

1-1 By: Woolley, et al. (Senate Sponsor - Janek) H.B. No. 2006
1-2 (In the Senate - Received from the House May 9, 2007;
1-3 May 10, 2007, read first time and referred to Committee on State
1-4 Affairs; May 18, 2007, reported favorably, as amended, by the
1-5 following vote: Yeas 7, Nays 0; May 18, 2007, sent to printer.)

1-6 COMMITTEE AMENDMENT NO. 1 By: Janek

1-7 Amend H.B. No. 2006 (House Engrossed Version) as follows:

1-8 (1) In SECTION 2 of the bill, in Subdivision (2), Subsection
1-9 (b), added Section 2206.051, Government Code (page 4, line 42),
1-10 strike "or" and substitute "~~or~~".

1-11 (2) In SECTION 2 of the bill, in Subdivision (3), Subsection
1-12 (b), added Section 2206.051, Government Code (page 4, line 56),
1-13 between "Tax Code" and the period, insert the following:

1-14 ; or

1-15 (4) is not for a public use

1-16 (3) In SECTION 2 of the bill, strike Subsection (e), added
1-17 Section 2206.051, Government Code (page 5, lines 22-26), and
1-18 substitute the following:

1-19 (e) The determination by the governmental or private entity
1-20 proposing to take the property that the taking is for a public use
1-21 or does not involve an act or circumstance prohibited by Subsection
1-22 (b) does not create a presumption with respect to whether the
1-23 contemplated use is truly public or whether the taking involves
1-24 that act or circumstance.

1-25 (4) In SECTION 2 of the bill, in added Subsection (a),
1-26 Section 2206.103, Government Code (page 5, lines 38-39), strike
1-27 "Except as provided by Subsection (b) or (d)," and substitute "If
1-28 the motion required by Subsection (c) indicates that the first
1-29 record vote applies to all units of property to be condemned, and
1-30 the minutes of the entity reflect that the first vote applies to all
1-31 of those units, a single ordinance, resolution, or order may be
1-32 adopted for all of those units of property. If a member of the
1-33 governing body objects to adopting a single ordinance, resolution,
1-34 or order by a record vote for all units of property for which
1-35 condemnation proceedings are to be initiated,".

1-36 (5) In SECTION 2 of the bill, in added Subsection (a),
1-37 Section 2206.103, Government Code (page 5, lines 40-41), strike
1-38 "for which condemnation proceedings are to be initiated".

1-39 (6) In SECTION 3 of the bill, in the heading of added Section
1-40 21.0112, Property Code (page 6, line 7), strike "GOOD FAITH
1-41 STANDARD" and substitute "BONA FIDE OFFER REQUIRED".

1-42 (7) In SECTION 3 of the bill, in added Section 21.0112,
1-43 Property Code (page 6, line 9), strike "good faith effort" and
1-44 substitute "bona fide offer".

1-45 (8) In SECTION 3 of the bill, in added Section 21.0112,
1-46 Property Code (page 6, line 10), after the period, insert "A bona
1-47 fide offer is an offer that is not arbitrary or capricious and is
1-48 based on a reasonably thorough investigation and honest assessment
1-49 of the amount of the just compensation due to the landowner as a
1-50 result of the taking."

1-51 (9) In SECTION 4 of the bill, in added Subdivision (5),
1-52 Subsection (b), Section 21.012, Property Code (page 6, line 36),
1-53 strike "good faith effort" and substitute "bona fide offer".

1-54 (10) In SECTION 6 of the bill, in amended Section 21.041,
1-55 Property Code (page 6, line 57), between "shall" and "admit",
1-56 insert ", subject to the applicable rules of evidence,".

1-57 (11) In SECTION 6 of the bill, in amended Section 21.041,
1-58 Property Code (page 6, line 57), between "evidence" and "on",
1-59 insert "that would be considered by willing, knowledgeable, and
1-60 prudent purchasers and sellers in the marketplace who are not under
1-61 duress".

1-62 (12) In SECTION 6 of the bill, strike amended Subdivisions
1-63 (1) and (2), Section 21.041, Property Code (page 6, lines 58-69),
1-64 and substitute the following:

2-1 (1) the value of the property being condemned;
2-2 (2) the injury to the property owner;
2-3 (13) Strike SECTION 7 of the bill (page 7, lines 7-14) and
2-4 renumber subsequent SECTIONS accordingly.

2-5 (14) In SECTION 10 of the bill, strike added Subsection (d),
2-6 Section 21.047, Property Code (page 7, lines 36-40), and substitute
2-7 the following:

2-8 (d) If a court hearing a suit under this chapter determines
2-9 that a condemning entity did not make a bona fide offer to acquire
2-10 the property from the property owner voluntarily as required by
2-11 Section 21.0112, the court shall abate the suit and order the
2-12 condemnor to make a bona fide offer. If a court hearing a suit in
2-13 this chapter finds that by filing a petition under Section 21.012 or
2-14 by filing any other motion or pleading in the proceeding initiated
2-15 by the filing of that petition the condemnor violated Chapter 10,
2-16 Civil Practices and Remedies Code, the court shall order the
2-17 condemnor to pay:

2-18 (1) all costs are provided by Subsection (a); and
2-19 (2) any reasonable attorney's fees incurred by the owner
2-20 that are directly related to the violation.

2-21 (15) In SECTION 11 of the bill, in amended Subsection (a),
2-22 Section 21.101, Property Code (page 7, line 49), between
2-23 "acquisition" and the period, insert "or the governmental entity
2-24 fails to begin operation or construction of the project for which
2-25 the property was acquired before the 10th anniversary of that
2-26 date".

2-27 (16) Add the following appropriately numbered SECTIONS to
2-28 the bill and renumber existing SECTIONS accordingly:

2-29 SECTION __. Section 21.102, Property Code, is amended to
2-30 read as follows:

2-31 Sec. 21.102. NOTICE TO PREVIOUS PROPERTY OWNER AT TIME OF
2-32 CANCELLATION OF PUBLIC USE OR ON FAILURE TO BEGIN OPERATION OR
2-33 CONSTRUCTION OF A PUBLIC USE PROJECT. Not later than the 180th day
2-34 after the date of the cancellation of the public use for which real
2-35 property was acquired through eminent domain from a property owner
2-36 under Subchapter B or the 180th day after the 10th anniversary of
2-37 the date on which the property was acquired if the governmental
2-38 entity fails to begin operation or construction of the project for
2-39 which the property was acquired before the 10th anniversary of that
2-40 date, the governmental entity shall send by certified mail, return
2-41 receipt requested, to the property owner or the owner's heirs,
2-42 successors, or assigns a notice containing:

2-43 (1) an identification, which is not required to be a
2-44 legal description, of the property that was acquired;

2-45 (2) an identification of the public use for which the
2-46 property had been acquired and a statement that the public use has
2-47 been canceled or the governmental entity fails to begin operation
2-48 or construction of the project for which the property was acquired;
2-49 and

2-50 (3) a description of the person's right under this
2-51 subchapter to repurchase the property.

2-52 SECTION __. Not later than January 1, 2009, the comptroller
2-53 shall:

2-54 (1) identify all public and private entities with
2-55 eminent domain authority; and

2-56 (2) make recommendations to the legislature and the
2-57 governor regarding:

2-58 (A) which entities have, need, or should have
2-59 eminent domain authority;

2-60 (B) whether that eminent domain authority of
2-61 those entities should be continued, expanded, or limited; and

2-62 (C) the cause and effect of continuing,
2-63 eliminating, expanding, or limiting the eminent domain authority of
2-64 those entities.

