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H.B. No. 2006

A BILL TO BE ENTITLED

AN ACT

relating to the use of eminent domain authority.

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

SECTION 1. Section 552.0037, Government Code, is amended to read as follows:

Sec. 552.0037. CERTAIN ENTITIES AUTHORIZED TO TAKE PROPERTY THROUGH EMINENT DOMAIN. (a) Notwithstanding any other law, and except as provided by this section, information collected, assembled, or maintained by an entity that is not a governmental body but is authorized by law to take private property through the use of eminent domain is subject to this chapter in the same manner as information collected, assembled, or maintained by a governmental body, but only if the information is:

(1) requested by a person who owns property that is the subject of a proposed or existing eminent domain proceeding; and

(2) related to the taking of the person's private property by the entity through the use of eminent domain.

(b) Notwithstanding Section 552.007, an entity described by Subsection (a) is required under this section only to produce documents relating to the condemnation of the specific property owned by the requestor as described in the request.

(c) A request under this section must contain sufficient details to allow the entity to identify the specific tract of land in relation to which the information is sought.

1 SECTION 2. Chapter 2206, Government Code, is amended to
2 read as follows:

3 CHAPTER 2206. [~~LIMITATIONS ON USE OF~~] EMINENT DOMAIN

4 SUBCHAPTER A. GENERAL PROVISIONS

5 Sec. 2206.001. DEFINITION OF PUBLIC USE. Except as
6 otherwise provided by this chapter, "public use," with respect to
7 the use of eminent domain authority, means a use of property,
8 including a use described by Section 2206.051(c), that allows the
9 state, a political subdivision of the state, or the general public
10 of the state to possess, occupy, and enjoy the property.

11 SUBCHAPTER B. LIMITATIONS ON PURPOSE AND USE OF PROPERTY

12 ACQUIRED THROUGH EMINENT DOMAIN

13 Sec. 2206.051. LIMITATION ON EMINENT DOMAIN FOR PRIVATE
14 PARTIES OR ECONOMIC DEVELOPMENT PURPOSES. (a) This section
15 applies to the use of eminent domain under the laws of this state,
16 including a local or special law, by any governmental or private
17 entity, including:

18 (1) a state agency, including an institution of higher
19 education as defined by Section 61.003, Education Code;

20 (2) a political subdivision of this state; or

21 (3) a corporation created by a governmental entity to
22 act on behalf of the entity.

23 (b) A governmental or private entity may not take private
24 property through the use of eminent domain if the taking:

25 (1) confers a private benefit on a particular private
26 party through the use of the property;

27 (2) is for a public use that is merely a pretext to

1 confer a private benefit on a particular private party; or

2 (3) is for economic development purposes, unless the
3 economic development is a secondary purpose resulting from
4 municipal community development or municipal urban renewal
5 activities to eliminate an existing affirmative harm on society
6 from slum or blighted areas under:

7 (A) Chapter 373 or 374, Local Government Code,
8 other than an activity described by Section 373.002(b)(5), Local
9 Government Code; or

10 (B) Section 311.005(a)(1)(I), Tax Code.

11 (c) This section does not affect the authority of an entity
12 authorized by law to take private property through the use of
13 eminent domain for:

14 (1) transportation projects, including, but not
15 limited to, railroads, airports, or public roads or highways;

16 (2) entities authorized under Section 59, Article XVI,
17 Texas Constitution, including:

18 (A) port authorities;

19 (B) navigation districts; and

20 (C) any other conservation or reclamation
21 districts that act as ports;

22 (3) water supply, wastewater, flood control, and
23 drainage projects;

24 (4) public buildings, hospitals, and parks;

25 (5) the provision of utility services;

26 (6) a sports and community venue project approved by
27 voters at an election held on or before December 1, 2005, under

1 Chapter 334 or 335, Local Government Code;

2 (7) the operations of:

3 (A) a common carrier subject to Chapter 111,
4 Natural Resources Code [~~and Section B(3)(b), Article 2.01, Texas~~
5 ~~Business Corporation Act~~]; or

6 (B) an energy transporter, as that term is
7 defined by Section 186.051, Utilities Code;

8 (8) a purpose authorized by Chapter 181, Utilities
9 Code;

10 (9) underground storage operations subject to Chapter
11 91, Natural Resources Code;

12 (10) a waste disposal project; or

13 (11) a library, museum, or related facility and any
14 infrastructure related to the facility.

