY:

County courts have proved to be capable of handling eminent domain cases in an efficient manner. They are able to give preferential docket treatment to large eminent domain cases, so the cases that would be covered under this bill actually could go to trial faster in county courts than they would in district courts.

HB 2536 could create substantive and procedural due process issues for property owners involved in eminent domain cases by allowing a party to a lawsuit to decide where it wants the case to be heard. A condemning

authority could file a case in county court and later move the case to district court to the detriment and inconvenience of the landowner.