2-65 COMMITTEE AMENDMENT NO. 2 By: Janek

2-66 Amend H.B. No. 2006 (House Engrossed Version) as follows:

2-67 (1) Strike SECTION 1 of the bill (pages 3-4, lines 66

3-1 through 19).
3-2 (2) Add the following appropriately numbered SECTIONS to
3-3 the bill:

3-4 SECTION __. Subchapter B, Chapter 21, Property Code, is
3-5 amended by adding Section 21.024 to read as follows:

3-6 Sec. 21.024. PRODUCTION OF INFORMATION BY CERTAIN ENTITIES.

3-7 (a) Notwithstanding any other law, an entity that is not subject to
3-8 Chapter 552, Government Code, and is authorized by law to acquire
3-9 private property through the use of eminent domain is required to
3-10 produce information as provided by this section if the information
3-11 is:

3-12 (1) requested by a person who owns property that is the
3-13 subject of a proposed or existing eminent domain proceeding or owns
3-14 property that is adjacent to property that is the subject of a
3-15 proposed or existing eminent domain proceeding; and

3-16 (2) related to the taking of the person's private
3-17 property by the entity through the use of eminent domain or property
3-18 adjacent to the requestor's property, if applicable.

3-19 (b) An entity described by Subsection (a) is required under
3-20 this section only to produce information relating to the
3-21 condemnation of the specific property owned by the requestor or
3-22 property adjacent to that property, if applicable, as described in
3-23 the request. A request under this section must contain sufficient
3-24 details to allow the entity to identify the specific tract of land
3-25 in relation to which the information is sought.

3-26 (c) The entity shall respond to a request in accordance with
3-27 the Texas Rules of Civil Procedure as if the request was made in a
3-28 matter pending before a state district court.

3-29 (d) Exceptions to disclosure provided by this chapter and
3-30 the Texas Rules of Civil Procedure apply to the disclosure of
3-31 information under this section.

3-32 (e) Jurisdiction to enforce the provisions of this section
3-33 resides in:

3-34 (1) the court in which the condemnation was initiated;
3-35 or

3-36 (2) if the condemnation proceeding has not been
3-37 initiated:

3-38 (A) a court that would have jurisdiction over a
3-39 proceeding to condemn the requestor's property; or

3-40 (B) a court with eminent domain jurisdiction in
3-41 the county in which the entity has its principal place of business.

3-42 (f) If the entity refuses to produce information requested
3-43 in accordance with this section and the court determines that the
3-44 refusal violates this section, the court may award the requestor's
3-45 reasonable attorney's fees incurred to compel the production of the
3-46 information.

3-47 (g) If an entity that received a request in accordance with
3-48 this section does not produce the requested information on or
3-49 before the 30th day after the request is made, the attorney general
3-50 may file an action in a court described by Subsection (e) to enforce
3-51 this section on the request of the person who made the request for
3-52 the information. If the court determines that the failure to
3-53 produce the information is a violation of this section, the court
3-54 may award the attorney general's reasonable expenses incurred to
3-55 compel the production of the information.

3-56 (h) If the attorney general files an action under Subsection
3-57 (g), the person who requested that the attorney general file the
3-58 action may not file a private action to enforce this section with
3-59 respect to the same request for information.

3-60 SECTION __. Section 552.0037, Government Code, is repealed.

3-61 (3) Renumber existing SECTIONS of the bill accordingly.

3-62 A BILL TO BE ENTITLED
3-63 AN ACT

3-64 relating to the use of eminent domain authority.

3-65 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

3-66 SECTION 1. Section 552.0037, Government Code, is amended to
3-67 read as follows:

4-1 Sec. 552.0037. CERTAIN ENTITIES AUTHORIZED TO TAKE PROPERTY
4-2 THROUGH EMINENT DOMAIN. (a) Notwithstanding any other law, and
4-3 except as provided by this section, information collected,
4-4 assembled, or maintained by an entity that is not a governmental
4-5 body but is authorized by law to take private property through the
4-6 use of eminent domain is subject to this chapter in the same manner
4-7 as information collected, assembled, or maintained by a
4-8 governmental body, but only if the information is:

4-9 (1) requested by a person who owns property that is the
4-10 subject of a proposed or existing eminent domain proceeding; and

4-11 (2) related to the taking of the person's private
4-12 property by the entity through the use of eminent domain.

4-13 (b) Notwithstanding Section 552.007, an entity described by
4-14 Subsection (a) is required under this section only to produce
4-15 documents relating to the condemnation of the specific property
4-16 owned by the requestor as described in the request.

4-17 (c) A request under this section must contain sufficient
4-18 details to allow the entity to identify the specific tract of land
4-19 in relation to which the information is sought.

4-20 SECTION 2. Chapter 2206, Government Code, is amended to
4-21 read as follows:

4-22 CHAPTER 2206. [~~LIMITATIONS ON USE OF~~] EMINENT DOMAIN
4-23 SUBCHAPTER A. GENERAL PROVISIONS

4-24 Sec. 2206.001. DEFINITION OF PUBLIC USE. Except as
4-25 otherwise provided by this chapter, "public use," with respect to
4-26 the use of eminent domain authority, means a use of property,
4-27 including a use described by Section 2206.051(c), that allows the
4-28 state, a political subdivision of the state, or the general public
4-29 of the state to possess, occupy, and enjoy the property.

4-30 SUBCHAPTER B. LIMITATIONS ON PURPOSE AND USE OF PROPERTY
4-31 ACQUIRED THROUGH EMINENT DOMAIN

4-32 Sec. 2206.051. LIMITATION ON EMINENT DOMAIN FOR PRIVATE
4-33 PARTIES OR ECONOMIC DEVELOPMENT PURPOSES. (a) This section
4-34 applies to the use of eminent domain under the laws of this state,
4-35 including a local or special law, by any governmental or private
4-36 entity, including:

4-37 (1) a state agency, including an institution of higher
4-38 education as defined by Section 61.003, Education Code;

4-39 (2) a political subdivision of this state; or

4-40 (3) a corporation created by a governmental entity to
4-41 act on behalf of the entity.

4-42 (b) A governmental or private entity may not take private
4-43 property through the use of eminent domain if the taking:

4-44 (1) confers a private benefit on a particular private
4-45 party through the use of the property;

4-46 (2) is for a public use that is merely a pretext to
4-47 confer a private benefit on a particular private party; or

4-48 (3) is for economic development purposes, unless the
4-49 economic development is a secondary purpose resulting from
4-50 municipal community development or municipal urban renewal
4-51 activities to eliminate an existing affirmative harm on society
4-52 from slum or blighted areas under:

4-53 (A) Chapter 373 or 374, Local Government Code,
4-54 other than an activity described by Section 373.002(b)(5), Local
4-55 Government Code; or

4-56 (B) Section 311.005(a)(1)(I), Tax Code.

4-57 (c) This section does not affect the authority of an entity
4-58 authorized by law to take private property through the use of
4-59 eminent domain for:

4-60 (1) transportation projects, including, but not
4-61 limited to, railroads, airports, or public roads or highways;

4-62 (2) entities authorized under Section 59, Article XVI,
4-63 Texas Constitution, including:

4-64 (A) port authorities;

4-65 (B) navigation districts; and

4-66 (C) any other conservation or reclamation
4-67 districts that act as ports;

4-68 (3) water supply, wastewater, flood control, and
4-69 drainage projects;

- 5-1 (4) public buildings, hospitals, and parks;
- 5-2 (5) the provision of utility services;
- 5-3 (6) a sports and community venue project approved by
- 5-4 voters at an election held on or before December 1, 2005, under
- 5-5 Chapter 334 or 335, Local Government Code;
- 5-6 (7) the operations of:
- 5-7 (A) a common carrier subject to Chapter 111,
- 5-8 Natural Resources Code~~[, and Section B(3)(b), Article 2.01, Texas~~
- 5-9 ~~Business Corporation Act]; or~~
- 5-10 (B) an energy transporter, as that term is
- 5-11 defined by Section 186.051, Utilities Code;
- 5-12 (8) a purpose authorized by Chapter 181, Utilities
- 5-13 Code;
- 5-14 (9) underground storage operations subject to Chapter
- 5-15 91, Natural Resources Code;
- 5-16 (10) a waste disposal project; or
- 5-17 (11) a library, museum, or related facility and any
- 5-18 infrastructure related to the facility.