15 (d) This section does not affect the authority of a
16 governmental entity to condemn a leasehold estate on property owned
17 by the governmental entity.

18 (e) The determination by the governmental or private entity
19 proposing to take the property that the taking does not involve an
20 act or circumstance prohibited by Subsection (b) does not create a
21 presumption with respect to whether the taking involves that act or
22 circumstance.

23 SUBCHAPTER C. PROCEDURES REQUIRED TO INITIATE

24 EMINENT DOMAIN PROCEEDINGS

25 Sec. 2206.101. SHORT TITLE. This subchapter may be cited as
26 the Truth in Condemnation Procedures Act.

27 Sec. 2206.102. APPLICABILITY. The procedures in this

1 subchapter apply only to the use of eminent domain under the laws of
2 this state by a governmental entity.

3 Sec. 2206.103. VOTE ON USE OF EMINENT DOMAIN. (a) Before a
4 governmental entity initiates a condemnation proceeding by filing a
5 petition under Section 21.012, Property Code, the governmental
6 entity must authorize the initiation of the condemnation
7 proceedings at a public meeting by a record vote. Except as
8 provided by Subsection (b) or (d), a separate record vote must be
9 taken for each unit of property for which condemnation proceedings
10 are to be initiated.

11 (b) For the purposes of Subsection (a), if two or more units
12 of real property are owned by the same person, the governmental
13 entity may treat those units of property as one unit of property.

14 (c) The motion to adopt an ordinance, resolution, or order
15 authorizing the initiation of condemnation proceedings under
16 Chapter 21, Property Code, must be made in a form substantially
17 similar to the following: "I move that the (name of governmental
18 entity) authorize the use of the power of eminent domain to acquire
19 (describe the property) for (describe the public use)." The
20 description of the property required by this subsection is
21 sufficient if the description of the location of and interest in the
22 property that the governmental entity seeks to acquire is
23 substantially similar to the description that is or could properly
24 be used in a petition to condemn the property under Section 21.012,
25 Property Code.

26 (d) If a project for a public use described by Section
27 2206.051(c)(3) will require a governmental entity to acquire

1 multiple tracts or units of property to construct facilities
2 connecting one location to another location, the governing body of
3 the entity may adopt a single ordinance, resolution, or order by a
4 record vote that delegates the authority to initiate condemnation
5 proceedings to the chief administrative official of the
6 governmental entity.

7 (e) An ordinance, resolution, or order adopted under
8 Subsection (d) is not required to identify specific properties that
9 the governmental entity will acquire. The ordinance, resolution,
10 or order must identify the general area to be covered by the project
11 or the general route that will be used by the governmental entity
12 for the project in a way that provides property owners in and around
13 the area or along the route reasonable notice that the owners'
14 properties may be subject to condemnation proceedings during the
15 planning or construction of the project.

16 SECTION 3. Subchapter B, Chapter 21, Property Code, is
17 amended by adding Sections 21.0112 and 21.0113 to read as follows:

18 Sec. 21.0112. GOOD FAITH STANDARD. An entity with eminent
19 domain authority that wants to acquire real property for a public
20 use must make a good faith effort to acquire the property from the
21 property owner voluntarily.

22 Sec. 21.0113. ADDITIONAL PROCEDURES FOR CERTAIN COMMON
23 CARRIERS. (a) This section applies only to a condemnation
24 proceeding initiated by a common carrier, as that term is defined by
25 Section 111.002, Natural Resources Code.

