

By: Cook of Colorado

H.B. No. 1409

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the procedure for the initiation of and the award of  
3 certain costs in eminent domain proceedings.

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

5 SECTION 1. Section 21.0111, Property Code, is amended to  
6 read as follows:

7 Sec. 21.0111. DISCLOSURE OF INFORMATION REQUIRED. (a) A  
8 condemnor [~~governmental entity with eminent domain authority~~] that  
9 wants to acquire real property for a public use shall disclose to  
10 the property owner at the time an offer to purchase is made any and  
11 all existing appraisal reports produced or acquired by the  
12 condemnor [~~governmental entity~~] relating specifically to the  
13 owner's property [~~and used in determining the final valuation~~  
14 ~~offer~~].

15 (b) A property owner shall disclose to the condemnor  
16 [~~acquiring governmental entity~~] any and all existing appraisal  
17 reports produced or acquired by the property owner relating  
18 specifically to the owner's property [~~and used in determining the~~  
19 ~~owner's opinion of value~~]. Such disclosure shall take place within  
20 10 days of receipt of appraisal reports but no later than the day  
21 before the date of the special commissioners hearing if an existing  
22 appraisal report is to be used at the special commissioners  
23 hearing. The property owner's failure to obtain or disclose an  
24 appraisal report does not affect the authority of the special

1 commissioners court to admit other evidence relating specifically  
2 to the owner's property [~~10 days prior to the special commissioner's~~  
3 ~~hearing~~]. A subsequent bona fide purchaser for value from the  
4 condemnor [~~governmental entity~~] may conclusively presume that the  
5 requirement of this section has been met. This section does not  
6 apply to acquisitions of real property for which an [~~a~~  
7 ~~governmental~~] entity does not have eminent domain authority.

8 SECTION 2. Section 21.012, Property Code, is amended by  
9 amending Subsection (b) and adding Subsection (c) to read as  
10 follows:

11 (b) The petition must:

12 (1) describe the property to be condemned;

13 (2) state the purpose for which the entity intends to  
14 use the property;

15 (3) state the name of the owner of the property if the  
16 owner is known; [~~and~~]

17 (4) state that the entity and the property owner are  
18 unable to agree on the damages; and

19 (5) state that the entity made a bona fide good faith  
20 effort to acquire the property by voluntary purchase or lease.

21 (c) The judge of a court in which a condemnation petition is  
22 filed or to which an eminent domain case is assigned shall deny the  
23 right to condemn unless the entity proves to the court that the  
24 entity has met the requirements of Subsection (b).

25 SECTION 3. Section 21.021, Property Code, is amended by  
26 adding Subsection (e) to read as follows:

27 (e) A property owner does not waive a defense to the

1 condemnation in the condemnation proceeding by appropriating money  
2 deposited with the court under Subsection (a)(1). If a court  
3 finally determines that a condemnor who has taken possession of  
4 property pending litigation did not have the right to condemn the  
5 property, the court shall order the property owner to return the  
6 amount appropriated by the property owner that exceeds the total  
7 amount awarded to the property owner.

8 SECTION 4. Subchapter C, Chapter 21, Property Code, is  
9 amended by adding Section 21.040 to read as follows:

10 Sec. 21.040. MINIMUM COMPENSATION REQUIRED.  
11 Notwithstanding Section 21.042, an assessment for damages under  
12 this chapter must be in an amount that is determined to be adequate  
13 compensation for damages to a property owner from condemnation as  
14 determined by the party making factual findings in a condemnation  
15 proceeding according to evidence admitted under this subchapter and  
16 in accordance with this section. Adequate compensation may not be  
17 determined to be an amount that is less than the sum of the fair  
18 market value of the property acquired by the condemnor and any  
19 decrease in the market value of any part of the property owner's  
20 property that is not acquired by the condemnor.

