

BILL ANALYSIS

Senate Research Center
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S.B. 1645
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Jurisprudence
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DIGEST AND PURPOSE

Currently, county courts at law and district courts are given authority to preside over contested condemnation proceedings. As proposed, S.B. 1645 requires a judge to conduct a bench trial to determine whether the plaintiff received just compensation and to resolve any jurisdictional matters; authorizes the judge to impanel a jury to address valuation issues, if he or she finds that the plaintiff's property was taken or damaged without fair compensation; and sets forth the involved parties and venue for inverse condemnation cases related to reservoir control.

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 Title 4, Property Code, by adding Chapter 30, as follows:

CHAPTER 30. INVERSE CONDEMNATION

Sec. 30.001. **CONCURRENT JURISDICTION.** Provides that district courts and county courts at law have concurrent jurisdiction in inverse condemnation cases. Provides that a county court has no jurisdiction in inverse condemnation cases.

Sec. 30.002. **TRANSFER OF CASES.** Requires the judge to transfer the case to a district court, if an inverse condemnation case is pending in a county court at law and the court determines that the case involves an issue of title or any other matter that cannot be fully adjudicated in that court

Sec. 30.003. **DISTRICT COURT AUTHORITY.** Authorizes a district court to determine all issues in an inverse condemnation case, including whether property has been taken or damaged for a public purpose without compensation and the assessment of damages, in any suit in which this state, a political subdivision of this state, a person, an association of persons, or a corporation is a party.

Sec. 30.004. **STANDARD PROCEDURE.** (a) Requires the judge of a court in which an inverse condemnation petition is filed to order a bench trial to determine certain issues.

(b) Authorizes the judge to conduct a jury trial on valuation issues, if the judge determines that the taking of or damage to the property occurred.

(c) Requires the judge to dismiss the petition, if the judge determines that the taking of or damage to the property has not occurred.

Sec. 30.005. **NECESSARY PARTIES IN CERTAIN CASES.** (a) Provides that in an inverse condemnation suit alleging a taking of or damage to property as a result of flooding caused by a release of water from a reservoir, all upstream reservoirs with a flood storage capacity of 5,000 acre feet or more are necessary parties and must be joined as parties.

(b) Requires the court to order that the reservoir be joined as a party, if an upstream reservoir is not joined as required under Subsection (a).

Sec. 30.006. VENUE IN CERTAIN CASES. Requires an inverse condemnation action arising from flooding, the impoundment of water, the discharge of water into a natural watercourse, or the construction or operation of dams for flood control to be brought in the county in which the principal office of the defendant is located.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2003.