5-19 (d) This section does not affect the authority of a
 5-20 governmental entity to condemn a leasehold estate on property owned
 5-21 by the governmental entity.

5-22 (e) The determination by the governmental or private entity
 5-23 proposing to take the property that the taking does not involve an
 5-24 act or circumstance prohibited by Subsection (b) does not create a
 5-25 presumption with respect to whether the taking involves that act or
 5-26 circumstance.

5-27 SUBCHAPTER C. PROCEDURES REQUIRED TO INITIATE
 5-28 EMINENT DOMAIN PROCEEDINGS

5-29 Sec. 2206.101. SHORT TITLE. This subchapter may be cited as
 5-30 the Truth in Condemnation Procedures Act.

5-31 Sec. 2206.102. APPLICABILITY. The procedures in this
 5-32 subchapter apply only to the use of eminent domain under the laws of
 5-33 this state by a governmental entity.

5-34 Sec. 2206.103. VOTE ON USE OF EMINENT DOMAIN. (a) Before a
 5-35 governmental entity initiates a condemnation proceeding by filing a
 5-36 petition under Section 21.012, Property Code, the governmental
 5-37 entity must authorize the initiation of the condemnation
 5-38 proceedings at a public meeting by a record vote. Except as
 5-39 provided by Subsection (b) or (d), a separate record vote must be
 5-40 taken for each unit of property for which condemnation proceedings
 5-41 are to be initiated.

5-42 (b) For the purposes of Subsection (a), if two or more units
 5-43 of real property are owned by the same person, the governmental
 5-44 entity may treat those units of property as one unit of property.

5-45 (c) The motion to adopt an ordinance, resolution, or order
 5-46 authorizing the initiation of condemnation proceedings under
 5-47 Chapter 21, Property Code, must be made in a form substantially
 5-48 similar to the following: "I move that the (name of governmental
 5-49 entity) authorize the use of the power of eminent domain to acquire
 5-50 (describe the property) for (describe the public use)." The
 5-51 description of the property required by this subsection is
 5-52 sufficient if the description of the location of and interest in the
 5-53 property that the governmental entity seeks to acquire is
 5-54 substantially similar to the description that is or could properly
 5-55 be used in a petition to condemn the property under Section 21.012,
 5-56 Property Code.

5-57 (d) If a project for a public use described by Section
 5-58 2206.051(c)(3) will require a governmental entity to acquire
 5-59 multiple tracts or units of property to construct facilities
 5-60 connecting one location to another location, the governing body of
 5-61 the entity may adopt a single ordinance, resolution, or order by a
 5-62 record vote that delegates the authority to initiate condemnation
 5-63 proceedings to the chief administrative official of the
 5-64 governmental entity.

5-65 (e) An ordinance, resolution, or order adopted under
 5-66 Subsection (d) is not required to identify specific properties that
 5-67 the governmental entity will acquire. The ordinance, resolution,
 5-68 or order must identify the general area to be covered by the project
 5-69 or the general route that will be used by the governmental entity

6-1 for the project in a way that provides property owners in and around
 6-2 the area or along the route reasonable notice that the owners'
 6-3 properties may be subject to condemnation proceedings during the
 6-4 planning or construction of the project.

6-5 SECTION 3. Subchapter B, Chapter 21, Property Code, is
 6-6 amended by adding Sections 21.0112 and 21.0113 to read as follows:

6-7 Sec. 21.0112. GOOD FAITH STANDARD. An entity with eminent
 6-8 domain authority that wants to acquire real property for a public
 6-9 use must make a good faith effort to acquire the property from the
 6-10 property owner voluntarily.

6-11 Sec. 21.0113. ADDITIONAL PROCEDURES FOR CERTAIN COMMON
 6-12 CARRIERS. (a) This section applies only to a condemnation
 6-13 proceeding initiated by a common carrier, as that term is defined by
 6-14 Section 111.002, Natural Resources Code.

6-15 (b) A common carrier that intends to exercise the power of
 6-16 eminent domain must serve the owner of the property to be acquired
 6-17 with notice that the common carrier intends to initiate
 6-18 condemnation proceedings on or before the date the common carrier
 6-19 files a condemnation petition.

6-20 (c) A notice required under this section must be served to
 6-21 the property owner by:

6-22 (1) regular mail; and

6-23 (2) certified mail, return receipt requested.

6-24 (d) A common carrier has the burden of proof to establish
 6-25 that a property owner received notice required by Subsection (b).

6-26 SECTION 4. Section 21.012(b), Property Code, is amended to
 6-27 read as follows:

6-28 (b) The petition must:

6-29 (1) describe the property to be condemned;

6-30 (2) state the purpose for which the entity intends to
 6-31 use the property;

6-32 (3) state the name of the owner of the property if the
 6-33 owner is known; ~~and~~

6-34 (4) state that the entity and the property owner are
 6-35 unable to agree on the damages; and

6-36 (5) state that the entity made a good faith effort to
 6-37 acquire the property from the property owner voluntarily.

6-38 SECTION 5. Section 21.023, Property Code, is amended to
 6-39 read as follows:

6-40 Sec. 21.023. DISCLOSURE OF INFORMATION REQUIRED AT TIME OF
 6-41 ACQUISITION. A governmental entity shall disclose in writing to
 6-42 the property owner, at the time of acquisition of the property
 6-43 through eminent domain, that:

6-44 (1) the owner or the owner's heirs, successors, or
 6-45 assigns are entitled to repurchase the property if the public use
 6-46 for which the property was acquired through eminent domain is
 6-47 canceled before the 10th anniversary of the date of acquisition;
 6-48 and

6-49 (2) the repurchase price is the price paid to the owner
 6-50 by the governmental entity at the time the governmental entity
 6-51 acquired the property through eminent domain ~~[fair market value of~~
 6-52 ~~the property at the time the public use was canceled].~~

6-53 SECTION 6. Section 21.041, Property Code, is amended to
 6-54 read as follows:

6-55 Sec. 21.041. EVIDENCE. As the basis for assessing actual
 6-56 damages to a property owner from a condemnation, the special
 6-57 commissioners shall admit evidence on:

6-58 (1) the value of the property being condemned,
 6-59 including any evidence that an owner of real property who desires
 6-60 but is not obligated to sell the property and a potential purchaser
 6-61 of the property who is under no necessity to purchase the property
 6-62 would consider with respect to the property if it were offered for
 6-63 sale;

6-64 (2) the injury to the property owner, including the
 6-65 financial damages associated with the cost of relocating from the
 6-66 condemned property, if the property was habitable, to another
 6-67 property that allows the property owner to have a standard of living
 6-68 comparable to the property owner's standard of living before the
 6-69 condemnation of the property;

7-1 (3) the benefit to the property owner's remaining
 7-2 property; and
 7-3 (4) the use of the property for the purpose of the
 7-4 condemnation.

7-5 SECTION 7. Section 21.042(d), Property Code, is amended to
 7-6 read as follows:

7-7 (d) In estimating injury or benefit under Subsection (c),
 7-8 the special commissioners shall consider an injury or benefit that
 7-9 is peculiar to the property owner, including the property owner's
 7-10 financial damages described by Section 21.041(2), and that relates
 7-11 to the property owner's ownership, use, or enjoyment of the
 7-12 particular parcel of real property, but they may not consider an
 7-13 injury or benefit that the property owner experiences in common
 7-14 with the general community.