21 SECTION 5. Section 21.041, Property Code, is amended to  
22 read as follows:

23 Sec. 21.041. EVIDENCE. (a) As the basis for assessing  
24 [~~actual~~] damages to a property owner from a condemnation, the  
25 special commissioners shall admit and consider evidence on:

- 26 (1) the value of the property being condemned;  
27 (2) each [~~the~~] injury and loss, if any, to the property

1 owner that a reasonably prudent property owner would consider in a  
2 negotiated transaction that is not subject to this chapter; and

3 (3) each [the] benefit, if any, to the property owner's  
4 remaining property, if:

5 (A) the property owner claims there is damage to  
6 the property; and

7 (B) a reasonably prudent property owner would  
8 consider the damage in a negotiated transaction that is not subject  
9 to this chapter [; and

10 [~~(4) the use of the property for the purpose of the~~  
11 ~~condemnation].~~

12 (b) If the special commissioners can reasonably infer that  
13 the purpose for which the entity intends to use the property will  
14 generate revenue, the special commissioners shall admit and  
15 consider evidence on the expected value of the property for the  
16 purpose for which the property is being acquired as evidence for  
17 assessing damages to a property owner from condemnation.

18 SECTION 6. The heading to Section 21.047, Property Code, is  
19 amended to read as follows:

20 Sec. 21.047. ASSESSMENT OF COSTS AND FEES.

21 SECTION 7. Section 21.047(a), Property Code, is amended to  
22 read as follows:

23 (a) Special commissioners may adjudge the costs of an  
24 eminent domain proceeding against any party. If the commissioners  
25 award greater damages than the condemnor offered to pay before the  
26 proceedings began or if the decision of the commissioners is  
27 appealed and a court awards greater damages than the commissioners

1 awarded, the condemnor shall pay all costs of defending the suit  
2 against the condemning entity's exercise of eminent domain under  
3 this chapter, including any reasonable attorney's and expert fees  
4 incurred by the property owner. If the commissioners' award or the  
5 court's determination of the damages is less than or equal to the  
6 amount the condemnor offered before proceedings began, the property  
7 owner shall pay the costs.

8 SECTION 8. Subchapter C, Chapter 21, Property Code, is  
9 amended by adding Subsection 21.050 to read as follows:

10 Sec. 21.050. ASSESSMENT OF DAMAGES BY COURT. A court  
11 determining damages under Section 21.018 or in any other  
12 condemnation proceeding under this chapter shall:

13 (1) admit and consider evidence as provided by Section  
14 21.041; and

15 (2) comply with the minimum compensation requirements  
16 of Section 21.040.

17 SECTION 9. Section 101.061, Government Code, is amended to  
18 read as follows:

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

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

24 (2) fee for service of notice of action with respect to  
25 a fraudulent court record or fraudulent lien or claim filed against  
26 property (Sec. 12.005, Civil Practice and Remedies Code) . . . not  
27 to exceed \$20, if notice delivered in person, or the cost of

1 postage, if service is by registered or certified mail;

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

6 (4) appellate judicial system filing fees for:

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

9 (B) Second Court of Appeals District (Sec.  
10 22.2031, Government Code) . . . not more than \$5;

11 (C) Fourth Court of Appeals District (Sec.  
12 22.2051, Government Code) . . . not more than \$5;

13 (D) Fifth Court of Appeals District (Sec.  
14 22.2061, Government Code) . . . not more than \$5; and

15 (E) Thirteenth Court of Appeals District (Sec.  
16 22.2141, Government Code) . . . not more than \$5;

17 (5) additional filing fees:

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

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

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

27 (ii) for any case other than a case

1 described by Subparagraph (i) (Sec. 133.151, Local Government Code)  
2 . . . \$50;

3 (C) 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 (D) on the filing of any civil action or  
7 proceeding requiring a filing fee, including an appeal, and on the  
8 filing of any counterclaim, cross-action, intervention,  
9 interpleader, or third-party action requiring a filing fee, to fund  
10 civil legal services for the indigent:

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

14 (ii) for any case other than a case  
15 described by Subparagraph (i) (Sec. 133.152, Local Government Code)  
16 . . . \$10;

17 (6) for filing a suit, including an appeal from an  
18 inferior court:

19 (A) for a suit with 10 or fewer plaintiffs (Sec.  
20 51.317, Government Code) . . . \$50;

21 (B) for a suit with at least 11 but not more than  
22 25 plaintiffs (Sec. 51.317, Government Code) . . . \$75;

23 (C) for a suit with at least 26 but not more than  
24 100 plaintiffs (Sec. 51.317, Government Code) . . . \$100;

25 (D) for a suit with at least 101 but not more than  
26 500 plaintiffs (Sec. 51.317, Government Code) . . . \$125;