26 (b) A common carrier that intends to exercise the power of
27 eminent domain must serve the owner of the property to be acquired

1 with notice that the common carrier intends to initiate
2 condemnation proceedings on or before the date the common carrier
3 files a condemnation petition.

4 (c) A notice required under this section must be served to
5 the property owner by:

6 (1) regular mail; and

7 (2) certified mail, return receipt requested.

8 (d) A common carrier has the burden of proof to establish
9 that a property owner received notice required by Subsection (b).

10 SECTION 4. Section 21.012(b), Property Code, is amended to
11 read as follows:

12 (b) The petition must:

13 (1) describe the property to be condemned;

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

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

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

20 (5) state that the entity made a good faith effort to
21 acquire the property from the property owner voluntarily.

22 SECTION 5. Section 21.023, Property Code, is amended to
23 read as follows:

24 Sec. 21.023. DISCLOSURE OF INFORMATION REQUIRED AT TIME OF
25 ACQUISITION. A governmental entity shall disclose in writing to
26 the property owner, at the time of acquisition of the property
27 through eminent domain, that:

1 (1) the owner or the owner's heirs, successors, or
2 assigns are entitled to repurchase the property if the public use
3 for which the property was acquired through eminent domain is
4 canceled before the 10th anniversary of the date of acquisition;
5 and

6 (2) the repurchase price is the price paid to the owner
7 by the governmental entity at the time the governmental entity
8 acquired the property through eminent domain [~~fair market value of~~
9 ~~the property at the time the public use was canceled~~].

10 SECTION 6. Section 21.041, Property Code, is amended to
11 read as follows:

12 Sec. 21.041. EVIDENCE. As the basis for assessing actual
13 damages to a property owner from a condemnation, the special
14 commissioners shall admit evidence on:

15 (1) the value of the property being condemned,
16 including any evidence that an owner of real property who desires
17 but is not obligated to sell the property and a potential purchaser
18 of the property who is under no necessity to purchase the property
19 would consider with respect to the property if it were offered for
20 sale;

21 (2) the injury to the property owner, including the
22 financial damages associated with the cost of relocating from the
23 condemned property, if the property was habitable, to another
24 property that allows the property owner to have a standard of living
25 comparable to the property owner's standard of living before the
26 condemnation of the property;

27 (3) the benefit to the property owner's remaining

1 property; and

2 (4) the use of the property for the purpose of the
3 condemnation.

4 SECTION 7. Section 21.042(d), Property Code, is amended to
5 read as follows:

6 (d) In estimating injury or benefit under Subsection (c),
7 the special commissioners shall consider an injury or benefit that
8 is peculiar to the property owner, including the property owner's
9 financial damages described by Section 21.041(2), and that relates
10 to the property owner's ownership, use, or enjoyment of the
11 particular parcel of real property, but they may not consider an
12 injury or benefit that the property owner experiences in common
13 with the general community.

14 SECTION 8. Sections 21.046(a) and (b), Property Code, are
15 amended to read as follows:

16 (a) A department, agency, instrumentality, or political
17 subdivision of this state shall [~~may~~] provide a relocation advisory
18 service for an individual, a family, a business concern, a farming
19 or ranching operation, or a nonprofit organization that [~~if the~~
20 ~~service~~] is compatible with the Federal Uniform Relocation
21 Assistance Advisory Program, 23 U.S.C.A. 501, et seq.

22 (b) This state or a political subdivision of this state
23 shall [~~may~~], as a cost of acquiring real property, pay moving
24 expenses and rental supplements, make relocation payments, provide
25 financial assistance to acquire replacement housing, and
26 compensate for expenses incidental to the transfer of the property
27 if an individual, a family, the personal property of a business, a

1 farming or ranching operation, or a nonprofit organization is
2 displaced in connection with the acquisition.