7-15 SECTION 8. Sections 21.046(a) and (b), Property Code, are
 7-16 amended to read as follows:

7-17 (a) A department, agency, instrumentality, or political
 7-18 subdivision of this state shall ~~may~~ provide a relocation advisory
 7-19 service for an individual, a family, a business concern, a farming
 7-20 or ranching operation, or a nonprofit organization that ~~[if the~~
 7-21 ~~service]~~ is compatible with the Federal Uniform Relocation
 7-22 Assistance Advisory Program, 23 U.S.C.A. 501, et seq.

7-23 (b) This state or a political subdivision of this state
 7-24 shall ~~may~~, as a cost of acquiring real property, pay moving
 7-25 expenses and rental supplements, make relocation payments, provide
 7-26 financial assistance to acquire replacement housing, and
 7-27 compensate for expenses incidental to the transfer of the property
 7-28 if an individual, a family, the personal property of a business, a
 7-29 farming or ranching operation, or a nonprofit organization is
 7-30 displaced in connection with the acquisition.

7-31 SECTION 9. The heading to Section 21.047, Property Code, is
 7-32 amended to read as follows:

7-33 Sec. 21.047. ASSESSMENT OF COSTS AND FEES.

7-34 SECTION 10. Section 21.047, Property Code, is amended by
 7-35 adding Subsection (d) to read as follows:

7-36 (d) If a court hearing a suit under this chapter finds that a
 7-37 condemning entity did not make a good faith effort to acquire the
 7-38 property from the property owner voluntarily as required by Section
 7-39 21.0112, the court may order the condemning entity to pay all costs
 7-40 and any reasonable attorney's fees incurred by the property owner.

7-41 SECTION 11. Section 21.101(a), Property Code, is amended to
 7-42 read as follows:

7-43 (a) Except as provided in Subsection (b), this subchapter
 7-44 applies only to a real property interest acquired by a governmental
 7-45 entity through eminent domain for a public use. A person from whom
 7-46 the property interest is acquired or that person's heirs,
 7-47 successors, or assigns are entitled to repurchase the property as
 7-48 provided by this subchapter if that public use was canceled before
 7-49 the 10th anniversary of the date of acquisition.

7-50 SECTION 12. Section 21.103(b), Property Code, is amended to
 7-51 read as follows:

7-52 (b) As soon as practicable after receipt of a ~~the~~
 7-53 notification under Subsection (a), the governmental entity shall
 7-54 offer to sell the property interest to the person for the price paid
 7-55 to the owner by the governmental entity at the time the governmental
 7-56 entity acquired the property through eminent domain ~~[fair market~~
 7-57 ~~value of the property at the time the public use was canceled]~~. The
 7-58 person's right to repurchase the property expires on the 90th day
 7-59 after the date on which the governmental entity makes the offer.

7-60 SECTION 13. Subchapter B, Chapter 111, Natural Resources
 7-61 Code, is amended by adding Section 111.0195 to read as follows:

7-62 Sec. 111.0195. RIGHT OF EMINENT DOMAIN: ADDITIONAL
 7-63 PROCEDURES. (a) This section applies only to a condemnation
 7-64 proceeding initiated by a common carrier, as that term is defined by
 7-65 Section 111.002.

7-66 (b) A common carrier that intends to exercise the power of
 7-67 eminent domain must serve the owner of the property to be acquired
 7-68 with notice that the common carrier intends to initiate
 7-69 condemnation proceedings on or before the date the common carrier

8-1 files a condemnation petition.

8-2 (c) The special commissioners in an eminent domain
 8-3 proceeding to which this section applies:

8-4 (1) may not schedule a hearing to assess damages
 8-5 before the 30th day after the date of the special commissioners'
 8-6 appointment; and

8-7 (2) must serve a property owner with notice informing
 8-8 the property owner of the time and place of the hearing not later
 8-9 than the 21st day before the date set for the hearing.

8-10 (d) A court that has jurisdiction over a condemnation
 8-11 proceeding may appoint a replacement special commissioner if:

8-12 (1) the property owner or the common carrier objects
 8-13 to the appointment of a special commissioner by filing a written
 8-14 statement of the person's objections on the grounds of:

8-15 (A) a conflict of interest; or

8-16 (B) other good cause; and

8-17 (2) the court determines in a hearing that good cause
 8-18 is shown.

8-19 (e) The special commissioners may delay scheduling a
 8-20 hearing for a reasonable period if, by motion to the court that has
 8-21 jurisdiction over the condemnation proceeding, the property owner
 8-22 requests and is granted a delay by the court for good cause shown.

8-23 (f) A notice required under this section must be served by:

8-24 (1) regular mail; and

8-25 (2) certified mail, return receipt requested, to the
 8-26 property owner.

8-27 (g) A common carrier has the burden of proof to establish
 8-28 that notice was provided as required by Subsection (b).

8-29 SECTION 14. Subchapter G, Chapter 13, Water Code, is
 8-30 amended by adding Section 13.258 to read as follows:

8-31 Sec. 13.258. EMINENT DOMAIN. (a) A water and sewer utility
 8-32 that is operating in accordance with its certificate of convenience
 8-33 and necessity may acquire by condemnation only easements or lesser
 8-34 property interests reasonably necessary to comply with federal and
 8-35 state regulations relating to sanitation.

8-36 (b) The water and sewer utility shall exercise the power of
 8-37 eminent domain in the manner provided by Chapter 21, Property Code.

8-38 (c) The water and sewer utility may not exercise the power
 8-39 of eminent domain to condemn land to acquire rights to underground
 8-40 water or for water or water rights.

8-41 (d) A water and sewer utility may not exercise the power of
 8-42 eminent domain in a municipality with a population of more than 1.7
 8-43 million or in the municipality's extraterritorial jurisdiction to
 8-44 condemn land in which the municipality owns a fee, easement, or
 8-45 lesser property interest.

8-46 SECTION 15. Section 101.061, Government Code, is amended to
 8-47 read as follows:

8-48 Sec. 101.061. DISTRICT COURT FEES AND COSTS. The clerk of a
 8-49 district court shall collect fees and costs as follows:

8-50 (1) filing fee in action with respect to a fraudulent
 8-51 court record or fraudulent lien or claim filed against property
 8-52 (Sec. 12.005, Civil Practice and Remedies Code) . . . \$15;

8-53 (2) fee for service of notice of action with respect to
 8-54 a fraudulent court record or fraudulent lien or claim filed against
 8-55 property (Sec. 12.005, Civil Practice and Remedies Code) . . . not
 8-56 to exceed \$20, if notice delivered in person, or the cost of
 8-57 postage, if service is by registered or certified mail;

8-58 (3) court cost in certain civil cases to establish and
 8-59 maintain an alternative dispute resolution system, if authorized by
 8-60 the county commissioners court (Sec. 152.004, Civil Practice and
 8-61 Remedies Code) . . . not to exceed \$10;

8-62 (4) appellate judicial system filing fees for:

8-63 (A) First or Fourteenth Court of Appeals District
 8-64 (Sec. 22.2021, Government Code) . . . not more than \$5;

8-65 (B) Second Court of Appeals District (Sec.
 8-66 22.2031, Government Code) . . . not more than \$5;

8-67 (C) Fourth Court of Appeals District (Sec.
 8-68 22.2051, Government Code) . . . not more than \$5;

8-69 (D) Fifth Court of Appeals District (Sec.

