

By: Naishtat

H.B. No. 290

A BILL TO BE ENTITLED

AN ACT

relating to the fee charged for depositing a will during a testator's life.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 71(a), Texas Probate Code, is amended to read as follows:

(a) Deposit of Will. A will may be deposited by the person making it, or by another person for him, with the county clerk of the county of the testator's residence. Before accepting any will for deposit, the clerk may require such proof as shall be satisfactory to him concerning the testator's identity and residence. The clerk, on being paid a fee of Five [~~Three~~] Dollars therefor, shall receive and keep the will, and shall give a certificate of deposit for it. All wills so filed shall be numbered by the clerk in consecutive order, and all certificates of deposit shall bear like numbers respectively.

SECTION 2. Section 101.081, Government Code, is amended to read as follows:

Sec. 101.081. STATUTORY COUNTY COURT FEES AND COSTS. The clerk of a statutory county court shall collect fees and costs as follows:

(1) court cost in certain civil cases to establish and maintain an alternative dispute resolution system, if authorized by the county commissioners court (Sec. 152.004, Civil Practice and

Remedies Code) . . . not to exceed \$10;

(2) appellate judicial system filing fees:

(A) First or Fourteenth Court of Appeals District  
(Sec. 22.2021, Government Code) . . . not more than \$5;

(B) Second Court of Appeals District (Sec.  
22.2031, Government Code) . . . not more than \$5;

(C) Fourth Court of Appeals District (Sec.  
22.2051, Government Code) . . . not more than \$5;

(D) Fifth Court of Appeals District (Sec.  
22.2061, Government Code) . . . not more than \$5; and

(E) Thirteenth Court of Appeals District (Sec.  
22.2141, Government Code) . . . not more than \$5;

(3) an official court reporter fee, County Court at  
Law No. 2 of Bexar County (Sec. 25.0172, Government Code) . . . \$3;

(4) a court reporter fee when testimony is taken in a  
county court at law in McLennan County (Sec. 25.1572, Government  
Code) . . . \$3;

(5) a stenographer fee, if a record or part of a record  
is made:

(A) in a county court at law in Hidalgo County  
(Sec. 25.1102, Government Code) . . . \$20; and

(B) in a county court at law in Nolan County (Sec.  
25.1792, Government Code) . . . \$25;

(6) jury fee (Sec. 51.604, Government Code) . . . \$22;

(7) an additional filing fee:

(A) for each civil case filed to be used for  
court-related purposes for the support of the judiciary, if

1 authorized by the county commissioners court (Sec. 51.702,  
2 Government Code) . . . \$40;

3 (B) to fund the improvement of Dallas County  
4 civil court facilities, if authorized by the county commissioners  
5 court (Sec. 51.705, Government Code) . . . not more than \$15; and

6 (C) for filing any civil action or proceeding  
7 requiring a filing fee, including an appeal, and on the filing of  
8 any counterclaim, cross-action, intervention, interpleader, or  
9 third-party action requiring a filing fee, to fund civil legal  
10 services for the indigent (Sec. 133.153, Local Government Code)  
11 . . . \$5;

12 (8) for filing an application for registration of  
13 death (Sec. 193.007, Health and Safety Code) . . . \$1;

14 (9) fee for judge's services on an application for  
15 court-ordered mental health services (Sec. 574.031, Health and  
16 Safety Code) . . . not to exceed \$50;

17 (10) fee for prosecutor's services on an application  
18 for court-ordered mental health services (Sec. 574.031, Health and  
19 Safety Code) . . . not to exceed \$50;

20 (11) for filing a suit in Comal County (Sec. 152.0522,  
21 Human Resources Code) . . . \$4;

22 (12) additional filing fee to fund contingency fund  
23 for liability insurance, if authorized by the county commissioners  
24 court (Sec. 82.003, Local Government Code) . . . not to exceed \$5;

25 (13) civil court actions (Sec. 118.052, Local  
26 Government Code):

27 (A) filing of original action (Secs. 118.052 and

118.053, Local Government Code):

(i) garnishment after judgment (Sec. 118.052, Local Government Code) . . . \$15; and

(ii) all others (Sec. 118.052, Local Government Code) . . . \$40;

(B) filing of action other than original (Secs. 118.052 and 118.054, Local Government Code) . . . \$30; and

(C) services rendered after judgment in original action (Secs. 118.052 and 118.0545, Local Government Code):

(i) abstract of judgment (Sec. 118.052, Local Government Code) . . . \$5; and

(ii) execution, order of sale, writ, or other process (Sec. 118.052, Local Government Code) . . . \$5;

(14) probate court actions (Sec. 118.052, Local Government Code):

(A) probate original action (Secs. 118.052 and 118.055, Local Government Code):

