

By: Orr

H.B. No. 1054

A BILL TO BE ENTITLED

AN ACT

relating to the assessment of costs, attorney's fees, and additional damages in condemnation proceedings.

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

SECTION 1. The heading to Section 21.047, Property Code, is amended to read as follows:

Sec. 21.047. ASSESSMENT OF COSTS, ATTORNEY'S FEES, AND ADDITIONAL DAMAGES.

SECTION 2. Section 21.047, Property Code, is amended by adding Subsection (d) to read as follows:

(d) If a court hearing a suit under this chapter finds that the damages awarded by the special commissioners or the court exceed the damages a condemnor offered to the property owner before the proceeding began by more than 20 percent, the court shall order the condemnor to pay:

(1) all costs as provided by Subsection (a);

(2) any reasonable attorney's fees incurred by the owner; and

(3) additional damages of 10 percent of the damages awarded by the special commissioners or the court.

SECTION 3. Section 101.061, Government Code, is amended to read as follows:

Sec. 101.061. DISTRICT COURT FEES AND COSTS. The clerk of a district court shall collect fees and costs as follows:

1 (1) filing fee in action with respect to a fraudulent
2 court record or fraudulent lien or claim filed against property
3 (Sec. 12.005, Civil Practice and Remedies Code) . . . \$15;

4 (2) fee for service of notice of action with respect to
5 a fraudulent court record or fraudulent lien or claim filed against
6 property (Sec. 12.005, Civil Practice and Remedies Code) . . . not
7 to exceed \$20, if notice delivered in person, or the cost of
8 postage, if service is by registered or certified mail;

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

13 (4) appellate judicial system filing fees for:

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

16 (B) Second Court of Appeals District (Sec.
17 22.2031, Government Code) . . . not more than \$5;

18 (C) Fourth Court of Appeals District (Sec.
19 22.2051, Government Code) . . . not more than \$5;

20 (D) Fifth Court of Appeals District (Sec.
21 22.2061, Government Code) . . . not more than \$5; and

22 (E) Thirteenth Court of Appeals District (Sec.
23 22.2141, Government Code) . . . not more than \$5;

24 (5) additional filing fees:

25 (A) for each suit filed for insurance contingency
26 fund, if authorized by the county commissioners court (Sec. 51.302,
27 Government Code) . . . not to exceed \$5;

1 (B) for each civil suit filed, for court-related
2 purposes for the support of the judiciary and for civil legal
3 services to an indigent:

4 (i) for family law cases and proceedings as
5 defined by Section 25.0002, Government Code (Sec. 133.151, Local
6 Government Code) . . . \$45; or

7 (ii) for any case other than a case
8 described by Subparagraph (i) (Sec. 133.151, Local Government Code)
9 . . . \$50;

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

13 (D) on the filing of any civil action or
14 proceeding requiring a filing fee, including an appeal, and on the
15 filing of any counterclaim, cross-action, intervention,
16 interpleader, or third-party action requiring a filing fee, to fund
17 civil legal services for the indigent:

18 (i) for family law cases and proceedings as
19 defined by Section 25.0002, Government Code (Sec. 133.152, Local
20 Government Code) . . . \$5; or

21 (ii) for any case other than a case
22 described by Subparagraph (i) (Sec. 133.152, Local Government Code)
23 . . . \$10;

24 (6) for filing a suit, including an appeal from an
25 inferior court:

26 (A) for a suit with 10 or fewer plaintiffs (Sec.
27 51.317, Government Code) . . . \$50;

1 (B) for a suit with at least 11 but not more than
2 25 plaintiffs (Sec. 51.317, Government Code) . . . \$75;

3 (C) for a suit with at least 26 but not more than
4 100 plaintiffs (Sec. 51.317, Government Code) . . . \$100;

5 (D) for a suit with at least 101 but not more than
6 500 plaintiffs (Sec. 51.317, Government Code) . . . \$125;

7 (E) for a suit with at least 501 but not more than
8 1,000 plaintiffs (Sec. 51.317, Government Code) . . . \$150; or

9 (F) for a suit with more than 1,000 plaintiffs
10 (Sec. 51.317, Government Code) . . . \$200;

11 (7) for filing a cross-action, counterclaim,
12 intervention, contempt action, motion for new trial, or third-party
13 petition (Sec. 51.317, Government Code) . . . \$15;

14 (8) for issuing a citation or other writ or process not
15 otherwise provided for, including one copy, when requested at the
16 time a suit or action is filed (Sec. 51.317, Government Code) . . .
17 \$8;