9-1 22.2061, Government Code) . . . not more than \$5; and
 9-2 (E) Thirteenth Court of Appeals District (Sec.
 9-3 22.2141, Government Code) . . . not more than \$5;
 9-4 (5) additional filing fees:
 9-5 (A) for each suit filed for insurance contingency
 9-6 fund, if authorized by the county commissioners court (Sec. 51.302,
 9-7 Government Code) . . . not to exceed \$5;
 9-8 (B) for each civil suit filed, for court-related
 9-9 purposes for the support of the judiciary and for civil legal
 9-10 services to an indigent:
 9-11 (i) for family law cases and proceedings as
 9-12 defined by Section 25.0002, Government Code (Sec. 133.151, Local
 9-13 Government Code) . . . \$45; or
 9-14 (ii) for any case other than a case
 9-15 described by Subparagraph (i) (Sec. 133.151, Local Government Code)
 9-16 . . . \$50;
 9-17 (C) to fund the improvement of Dallas County
 9-18 civil court facilities, if authorized by the county commissioners
 9-19 court (Sec. 51.705, Government Code) . . . not more than \$15; and
 9-20 (D) on the filing of any civil action or
 9-21 proceeding requiring a filing fee, including an appeal, and on the
 9-22 filing of any counterclaim, cross-action, intervention,
 9-23 interpleader, or third-party action requiring a filing fee, to fund
 9-24 civil legal services for the indigent:
 9-25 (i) for family law cases and proceedings as
 9-26 defined by Section 25.0002, Government Code (Sec. 133.152, Local
 9-27 Government Code) . . . \$5; or
 9-28 (ii) for any case other than a case
 9-29 described by Subparagraph (i) (Sec. 133.152, Local Government Code)
 9-30 . . . \$10;
 9-31 (6) for filing a suit, including an appeal from an
 9-32 inferior court:
 9-33 (A) for a suit with 10 or fewer plaintiffs (Sec.
 9-34 51.317, Government Code) . . . \$50;
 9-35 (B) for a suit with at least 11 but not more than
 9-36 25 plaintiffs (Sec. 51.317, Government Code) . . . \$75;
 9-37 (C) for a suit with at least 26 but not more than
 9-38 100 plaintiffs (Sec. 51.317, Government Code) . . . \$100;
 9-39 (D) for a suit with at least 101 but not more than
 9-40 500 plaintiffs (Sec. 51.317, Government Code) . . . \$125;
 9-41 (E) for a suit with at least 501 but not more than
 9-42 1,000 plaintiffs (Sec. 51.317, Government Code) . . . \$150; or
 9-43 (F) for a suit with more than 1,000 plaintiffs
 9-44 (Sec. 51.317, Government Code) . . . \$200;
 9-45 (7) for filing a cross-action, counterclaim,
 9-46 intervention, contempt action, motion for new trial, or third-party
 9-47 petition (Sec. 51.317, Government Code) . . . \$15;
 9-48 (8) for issuing a citation or other writ or process not
 9-49 otherwise provided for, including one copy, when requested at the
 9-50 time a suit or action is filed (Sec. 51.317, Government Code) . . .
 9-51 \$8;
 9-52 (9) for records management and preservation (Sec.
 9-53 51.317, Government Code) . . . \$10;
 9-54 (10) for issuing a subpoena, including one copy (Sec.
 9-55 51.318, Government Code) . . . \$8;
 9-56 (11) for issuing a citation, commission for
 9-57 deposition, writ of execution, order of sale, writ of execution and
 9-58 order of sale, writ of injunction, writ of garnishment, writ of
 9-59 attachment, or writ of sequestration not provided for in Section
 9-60 51.317, or any other writ or process not otherwise provided for,
 9-61 including one copy if required by law (Sec. 51.318, Government
 9-62 Code) . . . \$8;
 9-63 (12) for searching files or records to locate a cause
 9-64 when the docket number is not provided (Sec. 51.318, Government
 9-65 Code) . . . \$5;
 9-66 (13) for searching files or records to ascertain the
 9-67 existence of an instrument or record in the district clerk's office
 9-68 (Sec. 51.318, Government Code) . . . \$5;
 9-69 (14) for abstracting a judgment (Sec. 51.318,

10-1 Government Code) . . . \$8;

10-2 (15) for approving a bond (Sec. 51.318, Government

10-3 Code) . . . \$4;

10-4 (16) for a certified copy of a record, judgment,

10-5 order, pleading, or paper on file or of record in the district

10-6 clerk's office, including certificate and seal, for each page or

10-7 part of a page (Sec. 51.318, Government Code) . . . \$1;

10-8 (17) for a noncertified copy, for each page or part of

10-9 a page (Sec. 51.318, Government Code) . . . not to exceed \$1;

10-10 (18) jury fee (Sec. 51.604, Government Code) . . .

10-11 \$30;

10-12 (19) for filing a report of divorce or annulment (Sec.

10-13 194.002, Health and Safety Code) . . . \$1;

10-14 (20) for filing a suit in Comal County (Sec. 152.0522,

10-15 Human Resources Code) . . . \$4;

10-16 (21) additional filing fee for family protection on

10-17 filing a suit for dissolution of a marriage under Chapter 6, Family

10-18 Code, if authorized by the county commissioners court (Sec. 51.961,

10-19 Government Code) . . . not to exceed \$30;

10-20 (22) fee on filing a suit for dissolution of a marriage

10-21 for services of child support department in Harris County, if

10-22 authorized by the county commissioners court (Sec. 152.1074, Human

10-23 Resources Code) . . . not to exceed \$12;

10-24 (22-a) a child support service fee in Nueces County if

10-25 ordered by the commissioners court and assessed by the court (Sec.

10-26 152.1844, Human Resources Code) . . . not to exceed \$5 a month

10-27 payable annually in advance;

10-28 (22-b) a service fee to be paid by a person ordered by

10-29 a district court to pay child or spousal support:

10-30 (A) in Collin County if authorized by the

10-31 juvenile board (Sec. 152.0492, Human Resources Code) . . . not to

10-32 exceed \$2.50 added to first support payment each month;

10-33 (B) in Johnson County if authorized by the

10-34 juvenile board (Sec. 152.1322, Human Resources Code) . . . \$1.00

10-35 added to first support payment each month; and

10-36 (C) in Montague County (Sec. 152.1752, Human

10-37 Resources Code) . . . \$1 if fee is ordered to be paid monthly, 50

10-38 cents if fee is ordered to be paid semimonthly or weekly;

10-39 (22-c) attorney's fees as an additional cost in

10-40 Montague County on a finding of contempt of court for failure to pay

10-41 child or spousal support if the contempt action is initiated by the

10-42 probation department (Sec. 152.1752, Human Resources Code) . . .

10-43 \$15;

10-44 (23) fee on filing a suit requesting an adoption in

10-45 Montague County (Sec. 152.1752, Human Resources Code) . . . \$25;

10-46 (24) court cost on citation for contempt of court for

10-47 failure to comply with child support order in Nueces County, if

10-48 authorized by the commissioners court (Sec. 152.1844, Human

10-49 Resources Code) . . . not to exceed \$10;

10-50 (25) fee on filing a suit for divorce in Orange County

10-51 (Sec. 152.1873, Human Resources Code) . . . not less than \$5;

10-52 (26) court costs on citation for contempt of court in

10-53 Orange County for failure to comply with a child support order or

10-54 order providing for possession of or access to a child (Sec.

10-55 152.1873, Human Resources Code) . . . amount determined by district

10-56 clerk;

10-57 (27) fee on filing a suit requesting an adoption in

10-58 Orange County (Sec. 152.1874, Human Resources Code) . . . not less

10-59 than \$25;

10-60 (28) fee on filing a suit requesting an adoption in

10-61 Wichita County (Sec. 152.2496, Human Resources Code) . . . \$100;

10-62 (29) additional filing fee to fund the courthouse

10-63 security fund, if authorized by the county commissioners court

10-64 (Sec. 291.008, Local Government Code) . . . not to exceed \$5;

10-65 (30) additional filing fee for filing documents not

10-66 subject to certain filing fees to fund the courthouse security

10-67 fund, if authorized by the county commissioners court (Sec.