(i) probate of a will with independent executor, administration with will attached, administration of an estate, guardianship or receivership of an estate, or muniment of title (Sec. 118.052, Local Government Code) . . . \$40;

(ii) community survivors (Sec. 118.052, Local Government Code) . . . \$40;

(iii) small estates (Sec. 118.052, Local Government Code) . . . \$40;

(iv) declarations of heirship (Sec. 118.052, Local Government Code) . . . \$40;

1 (v) mental health or chemical dependency  
2 services (Sec. 118.052, Local Government Code) . . . \$40; and

3 (vi) additional, special fee (Secs. 118.052  
4 and 118.064, Local Government Code) . . . \$5;

5 (B) services in pending probate action (Secs.  
6 118.052 and 118.056, Local Government Code):

7 (i) filing an inventory and appraisement  
8 after the 120th day after the date of the initial filing of the  
9 action (Sec. 118.052, Local Government Code) . . . \$25;

10 (ii) approving and recording bond (Sec.  
11 118.052, Local Government Code) . . . \$3;

12 (iii) administering oath (Sec. 118.052,  
13 Local Government Code) . . . \$2;

14 (iv) filing annual or final account of  
15 estate (Sec. 118.052, Local Government Code) . . . \$25;

16 (v) filing application for sale of real or  
17 personal property (Sec. 118.052, Local Government Code) . . . \$25;

18 (vi) filing annual or final report of  
19 guardian of a person (Sec. 118.052, Local Government Code) . . .  
20 \$10; and

21 (vii) filing a document not listed under  
22 this paragraph after the filing of an order approving the inventory  
23 and appraisement or after the 120th day after the date of the  
24 initial filing of the action, whichever occurs first (Secs. 118.052  
25 and 191.007, Local Government Code), if more than 25 pages . . .  
26 \$25;

27 (C) adverse probate action (Secs. 118.052 and

1 118.057, Local Government Code) . . . \$40; and

2 (D) claim against estate (Secs. 118.052 and  
3 118.058, Local Government Code) . . . \$2;

4 (15) other fees (Sec. 118.052, Local Government Code):

5 (A) issuing document (Secs. 118.052 and 118.059,  
6 Local Government Code):

7 (i) original document and one copy (Sec.  
8 118.052, Local Government Code) . . . \$4; and

9 (ii) each additional set of an original and  
10 one copy (Sec. 118.052, Local Government Code) . . . \$4;

11 (B) certified papers (Secs. 118.052 and 118.060,  
12 Local Government Code):

13 (i) for the clerk's certificate (Sec.  
14 118.052, Local Government Code) . . . \$5; and

15 (ii) a fee per page or part of a page (Sec.  
16 118.052, Local Government Code) . . . \$1;

17 (C) noncertified papers, for each page or part of  
18 a page (Secs. 118.052 and 118.0605, Local Government Code) . . .  
19 \$1;

20 (D) letters testamentary, letter of  
21 guardianship, letter of administration, or abstract of judgment  
22 (Secs. 118.052 and 118.061, Local Government Code) . . . \$2;

23 (E) safekeeping of wills (Secs. 118.052 and  
24 118.062, Local Government Code) . . . \$5;

25 (F) mail service of process (Secs. 118.052 and  
26 118.063, Local Government Code) . . . same as sheriff; and

27 (G) records management and preservation fee

(Secs. 118.052, 118.0546, and 118.0645, Local Government Code)  
. . . \$5;

(16) additional filing fee to fund the courthouse security fund, if authorized by the county commissioners court (Sec. 291.008, Local Government Code) . . . not to exceed \$5;

(17) additional filing fee for filing documents not subject to certain filing fees to fund the courthouse security fund, if authorized by the county commissioners court (Sec. 291.008, Local Government Code) . . . \$1;

(18) additional filing fee to fund the courthouse security fund in Webb County, if authorized by the county commissioners court (Sec. 291.009, Local Government Code) . . . not to exceed \$20;

(19) court cost in civil cases other than suits for delinquent taxes to fund the county law library fund, if authorized by the county commissioners court (Sec. 323.023, Local Government Code) . . . not to exceed \$35;

(20) fee for deposit of a will with the county clerk during testator's lifetime (Sec. 71, Texas Probate Code) . . . \$5 [~~\$3~~];

(21) court cost for each special commissioner in an eminent domain proceeding (Sec. 21.047, Property Code) . . . as taxed by the court, \$10 or more;

(22) fee for county attorney in a suit regarding a railroad company's failure to keep roadbed and right-of-way in proper condition (Art. 6327, Vernon's Texas Civil Statutes) . . . \$10;

1           (23) court fees and costs, if ordered by the court, for  
2 a suit filed by an inmate in which an affidavit or unsworn  
3 declaration of inability to pay costs is filed by the inmate (Sec.  
4 14.006, Civil Practice and Remedies Code) . . . the lesser of:

5                   (A) 20 percent of the preceding six months'  
6 deposits to the inmate's trust account administered by the Texas  
7 Department of Criminal Justice under Section 501.014, Government  
8 Code; or

9                   (B) the total amount of court fees and costs;

10           (24) monthly payment for remaining court fees and  
11 costs after the initial payment for a suit in which an affidavit or  
12 unsworn declaration of inability to pay costs is filed by the inmate  
13 (Sec. 14.006, Civil Practice and Remedies Code) . . . the lesser  
14 of:

15                   (A) 10 percent of that month's deposit to the  
16 inmate's trust account administered by the Texas Department of  
17 Criminal Justice under Section 501.014, Government Code; or

18                   (B) the total amount of court fees and costs that  
19 remain unpaid;

20           (25) the following costs not otherwise charged to the  
21 inmate under Section 14.006, Civil Practice and Remedies Code, if  
22 the inmate has previously filed an action dismissed as malicious or  
23 frivolous (Sec. 14.007, Civil Practice and Remedies Code):

24                   (A) expenses of service of process;

25                   (B) postage; and

26                   (C) transportation, housing, or medical care  
27 incurred in connection with the appearance of the inmate in the



1 court for any proceeding;

2 (26) the official court reporter's fee taxed as costs  
3 in civil actions in a statutory county court:

4 (A) in Bexar County Courts at Law:

5 (i) Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12  
6 (Sec. 25.0172, Government Code) . . . taxed in the same manner as  
7 the fee is taxed in district court; and

8 (ii) No. 2 (Sec. 25.0172, Government Code)  
9 . . . \$3;

10 (B) in Galveston County (Sec. 25.0862,  
11 Government Code) . . . taxed in the same manner as the fee is taxed  
12 in civil cases in the district courts; and

13 (C) in Parker County (Sec. 25.1862, Government  
14 Code) . . . taxed in the same manner as the fee is taxed in civil  
15 cases in the district courts;

16 (27) a stenographer's fee as costs in each civil,  
17 criminal, and probate case in which a record is made by the official  
18 court reporter in a statutory county court in Nolan County (Sec.  
19 25.1792, Government Code) . . . \$25;

20 (28) in Brazoria County, in matters of concurrent  
21 jurisdiction with the district court, fees (Sec. 25.0222,  
22 Government Code) . . . as prescribed by law for district judges  
23 according to the nature of the matter;

24 (29) in Nueces County, in matters of concurrent  
25 jurisdiction with the district court, with certain exceptions, fees  
26 (Sec. 25.1802, Government Code) . . . equal to those in district  
27 court cases;

1           (30) security deposit on filing, by any person other  
2 than the personal representative of an estate, an application,  
3 complaint, or opposition in relation to the estate, if required by  
4 the clerk (Sec. 12, Texas Probate Code) . . . probable cost of the  
5 proceeding;

6           (31) security deposit on filing, by any person other  
7 than the guardian, attorney ad litem, or guardian ad litem, an  
8 application, complaint, or opposition in relation to a guardianship  
9 matter, if required by the clerk (Sec. 622, Texas Probate Code)  
10 . . . probable cost of the guardianship proceeding;

11           (32) for a hearing or proceeding under the Texas  
12 Mental Health Code (Subtitle C, Title 7, Health and Safety Code) as  
13 costs (Secs. 571.017 and 571.018, Health and Safety Code) . . .  
14 reasonable compensation to the following persons appointed under  
15 the Texas Mental Health Code:

- 16                   (A) attorneys;  
17                   (B) physicians;  
18                   (C) language interpreters;  
19                   (D) sign interpreters; and  
20                   (E) masters;

21           (33) for a hearing or proceeding under the Texas  
22 Mental Health Code (Subtitle C, Title 7, Health and Safety Code) as  
23 costs (Sec. 571.018, Health and Safety Code):

- 24                   (A) attorney's fees;  
25                   (B) physician examination fees;  
26                   (C) expense of transportation to a mental health  
27 facility or to a federal agency not to exceed \$50 if transporting

1 within the same county and not to exceed the reasonable cost of  
2 transportation if transporting between counties;

3 (D) costs and salary supplements authorized  
4 under Section 574.031, Health and Safety Code; and

5 (E) prosecutors' fees authorized under Section  
6 574.031, Health and Safety Code;

7 (34) expenses of transporting certain patients from  
8 the county of treatment to a hearing in the county in which the  
9 proceedings originated (Sec. 574.008, Health and Safety Code) . . .  
10 actual expenses unless certain arrangements are made to hold the  
11 hearing in the county in which the patient is receiving services;

