

## **BILL ANALYSIS**

C.S.H.B. 1404  
By: Deshotel  
Judiciary  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Chapter 118 of the Local Government Code governs fees that are charged by county officers. Section 118.052 directs a clerk of a county court to collect a fee for services rendered to any person, including fees charged in probate court actions.

Under current law, many documents filed and recorded in pending probate court actions are not charged a fee although work is created and expenses are incurred by the county for the recording and filing and maintaining of these documents. CSHB 1404 amends the Local Government Code to create a schedule of fees based on page length applicable to probate cases after the filing of an order approving the inventory and appraisal or after the 120<sup>th</sup> day after the date of the initial filing. These fees will help offset the costs and expenses incurred by the county in probate cases. CSHB 1404 also proposes a minimum font size for documents filed in probate proceedings.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

SECTION 1. Amends the Local Government Code, Section 118.052, by adding (2)(B)(vii), allowing fees to be charged for documents filed after the filing of an order approving the inventory and appraisal or after the 120<sup>th</sup> day after the date of the initial filing, whichever occurs first. If more than 25 pages...\$25.00.

SECTION 2. Amends the Local Government Code, Section 191.007, by amending subsections (b) and (h), and adding Subsection (g-1). Subsections (b) and (h) reference Subsection (g-1), and the addition of Subsection (g-1) requires documents filed under Section 118.052 (2)(B)(vii), Local Government Code, to be printed in type not smaller than 10-point.

SECTION 3. Extends analysis in SECTION 1 to Government Code, Section 101.081

SECTION 4. Extends analysis in SECTION 1 to Government Code, Section 101.101

SECTION 5. Extends analysis in SECTION 1 to Government Code, Section 101.121

### **EFFECTIVE DATE**

September 1, 2005

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

CSHB 1404 replaces the fee schedules in Section 118.052(2)(b)(vii), Section 101.081(2)(b)(vii), Section 101.101(2)(b)(vii), and Section 101.121(2)(b)(vii) of HB 1404 with a set fee of \$25.00 for documents of more than 25 pages.

CSHB 1404 modifies Section 191.007(g-1) of HB 1404 by reducing the minimum font type from 12pt. to 10 pt.