10-68 291.008, Local Government Code) . . . \$1;

10-69 (31) additional filing fee to fund the courthouse

11-1 security fund in Webb County, if authorized by the county
11-2 commissioners court (Sec. 291.009, Local Government Code) . . . not
11-3 to exceed \$20;

11-4 (32) court cost in civil cases other than suits for
11-5 delinquent taxes to fund the county law library fund, if authorized
11-6 by the county commissioners court (Sec. 323.023, Local Government
11-7 Code) . . . not to exceed \$35;

11-8 (33) when administering a case for the Rockwall County
11-9 Court at Law (Sec. 25.2012, Government Code) . . . civil fees and
11-10 court costs as if the case had been filed in district court;

11-11 (34) at a hearing held by an associate judge in Dallas
11-12 County, a court cost to preserve the record, in the absence of a
11-13 court reporter, by other means (Sec. 54.509, Government Code) . . .
11-14 as assessed by the referring court or associate judge;

11-15 (35) at a hearing held by an associate judge in Duval
11-16 County, a court cost to preserve the record (Sec. 54.1151,
11-17 Government Code, as added by Chapter 1150, Acts of the 78th
11-18 Legislature, Regular Session, 2003) . . . as imposed by the
11-19 referring court or associate judge;

11-20 (36) court fees and costs, if ordered by the court, for
11-21 a suit filed by an inmate in which an affidavit or unsworn
11-22 declaration of inability to pay costs is filed by the inmate (Sec.
11-23 14.006, Civil Practice and Remedies Code) . . . the lesser of:

11-24 (A) 20 percent of the preceding six months'
11-25 deposits to the inmate's trust account administered by the Texas
11-26 Department of Criminal Justice under Section 501.014, Government
11-27 Code; or

11-28 (B) the total amount of court fees and costs;

11-29 (37) monthly payment for remaining court fees and
11-30 costs after the initial payment for a suit in which an affidavit or
11-31 unsworn declaration of inability to pay costs is filed by the inmate
11-32 (Sec. 14.006, Civil Practice and Remedies Code) . . . the lesser of
11-33 of:

11-34 (A) 10 percent of that month's deposit to the
11-35 inmate's trust account administered by the Texas Department of
11-36 Criminal Justice under Section 501.014, Government Code; or

11-37 (B) the total amount of court fees and costs that
11-38 remain unpaid;

11-39 (38) the following costs not otherwise charged to the
11-40 inmate under Section 14.006, Civil Practice and Remedies Code, if
11-41 the inmate has previously filed an action dismissed as malicious or
11-42 frivolous (Sec. 14.007, Civil Practice and Remedies Code):

11-43 (A) expenses of service of process;

11-44 (B) postage; and

11-45 (C) transportation, housing, or medical care
11-46 incurred in connection with the appearance of the inmate in the
11-47 court for any proceeding;

11-48 (39) fee for performing a service:

11-49 (A) related to the matter of the estate of a
11-50 deceased person (Sec. 51.319, Government Code) . . . the same fee
11-51 allowed the county clerk for those services;

11-52 (B) related to the matter of a minor (Sec.
11-53 51.319, Government Code) . . . the same fee allowed the county
11-54 clerk for the service;

11-55 (C) of serving process by certified or registered
11-56 mail (Sec. 51.319, Government Code) . . . the same fee a sheriff or
11-57 constable is authorized to charge for the service under Section
11-58 118.131, Local Government Code; and

11-59 (D) prescribed or authorized by law but for which
11-60 no fee is set (Sec. 51.319, Government Code) . . . a reasonable fee;

11-61 (40) court costs, which may include expert witness
11-62 fees in Travis County in an action in which the plaintiff prevails
11-63 against an insurer for economic damages sustained by the plaintiff
11-64 as a result of unfair discrimination (Sec. 544.054, Insurance Code)
11-65 . . . court costs and reasonable and necessary expert witness fees;

11-66 (41) security deposit on filing, by any person other
11-67 than the personal representative of an estate, an application,
11-68 complaint, or opposition in relation to the estate, if required by
11-69 the clerk (Sec. 12, Texas Probate Code) . . . probable cost of the

12-1 proceeding;
 12-2 (42) security deposit on filing, by any person other
 12-3 than the guardian, attorney ad litem, or guardian ad litem, an
 12-4 application, complaint, or opposition in relation to a guardianship
 12-5 matter, if required by the clerk (Sec. 622, Texas Probate Code)
 12-6 . . . probable cost of the guardianship proceeding; ~~and~~

12-7 (43) fee for filing an additional petition for review
 12-8 of an appraisal review board order relating to certain regulated
 12-9 property running through or operating in more than one county after
 12-10 the first petition for review relating to the same property is filed
 12-11 for a tax year (Sec. 42.221, Tax Code) . . . \$5;

12-12 (44) court costs for each special commissioner in an
 12-13 eminent domain proceeding (Sec. 21.047, Property Code) . . . as
 12-14 taxed by the court, \$10 or more; and

12-15 (45) court costs and attorney's fees in an eminent
 12-16 domain proceeding (Sec. 21.047, Property Code) . . . as taxed by
 12-17 the court and as reasonable, respectively.

12-18 SECTION 16. Section 101.081, Government Code, is amended to
 12-19 read as follows:

12-20 Sec. 101.081. STATUTORY COUNTY COURT FEES AND COSTS. The
 12-21 clerk of a statutory county court shall collect fees and costs as
 12-22 follows:

12-23 (1) court cost in certain civil cases to establish and
 12-24 maintain an alternative dispute resolution system, if authorized by
 12-25 the county commissioners court (Sec. 152.004, Civil Practice and
 12-26 Remedies Code) . . . not to exceed \$10;

12-27 (2) appellate judicial system filing fees:

12-28 (A) First or Fourteenth Court of Appeals District
 12-29 (Sec. 22.2021, Government Code) . . . not more than \$5;

12-30 (B) Second Court of Appeals District (Sec.
 12-31 22.2031, Government Code) . . . not more than \$5;

12-32 (C) Fourth Court of Appeals District (Sec.
 12-33 22.2051, Government Code) . . . not more than \$5;

12-34 (D) Fifth Court of Appeals District (Sec.
 12-35 22.2061, Government Code) . . . not more than \$5; and

12-36 (E) Thirteenth Court of Appeals District (Sec.
 12-37 22.2141, Government Code) . . . not more than \$5;

12-38 (3) an official court reporter fee, County Court at
 12-39 Law No. 2 of Bexar County (Sec. 25.0172, Government Code) . . . \$3;

12-40 (4) a court reporter fee when testimony is taken in a
 12-41 county court at law in McLennan County (Sec. 25.1572, Government
 12-42 Code) . . . \$3;

12-43 (5) a stenographer fee, if a record or part of a record
 12-44 is made:

12-45 (A) in a county court at law in Hidalgo County
 12-46 (Sec. 25.1102, Government Code) . . . \$20; and

12-47 (B) in a county court at law in Nolan County (Sec.
 12-48 25.1792, Government Code) . . . \$25;

12-49 (6) jury fee (Sec. 51.604, Government Code) . . . \$22;

12-50 (7) an additional filing fee:

12-51 (A) for each civil case filed to be used for
 12-52 court-related purposes for the support of the judiciary, if
 12-53 authorized by the county commissioners court (Sec. 51.702,
 12-54 Government Code) . . . \$40;

12-55 (B) to fund the improvement of Dallas County
 12-56 civil court facilities, if authorized by the county commissioners
 12-57 court (Sec. 51.705, Government Code) . . . not more than \$15; and

12-58 (C) for filing any civil action or proceeding
 12-59 requiring a filing fee, including an appeal, and on the filing of
 12-60 any counterclaim, cross-action, intervention, interpleader, or
 12-61 third-party action requiring a filing fee, to fund civil legal
 12-62 services for the indigent (Sec. 133.153, Local Government Code)
 12-63 . . . \$5;