12 (35) expenses for expert witness testimony for an  
13 indigent patient (Sec. 574.010, Health and Safety Code) . . . if  
14 authorized by the court as reimbursement to the attorney ad litem,  
15 court-approved expenses;

16 (36) fee for judge's services for holding a hearing on  
17 an application for court-ordered mental health services (Sec.  
18 574.031, Health and Safety Code) . . . as assessed by the judge, not  
19 to exceed \$50;

20 (37) expenses to reimburse judge for holding a hearing  
21 in a hospital or location other than the county courthouse (Sec.  
22 574.031, Health and Safety Code) . . . reasonable and necessary  
23 expenses as certified;

24 (38) fee for services of a prosecuting attorney,  
25 including costs incurred for preparation of documents related to a  
26 hearing on an application for court-ordered mental health services  
27 (Sec. 574.031, Health and Safety Code) . . . as assessed by the

1 judge, not to exceed \$50; and

2 (39) a fee not otherwise listed in this section that is  
3 required to be collected under Section 25.0008, Government Code  
4 (Sec. 25.0008, Government Code), in a county other than Brazos,  
5 Cameron, Ellis, Guadalupe, Harris, Henderson, Liberty, Moore,  
6 Nolan, Panola, Parker, Starr, Victoria, and Williamson . . . as  
7 prescribed by law relating to county judges' fees.

8 SECTION 3. Section 101.101, Government Code, is amended to  
9 read as follows:

10 Sec. 101.101. STATUTORY PROBATE COURT FEES AND COSTS. The  
11 clerk of a statutory probate court shall collect fees and costs as  
12 follows:

13 (1) court cost in certain civil cases to establish and  
14 maintain an alternative dispute resolution system, if authorized by  
15 the county commissioners court (Sec. 152.004, Civil Practice and  
16 Remedies Code) . . . not to exceed \$10;

17 (2) appellate judicial system filing fees:

18 (A) First or Fourteenth Court of Appeals District  
19 (Sec. 22.2021, Government Code) . . . not more than \$5;

20 (B) Second Court of Appeals District (Sec.  
21 22.2031, Government Code) . . . not more than \$5;

22 (C) Fourth Court of Appeals District (Sec.  
23 22.2051, Government Code) . . . not more than \$5;

24 (D) Fifth Court of Appeals District (Sec.  
25 22.2061, Government Code) . . . not more than \$5; and

26 (E) Thirteenth Court of Appeals District (Sec.  
27 22.2141, Government Code) . . . not more than \$5;

(3) additional filing fees as follows:

(A) for certain cases to be used for court-related purposes for support of the judiciary, if authorized by the county commissioners court (Sec. 51.704, Government Code) . . . \$40;

(B) to fund the improvement of Dallas County civil court facilities, if authorized by the county commissioners court (Sec. 51.705, Government Code) . . . not more than \$15; and

(C) for filing any civil action or proceeding requiring a filing fee, including an appeal, and on the filing of any counterclaim, cross-action, intervention, interpleader, or third-party action requiring a filing fee to fund civil legal services for the indigent (Sec. 133.153, Local Government Code) . . . \$5;

(4) for filing an application for registration of death (Sec. 193.007, Health and Safety Code) . . . \$1;

(5) fee for judge's services on an application for court-ordered mental health services (Sec. 574.031, Health and Safety Code) . . . not to exceed \$50;

(6) fee for prosecutor's services on an application for court-ordered mental health services (Sec. 574.031, Health and Safety Code) . . . not to exceed \$50;

(7) additional filing fee to fund contingency fund for liability insurance, if authorized by the county commissioners court (Sec. 82.003, Local Government Code) . . . not to exceed \$5;

(8) probate court actions (Sec. 118.052, Local Government Code):

1 (A) probate original action (Secs. 118.052 and  
2 118.055, Local Government Code):

3 (i) probate of a will with independent  
4 executor, administration with will attached, administration of an  
5 estate, guardianship or receivership of an estate, or muniment of  
6 title (Sec. 118.052, Local Government Code) . . . \$40;

7 (ii) community survivors (Sec. 118.052,  
8 Local Government Code) . . . \$40;

9 (iii) small estates (Sec. 118.052, Local  
10 Government Code) . . . \$40;

11 (iv) declarations of heirship (Sec.  
12 118.052, Local Government Code) . . . \$40;

13 (v) mental health or chemical dependency  
14 services (Sec. 118.052, Local Government Code) . . . \$40; and

15 (vi) additional, special fee (Secs. 118.052  
16 and 118.064, Local Government Code) . . . \$5;

17 (B) services in pending probate action (Secs.  
18 118.052 and 118.056, Local Government Code):

19 (i) filing an inventory and appraisement  
20 after the 120th day after the date of the initial filing of the  
21 action (Sec. 118.052, Local Government Code) . . . \$25;