3 SECTION 9. The heading to Section 21.047, Property Code, is
4 amended to read as follows:

5 Sec. 21.047. ASSESSMENT OF COSTS AND FEES.

6 SECTION 10. Section 21.047, Property Code, is amended by
7 adding Subsection (d) to read as follows:

8 (d) If a court hearing a suit under this chapter finds that a
9 condemning entity did not make a good faith effort to acquire the
10 property from the property owner voluntarily as required by Section
11 21.0112, the court may order the condemning entity to pay all costs
12 and any reasonable attorney's fees incurred by the property owner.

13 SECTION 11. Section 21.101(a), Property Code, is amended to
14 read as follows:

15 (a) Except as provided in Subsection (b), this subchapter
16 applies only to a real property interest acquired by a governmental
17 entity through eminent domain for a public use. A person from whom
18 the property interest is acquired or that person's heirs,
19 successors, or assigns are entitled to repurchase the property as
20 provided by this subchapter if that public use was canceled before
21 the 10th anniversary of the date of acquisition.

22 SECTION 12. Section 21.103(b), Property Code, is amended to
23 read as follows:

24 (b) As soon as practicable after receipt of a [the]
25 notification under Subsection (a), the governmental entity shall
26 offer to sell the property interest to the person for the price paid
27 to the owner by the governmental entity at the time the governmental

1 entity acquired the property through eminent domain [~~fair market~~
2 ~~value of the property at the time the public use was canceled~~]. The
3 person's right to repurchase the property expires on the 90th day
4 after the date on which the governmental entity makes the offer.

5 SECTION 13. Subchapter B, Chapter 111, Natural Resources
6 Code, is amended by adding Section 111.0195 to read as follows:

7 Sec. 111.0195. RIGHT OF EMINENT DOMAIN: ADDITIONAL
8 PROCEDURES. (a) This section applies only to a condemnation
9 proceeding initiated by a common carrier, as that term is defined by
10 Section 111.002.

11 (b) A common carrier that intends to exercise the power of
12 eminent domain must serve the owner of the property to be acquired
13 with notice that the common carrier intends to initiate
14 condemnation proceedings on or before the date the common carrier
15 files a condemnation petition.

16 (c) The special commissioners in an eminent domain
17 proceeding to which this section applies:

18 (1) may not schedule a hearing to assess damages
19 before the 30th day after the date of the special commissioners'
20 appointment; and

21 (2) must serve a property owner with notice informing
22 the property owner of the time and place of the hearing not later
23 than the 21st day before the date set for the hearing.

24 (d) A court that has jurisdiction over a condemnation
25 proceeding may appoint a replacement special commissioner if:

26 (1) the property owner or the common carrier objects
27 to the appointment of a special commissioner by filing a written

1 statement of the person's objections on the grounds of:

2 (A) a conflict of interest; or

3 (B) other good cause; and

4 (2) the court determines in a hearing that good cause
5 is shown.

6 (e) The special commissioners may delay scheduling a
7 hearing for a reasonable period if, by motion to the court that has
8 jurisdiction over the condemnation proceeding, the property owner
9 requests and is granted a delay by the court for good cause shown.

10 (f) A notice required under this section must be served by:

11 (1) regular mail; and

12 (2) certified mail, return receipt requested, to the
13 property owner.

14 (g) A common carrier has the burden of proof to establish
15 that notice was provided as required by Subsection (b).

16 SECTION 14. Subchapter G, Chapter 13, Water Code, is
17 amended by adding Section 13.258 to read as follows:

18 Sec. 13.258. EMINENT DOMAIN. (a) A water and sewer utility
19 that is operating in accordance with its certificate of convenience
20 and necessity may acquire by condemnation only easements or lesser
21 property interests reasonably necessary to comply with federal and
22 state regulations relating to sanitation.

23 (b) The water and sewer utility shall exercise the power of
24 eminent domain in the manner provided by Chapter 21, Property Code.

25 (c) The water and sewer utility may not exercise the power
26 of eminent domain to condemn land to acquire rights to underground
27 water or for water or water rights.