18 (9) for records management and preservation (Sec.
19 51.317, Government Code) . . . \$10;

20 (10) for issuing a subpoena, including one copy (Sec.
21 51.318, Government Code) . . . \$8;

22 (11) for issuing a citation, commission for
23 deposition, writ of execution, order of sale, writ of execution and
24 order of sale, writ of injunction, writ of garnishment, writ of
25 attachment, or writ of sequestration not provided for in Section
26 51.317, or any other writ or process not otherwise provided for,
27 including one copy if required by law (Sec. 51.318, Government

Code) . . . \$8;

(12) for searching files or records to locate a cause when the docket number is not provided (Sec. 51.318, Government Code) . . . \$5;

(13) for searching files or records to ascertain the existence of an instrument or record in the district clerk's office (Sec. 51.318, Government Code) . . . \$5;

(14) for abstracting a judgment (Sec. 51.318, Government Code) . . . \$8;

(15) for approving a bond (Sec. 51.318, Government Code) . . . \$4;

(16) for a certified copy of a record, judgment, order, pleading, or paper on file or of record in the district clerk's office, including certificate and seal, for each page or part of a page (Sec. 51.318, Government Code) . . . \$1;

(17) for a noncertified copy, for each page or part of a page (Sec. 51.318, Government Code) . . . not to exceed \$1;

(18) jury fee (Sec. 51.604, Government Code) . . . \$30;

(19) for filing a report of divorce or annulment (Sec. 194.002, Health and Safety Code) . . . \$1;

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

(21) additional filing fee for family protection on filing a suit for dissolution of a marriage under Chapter 6, Family Code, if authorized by the county commissioners court (Sec. 51.961, Government Code) . . . not to exceed \$30;

1 (22) fee on filing a suit for dissolution of a marriage
2 for services of child support department in Harris County, if
3 authorized by the county commissioners court (Sec. 152.1074, Human
4 Resources Code) . . . not to exceed \$12;

5 (22-a) a child support service fee in Nueces County if
6 ordered by the commissioners court and assessed by the court (Sec.
7 152.1844, Human Resources Code) . . . not to exceed \$5 a month
8 payable annually in advance;

9 (22-b) a service fee to be paid by a person ordered by
10 a district court to pay child or spousal support:

11 (A) in Collin County if authorized by the
12 juvenile board (Sec. 152.0492, Human Resources Code) . . . not to
13 exceed \$2.50 added to first support payment each month;

14 (B) in Johnson County if authorized by the
15 juvenile board (Sec. 152.1322, Human Resources Code) . . . \$1.00
16 added to first support payment each month; and

17 (C) in Montague County (Sec. 152.1752, Human
18 Resources Code) . . . \$1 if fee is ordered to be paid monthly, 50
19 cents if fee is ordered to be paid semimonthly or weekly;

20 (22-c) attorney's fees as an additional cost in
21 Montague County on a finding of contempt of court for failure to pay
22 child or spousal support if the contempt action is initiated by the
23 probation department (Sec. 152.1752, Human Resources Code) . . .
24 \$15;

25 (23) fee on filing a suit requesting an adoption in
26 Montague County (Sec. 152.1752, Human Resources Code) . . . \$25;

27 (24) court cost on citation for contempt of court for

1 failure to comply with child support order in Nueces County, if
2 authorized by the commissioners court (Sec. 152.1844, Human
3 Resources Code) . . . not to exceed \$10;

4 (25) fee on filing a suit for divorce in Orange County
5 (Sec. 152.1873, Human Resources Code) . . . not less than \$5;

6 (26) court costs on citation for contempt of court in
7 Orange County for failure to comply with a child support order or
8 order providing for possession of or access to a child (Sec.
9 152.1873, Human Resources Code) . . . amount determined by district
10 clerk;

11 (27) fee on filing a suit requesting an adoption in
12 Orange County (Sec. 152.1874, Human Resources Code) . . . not less
13 than \$25;

14 (28) fee on filing a suit requesting an adoption in
15 Wichita County (Sec. 152.2496, Human Resources Code) . . . \$100;

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

19 (30) additional filing fee for filing documents not
20 subject to certain filing fees to fund the courthouse security
21 fund, if authorized by the county commissioners court (Sec.
22 291.008, Local Government Code) . . . \$1;

