

1-1 By: McClendon (Senate Sponsor - Van de Putte) H.B. No. 2272
1-2 (In the Senate - Received from the House April 16, 2007;
1-3 April 19, 2007, read first time and referred to Committee on
1-4 Jurisprudence; May 11, 2007, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 4, Nays 0;
1-6 May 11, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 2272 By: Wentworth

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to an additional filing fee for civil cases filed in Bexar
1-11 County.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter H, Chapter 51, Government Code, is
1-14 amended by adding Section 51.706 to read as follows:

1-15 Sec. 51.706. ADDITIONAL FILING FEE FOR CIVIL CASES IN BEXAR
1-16 COUNTY. (a) This section applies only to district courts, probate
1-17 courts, and county courts at law in Bexar County.

1-18 (b) Except as otherwise provided by this section and in
1-19 addition to all other fees authorized or required by other law, the
1-20 clerk of a court shall collect a filing fee of not more than \$15 in
1-21 each civil case filed in the court to be used for the construction,
1-22 renovation, or improvement of the facilities that house the Bexar
1-23 County civil and criminal courts. The fee does not apply to a suit
1-24 affecting the parent-child relationship for the adoption of a child
1-25 or the termination of parental rights.

1-26 (c) Court fees due under this section shall be collected in
1-27 the same manner as other fees, fines, or costs are collected in the
1-28 case.

1-29 (d) The clerk shall send the fees collected under this
1-30 section to the county treasurer or to any other official who
1-31 discharges the duties commonly assigned to the county treasurer at
1-32 least as frequently as monthly. The treasurer or other official
1-33 shall deposit the fees in a special account in the county treasury
1-34 dedicated to the construction, renovation, or improvement of the
1-35 facilities that house the courts collecting the fee.

1-36 (e) This section applies only to fees for a 12-month period
1-37 beginning October 1, if the commissioners court:

1-38 (1) adopts a resolution authorizing a fee of not more
1-39 than \$15;

1-40 (2) adopts a resolution requiring the county to spend
1-41 one dollar for the construction, renovation, or improvement of the
1-42 court facilities for each dollar spent from the special account
1-43 dedicated to that purpose; and

1-44 (3) files the resolutions with the county treasurer or
1-45 with any other official who discharges the duties commonly assigned
1-46 to the county treasurer not later than September 1 immediately
1-47 preceding the first 12-month period during which the fees are to be
1-48 collected.

1-49 (f) A resolution adopted under Subsection (e) continues
1-50 from year to year until October 1, 2022, allowing the county to
1-51 collect fees under the terms of this section until the resolution is
1-52 rescinded.

1-53 (g) The commissioners court may rescind a resolution
1-54 adopted under Subsection (e) by adopting a resolution rescinding
1-55 the resolution and submitting the rescission resolution to the
1-56 county treasurer or to any other official who discharges the duties
1-57 commonly assigned to the county treasurer not later than September
1-58 1 preceding the beginning of the first day of the county fiscal
1-59 year. The commissioners court may adopt an additional resolution
1-60 in the manner provided by Subsection (e) after rescinding a
1-61 previous resolution under that subsection.

1-62 (h) A fee established under a particular resolution is
1-63 abolished on the earlier of:

2-1 (1) the date a resolution adopted under Subsection (e)
2-2 is rescinded as provided by Subsection (g); or

2-3 (2) October 1, 2022.

2-4 (i) The county may make the required expenditure described
2-5 by Subsection (e)(2) at any time, regardless of when the
2-6 expenditure from the special account occurs.

2-7 SECTION 2. Section 101.061, Government Code, is amended to
2-8 read as follows:

2-9 Sec. 101.061. DISTRICT COURT FEES AND COSTS. The clerk of a
2-10 district court shall collect fees and costs as follows:

2-11 (1) filing fee in action with respect to a fraudulent
2-12 court record or fraudulent lien or claim filed against property
2-13 (Sec. 12.005, Civil Practice and Remedies Code) . . . \$15;

2-14 (2) fee for service of notice of action with respect to
2-15 a fraudulent court record or fraudulent lien or claim filed against
2-16 property (Sec. 12.005, Civil Practice and Remedies Code) . . . not
2-17 to exceed \$20, if notice delivered in person, or the cost of
2-18 postage, if service is by registered or certified mail;

2-19 (3) court cost in certain civil cases to establish and
2-20 maintain an alternative dispute resolution system, if authorized by
2-21 the county commissioners court (Sec. 152.004, Civil Practice and
2-22 Remedies Code) . . . not to exceed \$10;

2-23 (4) appellate judicial system filing fees for:

2-24 (A) First or Fourteenth Court of Appeals District
2-25 (Sec. 22.2021, Government Code) . . . not more than \$5;

2-26 (B) Second Court of Appeals District (Sec.
2-27 22.2031, Government Code) . . . not more than \$5;

2-28 (C) Fourth Court of Appeals District (Sec.
2-29 22.2051, Government Code) . . . not more than \$5;