1 (d) A water and sewer utility may not exercise the power of
2 eminent domain in a municipality with a population of more than 1.7
3 million or in the municipality's extraterritorial jurisdiction to
4 condemn land in which the municipality owns a fee, easement, or
5 lesser property interest.

6 SECTION 15. Section 101.061, Government Code, is amended to
7 read as follows:

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

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

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

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

22 (4) appellate judicial system filing fees for:

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

25 (B) Second Court of Appeals District (Sec.
26 22.2031, Government Code) . . . not more than \$5;

27 (C) Fourth Court of Appeals District (Sec.

1 22.2051, Government Code) . . . not more than \$5;

2 (D) Fifth Court of Appeals District (Sec.
3 22.2061, Government Code) . . . not more than \$5; and

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

6 (5) additional filing fees:

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

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

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

16 (ii) for any case other than a case
17 described by Subparagraph (i) (Sec. 133.151, Local Government Code)
18 . . . \$50;

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

22 (D) on the filing of any civil action or
23 proceeding requiring a filing fee, including an appeal, and on the
24 filing of any counterclaim, cross-action, intervention,
25 interpleader, or third-party action requiring a filing fee, to fund
26 civil legal services for the indigent:

27 (i) for family law cases and proceedings as

1 defined by Section 25.0002, Government Code (Sec. 133.152, Local
2 Government Code) . . . \$5; or

3 (ii) for any case other than a case
4 described by Subparagraph (i) (Sec. 133.152, Local Government Code)
5 . . . \$10;

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

8 (A) for a suit with 10 or fewer plaintiffs (Sec.
9 51.317, Government Code) . . . \$50;

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

12 (C) for a suit with at least 26 but not more than
13 100 plaintiffs (Sec. 51.317, Government Code) . . . \$100;

14 (D) for a suit with at least 101 but not more than
15 500 plaintiffs (Sec. 51.317, Government Code) . . . \$125;

16 (E) for a suit with at least 501 but not more than
17 1,000 plaintiffs (Sec. 51.317, Government Code) . . . \$150; or

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

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

23 (8) for issuing a citation or other writ or process not
24 otherwise provided for, including one copy, when requested at the
25 time a suit or action is filed (Sec. 51.317, Government Code) . . .
26 \$8;

27 (9) for records management and preservation (Sec.

- 1 51.317, Government Code) . . . \$10;
- 2 (10) for issuing a subpoena, including one copy (Sec.
3 51.318, Government Code) . . . \$8;
- 4 (11) for issuing a citation, commission for
5 deposition, writ of execution, order of sale, writ of execution and
6 order of sale, writ of injunction, writ of garnishment, writ of
7 attachment, or writ of sequestration not provided for in Section
8 51.317, or any other writ or process not otherwise provided for,
9 including one copy if required by law (Sec. 51.318, Government
10 Code) . . . \$8;
- 11 (12) for searching files or records to locate a cause
12 when the docket number is not provided (Sec. 51.318, Government
13 Code) . . . \$5;
- 14 (13) for searching files or records to ascertain the
15 existence of an instrument or record in the district clerk's office
16 (Sec. 51.318, Government Code) . . . \$5;
- 17 (14) for abstracting a judgment (Sec. 51.318,
18 Government Code) . . . \$8;
- 19 (15) for approving a bond (Sec. 51.318, Government
20 Code) . . . \$4;
- 21 (16) for a certified copy of a record, judgment,
22 order, pleading, or paper on file or of record in the district
23 clerk's office, including certificate and seal, for each page or
24 part of a page (Sec. 51.318, Government Code) . . . \$1;
- 25 (17) for a noncertified copy, for each page or part of
26 a page (Sec. 51.318, Government Code) . . . not to exceed \$1;
- 27 (18) jury fee (Sec. 51.604, Government Code) . . .