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

27 (32) court cost in civil cases other than suits for

1 delinquent taxes to fund the county law library fund, if authorized
2 by the county commissioners court (Sec. 323.023, Local Government
3 Code) . . . not to exceed \$35;

4 (33) when administering a case for the Rockwall County
5 Court at Law (Sec. 25.2012, Government Code) . . . civil fees and
6 court costs as if the case had been filed in district court;

7 (34) at a hearing held by an associate judge in Dallas
8 County, a court cost to preserve the record, in the absence of a
9 court reporter, by other means (Sec. 54.509, Government Code) . . .
10 as assessed by the referring court or associate judge;

11 (35) at a hearing held by an associate judge in Duval
12 County, a court cost to preserve the record (Sec. 54.1151,
13 Government Code, as added by Chapter 1150, Acts of the 78th
14 Legislature, Regular Session, 2003) . . . as imposed by the
15 referring court or associate judge;

16 (36) court fees and costs, if ordered by the court, for
17 a suit filed by an inmate in which an affidavit or unsworn
18 declaration of inability to pay costs is filed by the inmate (Sec.
19 14.006, Civil Practice and Remedies Code) . . . the lesser of:

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

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

25 (37) monthly payment for remaining court fees and
26 costs after the initial payment for a suit in which an affidavit or
27 unsworn declaration of inability to pay costs is filed by the inmate

(Sec. 14.006, Civil Practice and Remedies Code) . . . the lesser of:

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

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

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

(A) expenses of service of process;

(B) postage; and

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

(39) fee for performing a service:

(A) related to the matter of the estate of a deceased person (Sec. 51.319, Government Code) . . . the same fee allowed the county clerk for those services;

(B) related to the matter of a minor (Sec. 51.319, Government Code) . . . the same fee allowed the county clerk for the service;

(C) of serving process by certified or registered mail (Sec. 51.319, Government Code) . . . the same fee a sheriff or constable is authorized to charge for the service under Section 118.131, Local Government Code; and

1 (D) prescribed or authorized by law but for which
2 no fee is set (Sec. 51.319, Government Code) . . . a reasonable fee;

3 (40) court costs, which may include expert witness
4 fees in Travis County in an action in which the plaintiff prevails
5 against an insurer for economic damages sustained by the plaintiff
6 as a result of unfair discrimination (Sec. 544.054, Insurance Code)
7 . . . court costs and reasonable and necessary expert witness fees;

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

13 (42) security deposit on filing, by any person other
14 than the guardian, attorney ad litem, or guardian ad litem, an
15 application, complaint, or opposition in relation to a guardianship
16 matter, if required by the clerk (Sec. 622, Texas Probate Code)
17 . . . probable cost of the guardianship proceeding; ~~and~~

18 (43) fee for filing an additional petition for review
19 of an appraisal review board order relating to certain regulated
20 property running through or operating in more than one county after
21 the first petition for review relating to the same property is filed
22 for a tax year (Sec. 42.221, Tax Code) . . . \$5; and

23 (44) court costs and attorney's fees in an eminent
24 domain proceeding (Sec. 21.047, Property Code) . . . as taxed by
25 the court and reasonable, respectively.

26 SECTION 4. Section 101.081, Government Code, is amended to
27 read as follows:

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

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

8 (2) appellate judicial system filing fees:

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

11 (B) Second Court of Appeals District (Sec.
12 22.2031, Government Code) . . . not more than \$5;

13 (C) Fourth Court of Appeals District (Sec.
14 22.2051, Government Code) . . . not more than \$5;

15 (D) Fifth Court of Appeals District (Sec.
16 22.2061, Government Code) . . . not more than \$5; and

17 (E) Thirteenth Court of Appeals District (Sec.
18 22.2141, Government Code) . . . not more than \$5;

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

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

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

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

1 (B) in a county court at law in Nolan County (Sec.
2 25.1792, Government Code) . . . \$25;

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

4 (7) an additional filing fee:

5 (A) for each civil case filed to be used for
6 court-related purposes for the support of the judiciary, if
7 authorized by the county commissioners court (Sec. 51.702,
8 Government Code) . . . \$40;

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

12 (C) for filing any civil action or proceeding
13 requiring a filing fee, including an appeal, and on the filing of
14 any counterclaim, cross-action, intervention, interpleader, or
15 third-party action requiring a filing fee, to fund civil legal
16 services for the indigent (Sec. 133.153, Local Government Code)
17 . . . \$5;

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

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

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

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

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

4 (13) civil court actions (Sec. 118.052, Local
5 Government Code):