2-30 (D) Fifth Court of Appeals District (Sec.
2-31 22.2061, Government Code) . . . not more than \$5; and

2-32 (E) Thirteenth Court of Appeals District (Sec.
2-33 22.2141, Government Code) . . . not more than \$5;

2-34 (5) additional filing fees:

2-35 (A) for each suit filed for insurance contingency
2-36 fund, if authorized by the county commissioners court (Sec. 51.302,
2-37 Government Code) . . . not to exceed \$5;

2-38 (B) for each civil suit filed, for court-related
2-39 purposes for the support of the judiciary and for civil legal
2-40 services to an indigent:

2-41 (i) for family law cases and proceedings as
2-42 defined by Section 25.0002, Government Code (Sec. 133.151, Local
2-43 Government Code) . . . \$45; or

2-44 (ii) for any case other than a case
2-45 described by Subparagraph (i) (Sec. 133.151, Local Government Code)
2-46 . . . \$50;

2-47 (C) to fund the improvement of Dallas County
2-48 civil court facilities, if authorized by the county commissioners
2-49 court (Sec. 51.705, Government Code) . . . not more than \$15; ~~and~~

2-50 (D) on the filing of any civil action or
2-51 proceeding requiring a filing fee, including an appeal, and on the
2-52 filing of any counterclaim, cross-action, intervention,
2-53 interpleader, or third-party action requiring a filing fee, to fund
2-54 civil legal services for the indigent:

2-55 (i) for family law cases and proceedings as
2-56 defined by Section 25.0002, Government Code (Sec. 133.152, Local
2-57 Government Code) . . . \$5; or

2-58 (ii) for any case other than a case
2-59 described by Subparagraph (i) (Sec. 133.152, Local Government Code)
2-60 . . . \$10; and

2-61 (E) to fund the improvement of Bexar County court
2-62 facilities, if authorized by the county commissioners court (Sec.
2-63 51.706, Government Code) . . . not more than \$15;

2-64 (6) for filing a suit, including an appeal from an
2-65 inferior court:

2-66 (A) for a suit with 10 or fewer plaintiffs (Sec.
2-67 51.317, Government Code) . . . \$50;

2-68 (B) for a suit with at least 11 but not more than
2-69 25 plaintiffs (Sec. 51.317, Government Code) . . . \$75;

- 3-1 (C) for a suit with at least 26 but not more than
- 3-2 100 plaintiffs (Sec. 51.317, Government Code) . . . \$100;
- 3-3 (D) for a suit with at least 101 but not more than
- 3-4 500 plaintiffs (Sec. 51.317, Government Code) . . . \$125;
- 3-5 (E) for a suit with at least 501 but not more than
- 3-6 1,000 plaintiffs (Sec. 51.317, Government Code) . . . \$150; or
- 3-7 (F) for a suit with more than 1,000 plaintiffs
- 3-8 (Sec. 51.317, Government Code) . . . \$200;
- 3-9 (7) for filing a cross-action, counterclaim,
- 3-10 intervention, contempt action, motion for new trial, or third-party
- 3-11 petition (Sec. 51.317, Government Code) . . . \$15;
- 3-12 (8) for issuing a citation or other writ or process not
- 3-13 otherwise provided for, including one copy, when requested at the
- 3-14 time a suit or action is filed (Sec. 51.317, Government Code) . . .
- 3-15 \$8;
- 3-16 (9) for records management and preservation (Sec.
- 3-17 51.317, Government Code) . . . \$10;
- 3-18 (10) for issuing a subpoena, including one copy (Sec.
- 3-19 51.318, Government Code) . . . \$8;
- 3-20 (11) for issuing a citation, commission for
- 3-21 deposition, writ of execution, order of sale, writ of execution and
- 3-22 order of sale, writ of injunction, writ of garnishment, writ of
- 3-23 attachment, or writ of sequestration not provided for in Section
- 3-24 51.317, or any other writ or process not otherwise provided for,
- 3-25 including one copy if required by law (Sec. 51.318, Government
- 3-26 Code) . . . \$8;
- 3-27 (12) for searching files or records to locate a cause
- 3-28 when the docket number is not provided (Sec. 51.318, Government
- 3-29 Code) . . . \$5;
- 3-30 (13) for searching files or records to ascertain the
- 3-31 existence of an instrument or record in the district clerk's office
- 3-32 (Sec. 51.318, Government Code) . . . \$5;
- 3-33 (14) for abstracting a judgment (Sec. 51.318,
- 3-34 Government Code) . . . \$8;
- 3-35 (15) for approving a bond (Sec. 51.318, Government
- 3-36 Code) . . . \$4;
- 3-37 (16) for a certified copy of a record, judgment,
- 3-38 order, pleading, or paper on file or of record in the district
- 3-39 clerk's office, including certificate and seal, for each page or
- 3-40 part of a page (Sec. 51.318, Government Code) . . . \$1;
- 3-41 (17) for a noncertified copy, for each page or part of
- 3-42 a page (Sec. 51.318, Government Code) . . . not to exceed \$1;
- 3-43 (18) jury fee (Sec. 51.604, Government Code) . . .
- 3-44 \$30;
- 3-45 (19) for filing a report of divorce or annulment (Sec.
- 3-46 194.002, Health and Safety Code) . . . \$1;
- 3-47 (20) for filing a suit in Comal County (Sec. 152.0522,
- 3-48 Human Resources Code) . . . \$4;
- 3-49 (21) additional filing fee for family protection on
- 3-50 filing a suit for dissolution of a marriage under Chapter 6, Family
- 3-51 Code, if authorized by the county commissioners court (Sec. 51.961,
- 3-52 Government Code) . . . not to exceed \$30;
- 3-53 (22) fee on filing a suit for dissolution of a marriage
- 3-54 for services of child support department in Harris County, if
- 3-55 authorized by the county commissioners court (Sec. 152.1074, Human
- 3-56 Resources Code) . . . not to exceed \$12;
- 3-57 (22-a) a child support service fee in Nueces County if
- 3-58 ordered by the commissioners court and assessed by the court (Sec.
- 3-59 152.1844, Human Resources Code) . . . not to exceed \$5 a month
- 3-60 payable annually in advance;
- 3-61 (22-b) a service fee to be paid by a person ordered by
- 3-62 a district court to pay child or spousal support:
- 3-63 (A) in Collin County if authorized by the
- 3-64 juvenile board (Sec. 152.0492, Human Resources Code) . . . not to
- 3-65 exceed \$2.50 added to first support payment each month;
- 3-66 (B) in Johnson County if authorized by the
- 3-67 juvenile board (Sec. 152.1322, Human Resources Code) . . . \$1.00
- 3-68 added to first support payment each month; and
- 3-69 (C) in Montague County (Sec. 152.1752, Human

