IN THE SUPREME COURT OF TEXAS

NO. 05-0270

AIC MANAGEMENT, PETITIONER,

v.

RHONDA S. CREWS, CURTIS CALDWELL CREWS, ANNETTE CREWS, DENISE CLAUDEN CREWS, AND CLAUDE CREWS, JR., THE HEIRS OF EMMA CREWS VALDA CREWS, AND EVA FAY GROSS, AND ALDINE INDEPENDENT SCHOOL DISTRICT, RESPONDENTS

ON PETITION FOR REVIEW FROM THE
COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS

Argued January 23, 2007

JUSTICE WILLETT, concurring in the judgment.

My only quibble with the Court's decision is that it peeks unnecessarily into the legislative history surrounding the 1985 enactment and 1989 amendment of section 25.1032. I agree with the Court that section 25.1032 constitutes "the Legislature's specific jurisdictional grant to county civil courts at law in Harris County over eminent-domain and title issues."[1] But our analysis on jurisdiction should end with that declarative sentence. The statutory text is unequivocal, which makes it dispositive, which makes the tag-along paragraph examining the legislative history unnecessary.

[1] __ S.W.3d __.

True, in today's case, the cited history happens to be consonant with section 25.1032's unambiguous text, but it is not difficult to imagine cases where a shrewd snippet from a committee hearing or floor debate could contradict a result that the face of the statute plainly requires. Citing such background materials even to confirm the clear meaning of dispositive text suggests that the text alone is in fact not dispositive, but rather vulnerable to challenge by a stray floor-debate comment from an individual legislator or a witness testifying at a post-midnight committee hearing or a bill analysis drafted by a legislative staffer (or, just as likely, ghost-drafted by a lobbyist). The statute itself is what constitutes the law; it alone represents the Legislature's singular will, and it is perilous to equate an isolated remark or opinion with an authoritative, watertight index of the collective wishes of 181 individual legislators, who may have 181 different motives and reasons for voting the way they do.[2]

This Court recognizes that legislative intent is best embodied in legislative language. We recently cautioned that "over-reliance on secondary materials should be avoided, particularly where a statute's language is clear. If the text is unambiguous, we must take the Legislature at its word and not rummage around in legislative minutiae."[3] Faced with clear statutory language, "the judge's inquiry is at an end."[4] It may be a widespread practice to mine the minutiae of legislative records

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[2] Frank H. Easterbrook, *Text, History, and Structure in Statutory Interpretation*, 17 HARV. J.L. & PUB. POL'Y 61, 68 (1994) ("Intent is elusive for a natural person, fictive for a collective body.").

[3] *Alex Sheshunoff Mgmt. Servs., L.P. v. Johnson*, 209 S.W.3d 644, 652 n.4 (Tex. 2006).

[4] *Id.* at 652.

to discern what lawmakers had in mind, but as we have held, relying on these materials is verboten where the statutory text is, as here, absolutely clear.[5]

Accordingly, because the jurisdictional question can be decided without recourse to legislative history, we should decide the jurisdictional question without recourse to legislative history.

Don R. Willett
Justice

Opinion delivered: January 25, 2008

[5] *Id.* at 651–52. Justice Scalia, the foremost critic of supplementing clear statutory text with legislative history, has stated his position plainly:

> As today's opinion shows, the Court's disposition is required by the text of the statute. . . . That being so, it is not only (as I think) improper but also quite unnecessary to seek repeated support in the words of a Senate Committee Report—which, as far as we know, not even the full committee, much less the full Senate, much much less the House, and much much much less the President who signed the bill, agreed with. Since, moreover, I have not read the entire so-called legislative history, and have no need or desire to do so, so far as I know the statements of the Senate Report may be contradicted elsewhere.
>
> Accordingly, because the statute—the only sure expression of the will of Congress—says what the Court says it says, I join in the judgment.

Intel Corp. v. Advanced Micro Devices, Inc., 542 U.S. 241, 267 (2004) (Scalia, J., concurring in the judgment).