22 (ii) approving and recording bond (Sec.  
23 118.052, Local Government Code) . . . \$3;

24 (iii) administering oath (Sec. 118.052,  
25 Local Government Code) . . . \$2;

26 (iv) filing annual or final account of  
27 estate (Sec. 118.052, Local Government Code) . . . \$25;

1 (v) filing application for sale of real or  
2 personal property (Sec. 118.052, Local Government Code) . . . \$25;

3 (vi) filing annual or final report of  
4 guardian of a person (Sec. 118.052, Local Government Code) . . .  
5 \$10; and

6 (vii) filing a document not listed under  
7 this paragraph after the filing of an order approving the inventory  
8 and appraisement or after the 120th day after the date of the  
9 initial filing of the action, whichever occurs first (Secs. 118.052  
10 and 191.007, Local Government Code), if more than 25 pages . . .  
11 \$25;

12 (C) adverse probate action (Secs. 118.052 and  
13 118.057, Local Government Code) . . . \$40; and

14 (D) claim against estate (Secs. 118.052 and  
15 118.058, Local Government Code) . . . \$2;

16 (9) other fees (Sec. 118.052, Local Government Code):

17 (A) issuing document (Secs. 118.052 and 118.059,  
18 Local Government Code):

19 (i) original document and one copy (Sec.  
20 118.052, Local Government Code) . . . \$4; and

21 (ii) each additional set of an original and  
22 one copy (Sec. 118.052, Local Government Code) . . . \$4;

23 (B) certified papers (Secs. 118.052 and 118.060,  
24 Local Government Code):

25 (i) for the clerk's certificate (Sec.  
26 118.052, Local Government Code) . . . \$5; and

27 (ii) a fee per page or part of a page (Sec.

1 118.052, Local Government Code) . . . \$1;

2 (C) noncertified papers, for each page or part of  
3 a page (Secs. 118.052 and 118.0605, Local Government Code) . . .  
4 \$1;

5 (D) letters testamentary, letter of  
6 guardianship, letter of administration, or abstract of judgment  
7 (Secs. 118.052 and 118.061, Local Government Code) . . . \$2;

8 (E) safekeeping of wills (Secs. 118.052 and  
9 118.062, Local Government Code) . . . \$5;

10 (F) mail service of process (Secs. 118.052 and  
11 118.063, Local Government Code) . . . same as sheriff; and

12 (G) records management and preservation fee  
13 (Secs. 118.052 and 118.0645, Local Government Code) . . . \$5;

14 (10) fee for deposit of a will with the county clerk  
15 during testator's lifetime (Sec. 71, Texas Probate Code) . . . \$5  
16 [~~\$3~~];

17 (11) court costs for each special commissioner in an  
18 eminent domain proceeding (Sec. 21.047, Property Code) . . . as  
19 taxed by the court, \$10 or more;

20 (12) jury fee for civil case (Sec. 51.604, Government  
21 Code) . . . \$22;

22 (13) court cost in civil cases other than suits for  
23 delinquent taxes to fund the county law library fund, if authorized  
24 by the county commissioners court (Sec. 323.023, Local Government  
25 Code) . . . not to exceed \$35;

26 (14) the expense of preserving the record as a court  
27 cost, if imposed on a party by the referring court or associate



1 judge (Sec. 54.612, Government Code) . . . actual cost;

2 (15) security deposit on filing, by any person other  
3 than the personal representative of an estate, an application,  
4 complaint, or opposition in relation to the estate, if required by  
5 the clerk (Sec. 12, Texas Probate Code) . . . probable cost of the  
6 proceeding;

7 (16) security deposit on filing, by any person other  
8 than the guardian, attorney ad litem, or guardian ad litem, an  
9 application, complaint, or opposition in relation to a guardianship  
10 matter, if required by the clerk (Sec. 622, Texas Probate Code)  
11 . . . probable cost of the guardianship proceeding;

12 (17) for a hearing or proceeding under the Texas  
13 Mental Health Code (Subtitle C, Title 7, Health and Safety Code) as  
14 costs (Secs. 571.017 and 571.018, Health and Safety Code) . . .  
15 reasonable compensation to the following persons appointed under  
16 the Texas Mental Health Code:

- 17 (A) attorneys;  
18 (B) physicians;  
19 (C) language interpreters;  
20 (D) sign interpreters; and  
21 (E) masters;

22 (18) for a hearing or proceeding under the Texas  
23 Mental Health Code (Subtitle C, Title 7, Health and Safety Code) as  
24 costs (Sec. 571.018, Health and Safety Code):

- 25 (A) attorney's fees;  
26 (B) physician examination fees;  
27 (C) expense of transportation to a mental health