12-64 (8) for filing an application for registration of
 12-65 death (Sec. 193.007, Health and Safety Code) . . . \$1;

12-66 (9) fee for judge's services on an application for
 12-67 court-ordered mental health services (Sec. 574.031, Health and
 12-68 Safety Code) . . . not to exceed \$50;

12-69 (10) fee for prosecutor's services on an application

13-1 for court-ordered mental health services (Sec. 574.031, Health and
13-2 Safety Code) . . . not to exceed \$50;

13-3 (11) for filing a suit in Comal County (Sec. 152.0522,
13-4 Human Resources Code) . . . \$4;

13-5 (12) additional filing fee to fund contingency fund
13-6 for liability insurance, if authorized by the county commissioners
13-7 court (Sec. 82.003, Local Government Code) . . . not to exceed \$5;

13-8 (13) civil court actions (Sec. 118.052, Local
13-9 Government Code):

13-10 (A) filing of original action (Secs. 118.052 and
13-11 118.053, Local Government Code):

13-12 (i) garnishment after judgment (Sec.
13-13 118.052, Local Government Code) . . . \$15; and

13-14 (ii) all others (Sec. 118.052, Local
13-15 Government Code) . . . \$40;

13-16 (B) filing of action other than original (Secs.
13-17 118.052 and 118.054, Local Government Code) . . . \$30; and

13-18 (C) services rendered after judgment in original
13-19 action (Secs. 118.052 and 118.0545, Local Government Code):

13-20 (i) abstract of judgment (Sec. 118.052,
13-21 Local Government Code) . . . \$5; and

13-22 (ii) execution, order of sale, writ, or
13-23 other process (Sec. 118.052, Local Government Code) . . . \$5;

13-24 (14) probate court actions (Sec. 118.052, Local
13-25 Government Code):

13-26 (A) probate original action (Secs. 118.052 and
13-27 118.055, Local Government Code):

13-28 (i) probate of a will with independent
13-29 executor, administration with will attached, administration of an
13-30 estate, guardianship or receivership of an estate, or muniment of
13-31 title (Sec. 118.052, Local Government Code) . . . \$40;

13-32 (ii) community survivors (Sec. 118.052,
13-33 Local Government Code) . . . \$40;

13-34 (iii) small estates (Sec. 118.052, Local
13-35 Government Code) . . . \$40;

13-36 (iv) declarations of heirship (Sec.
13-37 118.052, Local Government Code) . . . \$40;

13-38 (v) mental health or chemical dependency
13-39 services (Sec. 118.052, Local Government Code) . . . \$40; and

13-40 (vi) additional, special fee (Secs. 118.052
13-41 and 118.064, Local Government Code) . . . \$5;

13-42 (B) services in pending probate action (Secs.
13-43 118.052 and 118.056, Local Government Code):

13-44 (i) filing an inventory and appraisement
13-45 after the 120th day after the date of the initial filing of the
13-46 action (Sec. 118.052, Local Government Code) . . . \$25;

13-47 (ii) approving and recording bond (Sec.
13-48 118.052, Local Government Code) . . . \$3;

13-49 (iii) administering oath (Sec. 118.052,
13-50 Local Government Code) . . . \$2;

13-51 (iv) filing annual or final account of
13-52 estate (Sec. 118.052, Local Government Code) . . . \$25;

13-53 (v) filing application for sale of real or
13-54 personal property (Sec. 118.052, Local Government Code) . . . \$25;

13-55 (vi) filing annual or final report of
13-56 guardian of a person (Sec. 118.052, Local Government Code) . . .
13-57 \$10; and

13-58 (vii) filing a document not listed under
13-59 this paragraph after the filing of an order approving the inventory
13-60 and appraisement or after the 120th day after the date of the
13-61 initial filing of the action, whichever occurs first (Secs. 118.052
13-62 and 191.007, Local Government Code), if more than 25 pages . . .
13-63 \$25;

13-64 (C) adverse probate action (Secs. 118.052 and
13-65 118.057, Local Government Code) . . . \$40; and

13-66 (D) claim against estate (Secs. 118.052 and
13-67 118.058, Local Government Code) . . . \$2;

13-68 (15) other fees (Sec. 118.052, Local Government Code):
13-69 (A) issuing document (Secs. 118.052 and 118.059,

14-1 Local Government Code):

14-2 (i) original document and one copy (Sec.

14-3 118.052, Local Government Code) . . . \$4; and

14-4 (ii) each additional set of an original and

14-5 one copy (Sec. 118.052, Local Government Code) . . . \$4;

14-6 (B) certified papers (Secs. 118.052 and 118.060,

14-7 Local Government Code):

14-8 (i) for the clerk's certificate (Sec.

14-9 118.052, Local Government Code) . . . \$5; and

14-10 (ii) a fee per page or part of a page (Sec.

14-11 118.052, Local Government Code) . . . \$1;

14-12 (C) noncertified papers, for each page or part of

14-13 a page (Secs. 118.052 and 118.0605, Local Government Code) . . .

14-14 \$1;

14-15 (D) letters testamentary, letter of

14-16 guardianship, letter of administration, or abstract of judgment

14-17 (Secs. 118.052 and 118.061, Local Government Code) . . . \$2;

14-18 (E) safekeeping of wills (Secs. 118.052 and

14-19 118.062, Local Government Code) . . . \$5;

14-20 (F) mail service of process (Secs. 118.052 and

14-21 118.063, Local Government Code) . . . same as sheriff; and

14-22 (G) records management and preservation fee

14-23 (Secs. 118.052, 118.0546, and 118.0645, Local Government Code)

14-24 . . . \$5;

14-25 (16) additional filing fee to fund the courthouse

14-26 security fund, if authorized by the county commissioners court

14-27 (Sec. 291.008, Local Government Code) . . . not to exceed \$5;

14-28 (17) additional filing fee for filing documents not

14-29 subject to certain filing fees to fund the courthouse security

14-30 fund, if authorized by the county commissioners court (Sec.

14-31 291.008, Local Government Code) . . . \$1;

14-32 (18) additional filing fee to fund the courthouse

14-33 security fund in Webb County, if authorized by the county

14-34 commissioners court (Sec. 291.009, Local Government Code) . . . not

14-35 to exceed \$20;

14-36 (19) court cost in civil cases other than suits for

14-37 delinquent taxes to fund the county law library fund, if authorized

14-38 by the county commissioners court (Sec. 323.023, Local Government

14-39 Code) . . . not to exceed \$35;

14-40 (20) fee for deposit of a will with the county clerk

14-41 during testator's lifetime (Sec. 71, Texas Probate Code) . . . \$3;

14-42 (21) court cost for each special commissioner in an

14-43 eminent domain proceeding (Sec. 21.047, Property Code) . . . as

14-44 taxed by the court, \$10 or more;

14-45 (21-a) court costs and attorney's fees in an eminent

14-46 domain proceeding (Sec. 21.047, Property Code) . . . as taxed by

14-47 the court and as reasonable, respectively;

14-48 (22) fee for county attorney in a suit regarding a

14-49 railroad company's failure to keep roadbed and right-of-way in

14-50 proper condition (Art. 6327, Vernon's Texas Civil Statutes) . . .

14-51 \$10;

14-52 (23) court fees and costs, if ordered by the court, for

14-53 a suit filed by an inmate in which an affidavit or unsworn

14-54 declaration of inability to pay costs is filed by the inmate (Sec.