27 (E) for a suit with at least 501 but not more than

1 1,000 plaintiffs (Sec. 51.317, Government Code) . . . \$150; or

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

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

7 (8) for issuing a citation or other writ or process not  
8 otherwise provided for, including one copy, when requested at the  
9 time a suit or action is filed (Sec. 51.317, Government Code) . . .  
10 \$8;

11 (9) for records management and preservation (Sec.  
12 51.317, Government Code) . . . \$10;

13 (10) for issuing a subpoena, including one copy (Sec.  
14 51.318, Government Code) . . . \$8;

15 (11) for issuing a citation, commission for  
16 deposition, writ of execution, order of sale, writ of execution and  
17 order of sale, writ of injunction, writ of garnishment, writ of  
18 attachment, or writ of sequestration not provided for in Section  
19 51.317, or any other writ or process not otherwise provided for,  
20 including one copy if required by law (Sec. 51.318, Government  
21 Code) . . . \$8;

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

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



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

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

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

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

11           (18) jury fee (Sec. 51.604, Government Code) . . .  
12 \$30;

13           (19) for filing a report of divorce or annulment (Sec.  
14 194.002, Health and Safety Code) . . . \$1;

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

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

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

25           (22-a) a child support service fee in Nueces County if  
26 ordered by the commissioners court and assessed by the court (Sec.  
27 152.1844, Human Resources Code) . . . not to exceed \$5 a month

1 payable annually in advance;

2 (22-b) a service fee to be paid by a person ordered by  
3 a district court to pay child or spousal support:

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

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

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

13 (22-c) attorney's fees as an additional cost in  
14 Montague County on a finding of contempt of court for failure to pay  
15 child or spousal support if the contempt action is initiated by the  
16 probation department (Sec. 152.1752, Human Resources Code) . . .  
17 \$15;

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

20 (24) court cost on citation for contempt of court for  
21 failure to comply with child support order in Nueces County, if  
22 authorized by the commissioners court (Sec. 152.1844, Human  
23 Resources Code) . . . not to exceed \$10;

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

26 (26) court costs on citation for contempt of court in  
27 Orange County for failure to comply with a child support order or

1 order providing for possession of or access to a child (Sec.  
2 152.1873, Human Resources Code) . . . amount determined by district  
3 clerk;

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

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

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

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

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

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

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

27 (34) at a hearing held by an associate judge in Dallas

1 County, a court cost to preserve the record, in the absence of a  
2 court reporter, by other means (Sec. 54.509, Government Code) . . .  
3 as assessed by the referring court or associate judge;

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

9 (36) court fees and costs, if ordered by the court, for  
10 a suit filed by an inmate in which an affidavit or unsworn  
11 declaration of inability to pay costs is filed by the inmate (Sec.  
12 14.006, Civil Practice and Remedies Code) . . . the lesser of:

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

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

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

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

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

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

5                   (A) expenses of service of process;

6                   (B) postage; and

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

10           (39) fee for performing a service:

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

14                   (B) related to the matter of a minor (Sec.  
15 51.319, Government Code) . . . the same fee allowed the county  
16 clerk for the service;

17                   (C) of serving process by certified or registered  
18 mail (Sec. 51.319, Government Code) . . . the same fee a sheriff or  
19 constable is authorized to charge for the service under Section  
20 118.131, Local Government Code; and

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

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

1           (41) 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           (42) 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; ~~and~~

11           (43) fee for filing an additional petition for review  
12 of an appraisal review board order relating to certain regulated  
13 property running through or operating in more than one county after  
14 the first petition for review relating to the same property is filed  
15 for a tax year (Sec. 42.221, Tax Code) . . . \$5~~i~~

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

19           (45) court costs and attorney's and expert fees in an  
20 eminent domain proceeding (Sec. 21.047, Property Code) . . . as  
21 taxed by the court and reasonable, respectively.

22           SECTION 10. Section 101.081, Government Code, is amended to  
23 read as follows:

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

27           (1) court cost in certain civil cases to establish and

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

4 (2) appellate judicial system filing fees:

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

7 (B) Second Court of Appeals District (Sec.  
8 22.2031, Government Code) . . . not more than \$5;

9 (C) Fourth Court of Appeals District (Sec.  
10 22.2051, Government Code) . . . not more than \$5;

11 (D) Fifth Court of Appeals District (Sec.  
12 22.2061, Government Code) . . . not more than \$5; and

13 (E) Thirteenth Court of Appeals District (Sec.  
14 22.2141, Government Code) . . . not more than \$5;