1 facility or to a federal agency not to exceed \$50 if transporting  
2 within the same county and not to exceed the reasonable cost of  
3 transportation if transporting between counties;

4 (D) costs and salary supplements authorized  
5 under Section 574.031, Health and Safety Code; and

6 (E) prosecutors' fees authorized under Section  
7 574.031, Health and Safety Code;

8 (19) expenses of transporting certain patients from  
9 the county of treatment to a hearing in the county in which the  
10 proceedings originated (Sec. 574.008, Health and Safety Code) . . .  
11 actual expenses unless certain arrangements are made to hold the  
12 hearing in the county in which the patient is receiving services;

13 (20) expenses for expert witness testimony for an  
14 indigent patient (Sec. 574.010, Health and Safety Code) . . . if  
15 authorized by the court as reimbursement to the attorney ad litem,  
16 court-approved expenses;

17 (21) fee for judge's services for holding a hearing on  
18 an application for court-ordered mental health services (Sec.  
19 574.031, Health and Safety Code) . . . as assessed by the judge, not  
20 to exceed \$50;

21 (22) expenses to reimburse judge for holding a hearing  
22 in a hospital or location other than the county courthouse (Sec.  
23 574.031, Health and Safety Code) . . . reasonable and necessary  
24 expenses as certified;

25 (23) fee for services of a prosecuting attorney,  
26 including costs incurred for preparation of documents related to a  
27 hearing on an application for court-ordered mental health services

(Sec. 574.031, Health and Safety Code) . . . as assessed by the judge, not to exceed \$50; and

(24) a fee not otherwise listed in this section that is required to be collected under Section 25.0029, Government Code (Sec. 25.0029, Government Code) . . . as prescribed by law relating to county judges' fees.

SECTION 4. Section 101.121, Government Code, is amended to read as follows:

Sec. 101.121. COUNTY COURT FEES AND COSTS. The clerk of a county court shall collect:

(1) fee for hearing on application for a license to manufacture, distribute, store, or sell beer (Sec. 61.31, Alcoholic Beverage Code) . . . \$5;

(2) court cost in certain civil cases to establish and maintain an alternative dispute resolution system, if authorized by the county commissioners court (Sec. 152.004, Civil Practice and Remedies Code) . . . not to exceed \$10;

(3) appellate judicial system filing fees:

(A) First or Fourteenth Court of Appeals District (Sec. 22.2021, Government Code) . . . not more than \$5;

(B) Second Court of Appeals District (Sec. 22.2031, Government Code) . . . not more than \$5;

(C) Fourth Court of Appeals District (Sec. 22.2051, Government Code) . . . not more than \$5;

(D) Fifth Court of Appeals District (Sec. 22.2061, Government Code) . . . not more than \$5; and

(E) Thirteenth Court of Appeals District (Sec.

22.2141, Government Code) . . . not more than \$5;

(4) a jury fee (Sec. 51.604, Government Code) . . . \$22;

(5) a filing fee in each civil case filed to be used for court-related purposes for the support of the judiciary (Sec. 51.703, Government Code) . . . \$40;

(6) for filing an application for registration of death (Sec. 193.007, Health and Safety Code) . . . \$1;

(7) fee for judge's services on an application for court-ordered mental health services (Sec. 574.031, Health and Safety Code) . . . not to exceed \$50;

(8) fee for prosecutor's services on an application for court-ordered mental health services (Sec. 574.031, Health and Safety Code) . . . not to exceed \$50;

(9) additional filing fee to fund contingency fund for liability insurance, if authorized by the county commissioners court (Sec. 82.003, Local Government Code) . . . not to exceed \$5;

(10) civil court actions (Sec. 118.052, Local Government Code):

(A) filing of original action (Secs. 118.052 and 118.053, Local Government Code):

(i) garnishment after judgment (Sec. 118.052, Local Government Code) . . . \$15; and

(ii) all others (Sec. 118.052, Local Government Code) . . . \$40;

(B) filing of action other than original (Secs. 118.052 and 118.054, Local Government Code) . . . \$30; and

1 (C) services rendered after judgment in original  
2 action (Secs. 118.052 and 118.0545, Local Government Code):

3 (i) abstract of judgment (Sec. 118.052,  
4 Local Government Code) . . . \$5; and

5 (ii) execution, order of sale, writ, or  
6 other process (Sec. 118.052, Local Government Code) . . . \$5;

7 (11) probate court actions (Sec. 118.052, Local  
8 Government Code):

9 (A) probate original action (Secs. 118.052 and  
10 118.055, Local Government Code):

11 (i) probate of a will with independent  
12 executor, administration with will attached, administration of an  
13 estate, guardianship or receivership of an estate, or muniment of  
14 title (Sec. 118.052, Local Government Code) . . . \$40;