14-55 14.006, Civil Practice and Remedies Code) . . . the lesser of:

14-56 (A) 20 percent of the preceding six months'

14-57 deposits to the inmate's trust account administered by the Texas

14-58 Department of Criminal Justice under Section 501.014, Government

14-59 Code; or

14-60 (B) the total amount of court fees and costs;

14-61 (24) monthly payment for remaining court fees and

14-62 costs after the initial payment for a suit in which an affidavit or

14-63 unsworn declaration of inability to pay costs is filed by the inmate

14-64 (Sec. 14.006, Civil Practice and Remedies Code) . . . the lesser

14-65 of:

14-66 (A) 10 percent of that month's deposit to the

14-67 inmate's trust account administered by the Texas Department of

14-68 Criminal Justice under Section 501.014, Government Code; or

14-69 (B) the total amount of court fees and costs that

15-1 remain unpaid;

15-2 (25) the following costs not otherwise charged to the

15-3 inmate under Section 14.006, Civil Practice and Remedies Code, if

15-4 the inmate has previously filed an action dismissed as malicious or

15-5 frivolous (Sec. 14.007, Civil Practice and Remedies Code):

15-6 (A) expenses of service of process;

15-7 (B) postage; and

15-8 (C) transportation, housing, or medical care

15-9 incurred in connection with the appearance of the inmate in the

15-10 court for any proceeding;

15-11 (26) the official court reporter's fee taxed as costs

15-12 in civil actions in a statutory county court:

15-13 (A) in Bexar County Courts at Law:

15-14 (i) Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12

15-15 (Sec. 25.0172, Government Code) . . . taxed in the same manner as

15-16 the fee is taxed in district court; and

15-17 (ii) No. 2 (Sec. 25.0172, Government Code)

15-18 . . . \$3;

15-19 (B) in Galveston County (Sec. 25.0862,

15-20 Government Code) . . . taxed in the same manner as the fee is taxed

15-21 in civil cases in the district courts; and

15-22 (C) in Parker County (Sec. 25.1862, Government

15-23 Code) . . . taxed in the same manner as the fee is taxed in civil

15-24 cases in the district courts;

15-25 (27) a stenographer's fee as costs in each civil,

15-26 criminal, and probate case in which a record is made by the official

15-27 court reporter in a statutory county court in Nolan County (Sec.

15-28 25.1792, Government Code) . . . \$25;

15-29 (28) in Brazoria County, in matters of concurrent

15-30 jurisdiction with the district court, fees (Sec. 25.0222,

15-31 Government Code) . . . as prescribed by law for district judges

15-32 according to the nature of the matter;

15-33 (29) in Nueces County, in matters of concurrent

15-34 jurisdiction with the district court, with certain exceptions, fees

15-35 (Sec. 25.1802, Government Code) . . . equal to those in district

15-36 court cases;

15-37 (30) security deposit on filing, by any person other

15-38 than the personal representative of an estate, an application,

15-39 complaint, or opposition in relation to the estate, if required by

15-40 the clerk (Sec. 12, Texas Probate Code) . . . probable cost of the

15-41 proceeding;

15-42 (31) security deposit on filing, by any person other

15-43 than the guardian, attorney ad litem, or guardian ad litem, an

15-44 application, complaint, or opposition in relation to a guardianship

15-45 matter, if required by the clerk (Sec. 622, Texas Probate Code)

15-46 . . . probable cost of the guardianship proceeding;

15-47 (32) for a hearing or proceeding under the Texas

15-48 Mental Health Code (Subtitle C, Title 7, Health and Safety Code) as

15-49 costs (Secs. 571.017 and 571.018, Health and Safety Code) . . .

15-50 reasonable compensation to the following persons appointed under

15-51 the Texas Mental Health Code:

15-52 (A) attorneys;

15-53 (B) physicians;

15-54 (C) language interpreters;

15-55 (D) sign interpreters; and

15-56 (E) masters;

15-57 (33) for a hearing or proceeding under the Texas

15-58 Mental Health Code (Subtitle C, Title 7, Health and Safety Code) as

15-59 costs (Sec. 571.018, Health and Safety Code):

15-60 (A) attorney's fees;

15-61 (B) physician examination fees;

15-62 (C) expense of transportation to a mental health

15-63 facility or to a federal agency not to exceed \$50 if transporting

15-64 within the same county and not to exceed the reasonable cost of

15-65 transportation if transporting between counties;

15-66 (D) costs and salary supplements authorized

15-67 under Section 574.031, Health and Safety Code; and

15-68 (E) prosecutors' fees authorized under Section

15-69 574.031, Health and Safety Code;

16-1 (34) expenses of transporting certain patients from
16-2 the county of treatment to a hearing in the county in which the
16-3 proceedings originated (Sec. 574.008, Health and Safety Code) . . .
16-4 actual expenses unless certain arrangements are made to hold the
16-5 hearing in the county in which the patient is receiving services;

16-6 (35) expenses for expert witness testimony for an
16-7 indigent patient (Sec. 574.010, Health and Safety Code) . . . if
16-8 authorized by the court as reimbursement to the attorney ad litem,
16-9 court-approved expenses;

16-10 (36) fee for judge's services for holding a hearing on
16-11 an application for court-ordered mental health services (Sec.
16-12 574.031, Health and Safety Code) . . . as assessed by the judge, not
16-13 to exceed \$50;

16-14 (37) expenses to reimburse judge for holding a hearing
16-15 in a hospital or location other than the county courthouse (Sec.
16-16 574.031, Health and Safety Code) . . . reasonable and necessary
16-17 expenses as certified;

16-18 (38) fee for services of a prosecuting attorney,
16-19 including costs incurred for preparation of documents related to a
16-20 hearing on an application for court-ordered mental health services
16-21 (Sec. 574.031, Health and Safety Code) . . . as assessed by the
16-22 judge, not to exceed \$50; and

16-23 (39) a fee not otherwise listed in this section that is
16-24 required to be collected under Section 25.0008, Government Code
16-25 (Sec. 25.0008, Government Code), in a county other than Brazos,
16-26 Cameron, Ellis, Guadalupe, Harris, Henderson, Liberty, Moore,
16-27 Nolan, Panola, Parker, Starr, Victoria, and Williamson . . . as
16-28 prescribed by law relating to county judges' fees.

16-29 SECTION 17. (a) The change in law made by Section 552.0037,
16-30 Government Code, as amended by this Act, applies only to a request
16-31 for disclosure made on or after the effective date of this Act. A
16-32 request for disclosure made before the effective date of this Act is
16-33 governed by the law in effect immediately before the effective date
16-34 of this Act, and that law is continued in effect for that purpose.

16-35 (b) The changes in law made by Chapter 2206, Government
16-36 Code, and Chapter 21, Property Code, as amended by this Act, apply
16-37 only to a condemnation proceeding in which the petition is filed on
16-38 or after the effective date of this Act and to any property
16-39 condemned through the proceeding. A condemnation proceeding in
16-40 which the petition is filed before the effective date of this Act
16-41 and any property condemned through the proceeding is governed by
16-42 the law in effect immediately before that date, and that law is
16-43 continued in effect for that purpose.

16-44 SECTION 18. Section 111.0195, Natural Resources Code, as
16-45 added by this Act, applies only to a condemnation proceeding in
16-46 which the petition is filed on or after the effective date of this
16-47 Act and to any property condemned through the proceeding. A
16-48 condemnation proceeding in which the petition is filed before the
16-49 effective date of this Act and any property condemned through the
16-50 proceeding is governed by the law in effect immediately before that
16-51 date, and that law is continued in effect for that purpose.

16-52 SECTION 19. (a) Except as provided by Subsection (b) of
16-53 this section, this Act takes effect September 1, 2007.

16-54 (b) Sections 5 and 12 of this Act, amending Sections 21.023
16-55 and 21.103, Property Code, take effect on the date on which the
16-56 constitutional amendment proposed by the 80th Legislature, Regular
16-57 Session, 2007, allowing a governmental entity to sell property
16-58 acquired through eminent domain back to the previous owners at the
16-59 price the entity paid to acquire the property takes effect. If that
16-60 amendment is not approved by the voters, Sections 5 and 12 of this
16-61 Act have no effect.

16-62 * * * * *