1 \$30;

2 (19) for filing a report of divorce or annulment (Sec.
3 194.002, Health and Safety Code) . . . \$1;

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

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

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

14 (22-a) a child support service fee in Nueces County if
15 ordered by the commissioners court and assessed by the court (Sec.
16 152.1844, Human Resources Code) . . . not to exceed \$5 a month
17 payable annually in advance;

18 (22-b) a service fee to be paid by a person ordered by
19 a district court to pay child or spousal support:

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

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

26 (C) in Montague County (Sec. 152.1752, Human
27 Resources Code) . . . \$1 if fee is ordered to be paid monthly, 50

1 cents if fee is ordered to be paid semimonthly or weekly;

2 (22-c) attorney's fees as an additional cost in
3 Montague County on a finding of contempt of court for failure to pay
4 child or spousal support if the contempt action is initiated by the
5 probation department (Sec. 152.1752, Human Resources Code) . . .
6 \$15;

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

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

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

15 (26) court costs on citation for contempt of court in
16 Orange County for failure to comply with a child support order or
17 order providing for possession of or access to a child (Sec.
18 152.1873, Human Resources Code) . . . amount determined by district
19 clerk;

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

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

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

1 (30) additional filing fee for filing documents not
2 subject to certain filing fees to fund the courthouse security
3 fund, if authorized by the county commissioners court (Sec.
4 291.008, Local Government Code) . . . \$1;

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

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

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

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

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

25 (36) court fees and costs, if ordered by the court, for
26 a suit filed by an inmate in which an affidavit or unsworn
27 declaration of inability to pay costs is filed by the inmate (Sec.

1 14.006, Civil Practice and Remedies Code) . . . the lesser of:

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

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

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

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

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

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

21 (A) expenses of service of process;

22 (B) postage; and

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

26 (39) fee for performing a service:

27 (A) related to the matter of the estate of a

1 deceased person (Sec. 51.319, Government Code) . . . the same fee
2 allowed the county clerk for those services;

3 (B) related to the matter of a minor (Sec.
4 51.319, Government Code) . . . the same fee allowed the county
5 clerk for the service;

6 (C) of serving process by certified or registered
7 mail (Sec. 51.319, Government Code) . . . the same fee a sheriff or
8 constable is authorized to charge for the service under Section
9 118.131, Local Government Code; and

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

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

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

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

27 (43) fee for filing an additional petition for review

1 of an appraisal review board order relating to certain regulated
2 property running through or operating in more than one county after
3 the first petition for review relating to the same property is filed
4 for a tax year (Sec. 42.221, Tax Code) . . . \$5;

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

8 (45) court costs and attorney's fees in an eminent
9 domain proceeding (Sec. 21.047, Property Code) . . . as taxed by
10 the court and as reasonable, respectively.

11 SECTION 16. Section 101.081, Government Code, is amended to
12 read as follows:

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

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

20 (2) appellate judicial system filing fees:

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

23 (B) Second Court of Appeals District (Sec.
24 22.2031, Government Code) . . . not more than \$5;

25 (C) Fourth Court of Appeals District (Sec.
26 22.2051, Government Code) . . . not more than \$5;

27 (D) Fifth Court of Appeals District (Sec.

1 22.2061, Government Code) . . . not more than \$5; and

2 (E) Thirteenth Court of Appeals District (Sec.
3 22.2141, Government Code) . . . not more than \$5;

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

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

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

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

13 (B) in a county court at law in Nolan County (Sec.
14 25.1792, Government Code) . . . \$25;

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

16 (7) an additional filing fee:

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

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

24 (C) for filing any civil action or proceeding
25 requiring a filing fee, including an appeal, and on the filing of
26 any counterclaim, cross-action, intervention, interpleader, or
27 third-party action requiring a filing fee, to fund civil legal

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

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

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

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

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

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

16 (13) civil court actions (Sec. 118.052, Local
17 Government Code):

18 (A) filing of original action (Secs. 118.052 and
19 118.053, Local Government Code):