15 (ii) community survivors (Sec. 118.052,  
16 Local Government Code) . . . \$40;

17 (iii) small estates (Sec. 118.052, Local  
18 Government Code) . . . \$40;

19 (iv) declarations of heirship (Sec.  
20 118.052, Local Government Code) . . . \$40;

21 (v) mental health or chemical dependency  
22 services (Sec. 118.052, Local Government Code) . . . \$40; and

23 (vi) additional, special fee (Secs. 118.052  
24 and 118.064, Local Government Code) . . . \$5;

25 (B) services in pending probate action (Secs.  
26 118.052 and 118.056, Local Government Code):

27 (i) filing an inventory and appraisalment

1 after the 120th day after the date of the initial filing of the  
2 action (Sec. 118.052, Local Government Code) . . . \$25;

3 (ii) approving and recording bond (Sec.  
4 118.052, Local Government Code) . . . \$3;

5 (iii) administering oath (Sec. 118.052,  
6 Local Government Code) . . . \$2;

7 (iv) filing annual or final account of  
8 estate (Sec. 118.052, Local Government Code) . . . \$25;

9 (v) filing application for sale of real or  
10 personal property (Sec. 118.052, Local Government Code) . . . \$25;

11 (vi) filing annual or final report of  
12 guardian of a person (Sec. 118.052, Local Government Code) . . .  
13 \$10; and

14 (vii) filing a document not listed under  
15 this paragraph after the filing of an order approving the inventory  
16 and appraisement or after the 120th day after the date of the  
17 initial filing of the action, whichever occurs first (Secs. 118.052  
18 and 191.007, Local Government Code), if more than 25 pages . . .  
19 \$25;

20 (C) adverse probate action (Secs. 118.052 and  
21 118.057, Local Government Code) . . . \$40; and

22 (D) claim against estate (Secs. 118.052 and  
23 118.058, Local Government Code) . . . \$2;

24 (12) other fees (Sec. 118.052, Local Government Code):

25 (A) issuing document (Secs. 118.052 and 118.059,  
26 Local Government Code):

27 (i) original document and one copy (Sec.

1 118.052, Local Government Code) . . . \$4; and

2 (ii) each additional set of an original and  
3 one copy (Sec. 118.052, Local Government Code) . . . \$4;

4 (B) certified papers (Secs. 118.052 and 118.060,  
5 Local Government Code):

6 (i) for the clerk's certificate (Sec.  
7 118.052, Local Government Code) . . . \$5; and

8 (ii) a fee per page or part of a page (Sec.  
9 118.052, Local Government Code) . . . \$1;

10 (C) noncertified papers, for each page or part of  
11 a page (Secs. 118.052 and 118.0605, Local Government Code) . . .  
12 \$1;

13 (D) letters testamentary, letter of  
14 guardianship, letter of administration, or abstract of judgment  
15 (Secs. 118.052 and 118.061, Local Government Code) . . . \$2;

16 (E) safekeeping of wills (Secs. 118.052 and  
17 118.062, Local Government Code) . . . \$5;

18 (F) mail service of process (Secs. 118.052 and  
19 118.063, Local Government Code) . . . same as sheriff; and

20 (G) records management and preservation fee  
21 (Secs. 118.052, 118.0546, and 118.0645, Local Government Code)  
22 . . . \$5;

23 (13) deposit on filing petition requesting permission  
24 to create a municipal civic center authority (Sec. 281.013, Local  
25 Government Code) . . . \$200;

26 (14) additional filing fee to fund the courthouse  
27 security fund, if authorized by the county commissioners court

(Sec. 291.008, Local Government Code) . . . not to exceed \$5;

(15) additional filing fee for filing documents not subject to certain filing fees to fund the courthouse security fund, if authorized by the county commissioners court (Sec. 291.008, Local Government Code) . . . \$1;

(16) additional filing fee to fund the courthouse security fund in Webb County, if authorized by the county commissioners court (Sec. 291.009, Local Government Code) . . . not to exceed \$20;

(17) court cost in civil cases other than suits for delinquent taxes to fund the county law library fund, if authorized by the county commissioners court (Sec. 323.023, Local Government Code) . . . not to exceed \$35;

(18) fee for deposit of a will with the county clerk during testator's lifetime (Sec. 71, Texas Probate Code) . . . \$5 [~~\$3~~];

(19) fee for county attorney in a suit regarding a railroad company's failure to keep roadbed and right-of-way in proper condition (Art. 6327, Vernon's Texas Civil Statutes) . . . \$10;

(20) appeal bond from a petitioner or taxpayer in a water control and preservation district (Art. 7818, Vernon's Texas Civil Statutes) . . . \$100;