6 (A) filing of original action (Secs. 118.052 and
7 118.053, Local Government Code):

8 (i) garnishment after judgment (Sec.
9 118.052, Local Government Code) . . . \$15; and

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

12 (B) filing of action other than original (Secs.
13 118.052 and 118.054, Local Government Code) . . . \$30; and

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

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

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

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

22 (A) probate original action (Secs. 118.052 and
23 118.055, Local Government Code):

24 (i) probate of a will with independent
25 executor, administration with will attached, administration of an
26 estate, guardianship or receivership of an estate, or muniment of
27 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;

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

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

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

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

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

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

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

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

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

(vii) filing a document not listed under

1 this paragraph after the filing of an order approving the inventory
2 and appraisement or after the 120th day after the date of the
3 initial filing of the action, whichever occurs first (Secs. 118.052
4 and 191.007, Local Government Code), if more than 25 pages . . .
5 \$25;

6 (C) adverse probate action (Secs. 118.052 and
7 118.057, Local Government Code) . . . \$40; and

8 (D) claim against estate (Secs. 118.052 and
9 118.058, Local Government Code) . . . \$2;

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

11 (A) issuing document (Secs. 118.052 and 118.059,
12 Local Government Code):

13 (i) original document and one copy (Sec.
14 118.052, Local Government Code) . . . \$4; and

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

17 (B) certified papers (Secs. 118.052 and 118.060,
18 Local Government Code):

19 (i) for the clerk's certificate (Sec.
20 118.052, Local Government Code) . . . \$5; and

21 (ii) a fee per page or part of a page (Sec.
22 118.052, Local Government Code) . . . \$1;

23 (C) noncertified papers, for each page or part of
24 a page (Secs. 118.052 and 118.0605, Local Government Code) . . .
25 \$1;

26 (D) letters testamentary, letter of
27 guardianship, letter of administration, or abstract of judgment

(Secs. 118.052 and 118.061, Local Government Code) . . . \$2;

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

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

(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) . . . \$3;

(21) court cost for each special commissioner in an eminent domain proceeding (Sec. 21.047, Property Code) . . . as

1 taxed by the court, \$10 or more;

2 (22) fee for county attorney in a suit regarding a
3 railroad company's failure to keep roadbed and right-of-way in
4 proper condition (Art. 6327, Vernon's Texas Civil Statutes) . . .
5 \$10;

6 (23) court fees and costs, if ordered by the court, for
7 a suit filed by an inmate in which an affidavit or unsworn
8 declaration of inability to pay costs is filed by the inmate (Sec.
9 14.006, Civil Practice and Remedies Code) . . . the lesser of:

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

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

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

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

23 (B) the total amount of court fees and costs that
24 remain unpaid;

25 (25) the following costs not otherwise charged to the
26 inmate under Section 14.006, Civil Practice and Remedies Code, if
27 the inmate has previously filed an action dismissed as malicious or

frivolous (Sec. 14.007, Civil Practice and Remedies Code):

(A) expenses of service of process;

(B) postage; and

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

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

(A) in Bexar County Courts at Law:

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

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

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

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

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

(28) in Brazoria County, in matters of concurrent jurisdiction with the district court, fees (Sec. 25.0222, Government Code) . . . as prescribed by law for district judges

1 according to the nature of the matter;

2 (29) in Nueces County, in matters of concurrent
3 jurisdiction with the district court, with certain exceptions, fees
4 (Sec. 25.1802, Government Code) . . . equal to those in district
5 court cases;

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

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

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

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

26 (33) for a hearing or proceeding under the Texas
27 Mental Health Code (Subtitle C, Title 7, Health and Safety Code) as

costs (Sec. 571.018, Health and Safety Code):

(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;

(34) 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;

(35) 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;

(36) 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;

(37) 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

1 expenses as certified;

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

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

13 (40) any court costs and attorney's fees in an eminent
14 domain proceeding that are in addition to the costs specified by
15 Subdivision (21) (Sec. 21.047, Property Code) . . . as taxed by the
16 court and reasonable, respectively.

17 SECTION 5. The change in law made by this Act applies only
18 to a condemnation proceeding initiated on or after the effective
19 date of this Act. A condemnation proceeding initiated before the
20 effective date of this Act is governed by the law in effect at the
21 time the proceeding was initiated, and that law is continued in
22 effect for that purpose.

23 SECTION 6. This Act takes effect September 1, 2007.