

CHAPTER 760

H.B. No. 198

AN ACT

relating to the filing and processing of condemnation proceedings.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 21.013, Property Code, is amended to read as follows:

Sec. 21.013. **VENUE; FEES AND PROCESSING FOR SUIT FILED IN DISTRICT COURT.** (a) The venue of a condemnation proceeding is the county in which the owner of the property being condemned resides if the owner resides in a county in which part of the property is located. Otherwise, the venue of a condemnation proceeding is any county in which at least part of the property is located.

(b) Except where otherwise provided by law, a party initiating a condemnation proceeding in a county in which there is one *or more* county courts [court] at law with jurisdiction *may* [must] file the petition with *any* [the judge of that court or, if there is more than one county

~~court at law with jurisdiction, with the county] clerk authorized to handle filings for that court or courts.~~

(c) A party initiating a condemnation proceeding in a county in which there is not a county court at law ~~[with jurisdiction]~~ must file the condemnation petition with the ~~[district judge or, if there is more than one district court in the county, with the]~~ district clerk. *The filing fee shall be due at the time of filing in accordance with Section 51.317, Government Code.*

(d) District and county clerks shall assign an equal number of eminent domain cases in rotation to each court with jurisdiction that the clerk serves.

SECTION 2. The changes in law made by this Act apply only to a condemnation proceeding for which the petition is filed on or after the effective date of this Act. A condemnation proceeding for which the petition was filed before that date is governed by the law as it existed on the date of filing, and that law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 1993.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on April 1, 1993, by a non-record vote; the House concurred in Senate amendments to H.B. No. 198 on May 24, 1993, by a non-record vote; passed by the Senate, with amendments, on May 14, 1993: Yeas 29, Nays 0.

Approved June 18, 1993.

Effective Sept. 1, 1993.