(21) additional filing fee for filing any civil action or proceeding requiring a filing fee, including an appeal, and on the filing of any counterclaim, cross-action, intervention, interpleader, or third-party action requiring a filing fee, to fund



1 civil legal services for the indigent (Sec. 133.153, Local  
2 Government Code) . . . \$5;

3 (22) court fees and costs, if ordered by the court, for  
4 a suit filed by an inmate in which an affidavit or unsworn  
5 declaration of inability to pay costs is filed by the inmate (Sec.  
6 14.006, Civil Practice and Remedies Code) . . . the lesser of:

7 (A) 20 percent of the preceding six months'  
8 deposits to the inmate's trust account administered by the Texas  
9 Department of Criminal Justice under Section 501.014, Government  
10 Code; or

11 (B) the total amount of court fees and costs;

12 (23) monthly payment for remaining court fees and  
13 costs after the initial payment for a suit in which an affidavit or  
14 unsworn declaration of inability to pay costs is filed by the inmate  
15 (Sec. 14.006, Civil Practice and Remedies Code) . . . the lesser  
16 of:

17 (A) 10 percent of that month's deposit to the  
18 inmate's trust account administered by the Texas Department of  
19 Criminal Justice under Section 501.014, Government Code; or

20 (B) the total amount of court fees and costs that  
21 remain unpaid;

22 (24) the following costs not otherwise charged to the  
23 inmate under Section 14.006, Civil Practice and Remedies Code, if  
24 the inmate has previously filed an action dismissed as malicious or  
25 frivolous (Sec. 14.007, Civil Practice and Remedies Code):

26 (A) expenses of service of process;

27 (B) postage; and

1 (C) transportation, housing, or medical care  
2 incurred in connection with the appearance of the inmate in the  
3 court for any proceeding;

4 (25) security deposit on filing, by any person other  
5 than the personal representative of an estate, an application,  
6 complaint, or opposition in relation to the estate, if required by  
7 the clerk (Sec. 12, Texas Probate Code) . . . probable cost of the  
8 proceeding;

9 (26) security deposit on filing, by any person other  
10 than the guardian, attorney ad litem, or guardian ad litem, an  
11 application, complaint, or opposition in relation to a guardianship  
12 matter, if required by the clerk (Sec. 622, Texas Probate Code)  
13 . . . probable cost of the guardianship proceeding;

14 (27) for a hearing or proceeding under the Texas  
15 Mental Health Code (Subtitle C, Title 7, Health and Safety Code) as  
16 costs (Secs. 571.017 and 571.018, Health and Safety Code) . . .  
17 reasonable compensation to the following persons appointed under  
18 the Texas Mental Health Code:

- 19 (A) attorneys;  
20 (B) physicians;  
21 (C) language interpreters;  
22 (D) sign interpreters; and  
23 (E) masters;

24 (28) for a hearing or proceeding under the Texas  
25 Mental Health Code (Subtitle C, Title 7, Health and Safety Code) as  
26 costs (Sec. 571.018, Health and Safety Code):

- 27 (A) attorney's fees;

(B) physician examination fees;

(C) expense of transportation to a mental health facility or to a federal agency not to exceed \$50 if transporting within the same county and not to exceed the reasonable cost of transportation if transporting between counties;

(D) costs and salary supplements authorized under Section 574.031, Health and Safety Code; and

(E) prosecutors' fees authorized under Section 574.031, Health and Safety Code;

(29) expenses of transporting certain patients from the county of treatment to a hearing in the county in which the proceedings originated (Sec. 574.008, Health and Safety Code) . . . actual expenses unless certain arrangements are made to hold the hearing in the county in which the patient is receiving services;

(30) expenses for expert witness testimony for an indigent patient (Sec. 574.010, Health and Safety Code) . . . if authorized by the court as reimbursement to the attorney ad litem, court-approved expenses;

(31) fee for judge's services for holding a hearing on an application for court-ordered mental health services (Sec. 574.031, Health and Safety Code) . . . as assessed by the judge, not to exceed \$50;

(32) expenses to reimburse judge for holding a hearing in a hospital or location other than the county courthouse (Sec. 574.031, Health and Safety Code) . . . reasonable and necessary expenses as certified; and

(33) fee for services of a prosecuting attorney,

1 including costs incurred for preparation of documents related to a  
2 hearing on an application for court-ordered mental health services  
3 (Sec. 574.031, Health and Safety Code) . . . as assessed by the  
4 judge, not to exceed \$50.

5       SECTION 5. This Act takes effect immediately if it receives  
6 a vote of two-thirds of all the members elected to each house, as  
7 provided by Section 39, Article III, Texas Constitution. If this  
8 Act does not receive the vote necessary for immediate effect, this  
9 Act takes effect September 1, 2007.