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

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

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

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

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

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

27 (7) an additional filing fee:

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

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

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

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

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

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

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

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

27           (13) civil court actions (Sec. 118.052, Local



1 Government Code):

2 (A) filing of original action (Secs. 118.052 and  
3 118.053, Local Government Code):

4 (i) garnishment after judgment (Sec.  
5 118.052, Local Government Code) . . . \$15; and

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

8 (B) filing of action other than original (Secs.  
9 118.052 and 118.054, Local Government Code) . . . \$30; and

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

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

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

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

18 (A) probate original action (Secs. 118.052 and  
19 118.055, Local Government Code):

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

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

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

1 (iv) declarations of heirship (Sec.  
2 118.052, Local Government Code) . . . \$40;

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

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

7 (B) services in pending probate action (Secs.  
8 118.052 and 118.056, Local Government Code):

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

12 (ii) approving and recording bond (Sec.  
13 118.052, Local Government Code) . . . \$3;

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

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

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

20 (vi) filing annual or final report of  
21 guardian of a person (Sec. 118.052, Local Government Code) . . .  
22 \$10; and

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

1 \$25;

2 (C) adverse probate action (Secs. 118.052 and  
3 118.057, Local Government Code) . . . \$40; and

4 (D) claim against estate (Secs. 118.052 and  
5 118.058, Local Government Code) . . . \$2;

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

7 (A) issuing document (Secs. 118.052 and 118.059,  
8 Local Government Code):

9 (i) original document and one copy (Sec.  
10 118.052, Local Government Code) . . . \$4; and

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

13 (B) certified papers (Secs. 118.052 and 118.060,  
14 Local Government Code):

15 (i) for the clerk's certificate (Sec.  
16 118.052, Local Government Code) . . . \$5; and

17 (ii) a fee per page or part of a page (Sec.  
18 118.052, Local Government Code) . . . \$1;

19 (C) noncertified papers, for each page or part of  
20 a page (Secs. 118.052 and 118.0605, Local Government Code) . . .  
21 \$1;

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

25 (E) safekeeping of wills (Secs. 118.052 and  
26 118.062, Local Government Code) . . . \$5;

27 (F) mail service of process (Secs. 118.052 and

1 118.063, Local Government Code) . . . same as sheriff; and

2 (G) records management and preservation fee  
3 (Secs. 118.052, 118.0546, and 118.0645, Local Government Code)  
4 . . . \$5;

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

8 (17) additional filing fee for filing documents not  
9 subject to certain filing fees to fund the courthouse security  
10 fund, if authorized by the county commissioners court (Sec.  
11 291.008, Local Government Code) . . . \$1;

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

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

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

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

25 (21-a) court costs and attorney's and expert fees in an  
26 eminent domain proceeding (Sec. 21.047, Property Code) . . . as  
27 taxed by the court and reasonable, respectively;

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

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

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

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

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

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

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

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

1 (A) expenses of service of process;

2 (B) postage; and

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

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

8 (A) in Bexar County Courts at Law:

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

12 (ii) No. 2 (Sec. 25.0172, Government Code)  
13 . . . \$3;

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

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

20 (27) a stenographer's fee as costs in each civil,  
21 criminal, and probate case in which a record is made by the official  
22 court reporter in a statutory county court in Nolan County (Sec.  
23 25.1792, Government Code) . . . \$25;

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

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

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

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

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

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

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

1 (A) attorney's fees;

2 (B) physician examination fees;

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

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

9 (E) prosecutors' fees authorized under Section  
10 574.031, Health and Safety Code;

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

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

20 (36) fee for judge's services for holding a hearing on  
21 an application for court-ordered mental health services (Sec.  
22 574.031, Health and Safety Code) . . . as assessed by the judge, not  
23 to exceed \$50;

24 (37) expenses to reimburse judge for holding a hearing  
25 in a hospital or location other than the county courthouse (Sec.  
26 574.031, Health and Safety Code) . . . reasonable and necessary  
27 expenses as certified;



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

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

12           SECTION 11. The change in law made by this Act applies only  
13 to a condemnation proceeding initiated on or after the effective  
14 date of this Act. A condemnation proceeding initiated before the  
15 effective date of this Act is governed by the law in effect at the  
16 time the proceeding was initiated, and that law is continued in  
17 effect for that purpose.

18           SECTION 12. This Act takes effect September 1, 2007.