20 (i) garnishment after judgment (Sec.
21 118.052, Local Government Code) . . . \$15; and

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

24 (B) filing of action other than original (Secs.
25 118.052 and 118.054, Local Government Code) . . . \$30; and

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

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

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

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

7 (A) probate original action (Secs. 118.052 and
8 118.055, Local Government Code):

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

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

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

17 (iv) declarations of heirship (Sec.
18 118.052, Local Government Code) . . . \$40;

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

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

23 (B) services in pending probate action (Secs.
24 118.052 and 118.056, Local Government Code):

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

- 1 (ii) approving and recording bond (Sec.
2 118.052, Local Government Code) . . . \$3;
- 3 (iii) administering oath (Sec. 118.052,
4 Local Government Code) . . . \$2;
- 5 (iv) filing annual or final account of
6 estate (Sec. 118.052, Local Government Code) . . . \$25;
- 7 (v) filing application for sale of real or
8 personal property (Sec. 118.052, Local Government Code) . . . \$25;
- 9 (vi) filing annual or final report of
10 guardian of a person (Sec. 118.052, Local Government Code) . . .
11 \$10; and
- 12 (vii) filing a document not listed under
13 this paragraph after the filing of an order approving the inventory
14 and appraisal or after the 120th day after the date of the
15 initial filing of the action, whichever occurs first (Secs. 118.052
16 and 191.007, Local Government Code), if more than 25 pages . . .
17 \$25;
- 18 (C) adverse probate action (Secs. 118.052 and
19 118.057, Local Government Code) . . . \$40; and
- 20 (D) claim against estate (Secs. 118.052 and
21 118.058, Local Government Code) . . . \$2;
- 22 (15) other fees (Sec. 118.052, Local Government Code):
- 23 (A) issuing document (Secs. 118.052 and 118.059,
24 Local Government Code):
- 25 (i) original document and one copy (Sec.
26 118.052, Local Government Code) . . . \$4; and
- 27 (ii) each additional set of an original and

1 one copy (Sec. 118.052, Local Government Code) . . . \$4;

2 (B) certified papers (Secs. 118.052 and 118.060,
3 Local Government Code):

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

6 (ii) a fee per page or part of a page (Sec.
7 118.052, Local Government Code) . . . \$1;

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

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

14 (E) safekeeping of wills (Secs. 118.052 and
15 118.062, Local Government Code) . . . \$5;

16 (F) mail service of process (Secs. 118.052 and
17 118.063, Local Government Code) . . . same as sheriff; and

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

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

24 (17) additional filing fee for filing documents not
25 subject to certain filing fees to fund the courthouse security
26 fund, if authorized by the county commissioners court (Sec.
27 291.008, Local Government Code) . . . \$1;

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

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

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

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

14 (21-a) court costs and attorney's fees in an eminent
15 domain proceeding (Sec. 21.047, Property Code) . . . as taxed by
16 the court and as reasonable, respectively;

17 (22) fee for county attorney in a suit regarding a
18 railroad company's failure to keep roadbed and right-of-way in
19 proper condition (Art. 6327, Vernon's Texas Civil Statutes) . . .
20 \$10;

21 (23) court fees and costs, if ordered by the court, for
22 a suit filed by an inmate in which an affidavit or unsworn
23 declaration of inability to pay costs is filed by the inmate (Sec.
24 14.006, Civil Practice and Remedies Code) . . . the lesser of:

25 (A) 20 percent of the preceding six months'
26 deposits to the inmate's trust account administered by the Texas
27 Department of Criminal Justice under Section 501.014, Government

1 Code; or

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

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

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

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

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

17 (A) expenses of service of process;

18 (B) postage; and

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

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

24 (A) in Bexar County Courts at Law:

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

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

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

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

9 (27) a stenographer's fee as costs in each civil,
10 criminal, and probate case in which a record is made by the official
11 court reporter in a statutory county court in Nolan County (Sec.
12 25.1792, Government Code) . . . \$25;

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

17 (29) in Nueces County, in matters of concurrent
18 jurisdiction with the district court, with certain exceptions, fees
19 (Sec. 25.1802, Government Code) . . . equal to those in district
20 court cases;

21 (30) security deposit on filing, by any person other
22 than the personal representative of an estate, an application,
23 complaint, or opposition in relation to the estate, if required by
24 the clerk (Sec. 12, Texas Probate Code) . . . probable cost of the
25 proceeding;

26 (31) security deposit on filing, by any person other
27 than the guardian, attorney ad litem, or guardian ad litem, an

1 application, complaint, or opposition in relation to a guardianship
2 matter, if required by the clerk (Sec. 622, Texas Probate Code)
3 . . . probable cost of the guardianship proceeding;

4 (32) for a hearing or proceeding under the Texas
5 Mental Health Code (Subtitle C, Title 7, Health and Safety Code) as
6 costs (Secs. 571.017 and 571.018, Health and Safety Code) . . .
7 reasonable compensation to the following persons appointed under
8 the Texas Mental Health Code:

- 9 (A) attorneys;
10 (B) physicians;
11 (C) language interpreters;
12 (D) sign interpreters; and
13 (E) masters;

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

- 17 (A) attorney's fees;
18 (B) physician examination fees;
19 (C) expense of transportation to a mental health
20 facility or to a federal agency not to exceed \$50 if transporting
21 within the same county and not to exceed the reasonable cost of
22 transportation if transporting between counties;
23 (D) costs and salary supplements authorized
24 under Section 574.031, Health and Safety Code; and
25 (E) prosecutors' fees authorized under Section
26 574.031, Health and Safety Code;

27 (34) expenses of transporting certain patients from

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

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

9 (36) fee for judge's services for holding a hearing on
10 an application for court-ordered mental health services (Sec.
11 574.031, Health and Safety Code) . . . as assessed by the judge, not
12 to exceed \$50;

13 (37) expenses to reimburse judge for holding a hearing
14 in a hospital or location other than the county courthouse (Sec.
15 574.031, Health and Safety Code) . . . reasonable and necessary
16 expenses as certified;

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

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

1 SECTION 17. (a) The change in law made by Section 552.0037,
2 Government Code, as amended by this Act, applies only to a request
3 for disclosure made on or after the effective date of this Act. A
4 request for disclosure made before the effective date of this Act is
5 governed by the law in effect immediately before the effective date
6 of this Act, and that law is continued in effect for that purpose.

7 (b) The changes in law made by Chapter 2206, Government
8 Code, and Chapter 21, Property Code, as amended by this Act, apply
9 only to a condemnation proceeding in which the petition is filed on
10 or after the effective date of this Act and to any property
11 condemned through the proceeding. A condemnation proceeding in
12 which the petition is filed before the effective date of this Act
13 and any property condemned through the proceeding is governed by
14 the law in effect immediately before that date, and that law is
15 continued in effect for that purpose.

16 SECTION 18. Section 111.0195, Natural Resources Code, as
17 added by this Act, applies only to a condemnation proceeding in
18 which the petition is filed on or after the effective date of this
19 Act and to any property condemned through the proceeding. A
20 condemnation proceeding in which the petition is filed before the
21 effective date of this Act and any property condemned through the
22 proceeding is governed by the law in effect immediately before that
23 date, and that law is continued in effect for that purpose.

24 SECTION 19. (a) Except as provided by Subsection (b) of
25 this section, this Act takes effect September 1, 2007.

26 (b) Sections 5 and 12 of this Act, amending Sections 21.023
27 and 21.103, Property Code, take effect on the date on which the

1 constitutional amendment proposed by the 80th Legislature, Regular
2 Session, 2007, allowing a governmental entity to sell property
3 acquired through eminent domain back to the previous owners at the
4 price the entity paid to acquire the property takes effect. If that
5 amendment is not approved by the voters, Sections 5 and 12 of this
6 Act have no effect.