4-1 Resources Code) . . . \$1 if fee is ordered to be paid monthly, 50
4-2 cents if fee is ordered to be paid semimonthly or weekly;
4-3 (22-c) attorney's fees as an additional cost in
4-4 Montague County on a finding of contempt of court for failure to pay
4-5 child or spousal support if the contempt action is initiated by the
4-6 probation department (Sec. 152.1752, Human Resources Code) . . .
4-7 \$15;
4-8 (23) fee on filing a suit requesting an adoption in
4-9 Montague County (Sec. 152.1752, Human Resources Code) . . . \$25;
4-10 (24) court cost on citation for contempt of court for
4-11 failure to comply with child support order in Nueces County, if
4-12 authorized by the commissioners court (Sec. 152.1844, Human
4-13 Resources Code) . . . not to exceed \$10;
4-14 (25) fee on filing a suit for divorce in Orange County
4-15 (Sec. 152.1873, Human Resources Code) . . . not less than \$5;
4-16 (26) court costs on citation for contempt of court in
4-17 Orange County for failure to comply with a child support order or
4-18 order providing for possession of or access to a child (Sec.
4-19 152.1873, Human Resources Code) . . . amount determined by district
4-20 clerk;
4-21 (27) fee on filing a suit requesting an adoption in
4-22 Orange County (Sec. 152.1874, Human Resources Code) . . . not less
4-23 than \$25;
4-24 (28) fee on filing a suit requesting an adoption in
4-25 Wichita County (Sec. 152.2496, Human Resources Code) . . . \$100;
4-26 (29) additional filing fee to fund the courthouse
4-27 security fund, if authorized by the county commissioners court
4-28 (Sec. 291.008, Local Government Code) . . . not to exceed \$5;
4-29 (30) additional filing fee for filing documents not
4-30 subject to certain filing fees to fund the courthouse security
4-31 fund, if authorized by the county commissioners court (Sec.
4-32 291.008, Local Government Code) . . . \$1;
4-33 (31) additional filing fee to fund the courthouse
4-34 security fund in Webb County, if authorized by the county
4-35 commissioners court (Sec. 291.009, Local Government Code) . . . not
4-36 to exceed \$20;
4-37 (32) court cost in civil cases other than suits for
4-38 delinquent taxes to fund the county law library fund, if authorized
4-39 by the county commissioners court (Sec. 323.023, Local Government
4-40 Code) . . . not to exceed \$35;
4-41 (33) when administering a case for the Rockwall County
4-42 Court at Law (Sec. 25.2012, Government Code) . . . civil fees and
4-43 court costs as if the case had been filed in district court;
4-44 (34) at a hearing held by an associate judge in Dallas
4-45 County, a court cost to preserve the record, in the absence of a
4-46 court reporter, by other means (Sec. 54.509, Government Code) . . .
4-47 as assessed by the referring court or associate judge;
4-48 (35) at a hearing held by an associate judge in Duval
4-49 County, a court cost to preserve the record (Sec. 54.1151,
4-50 Government Code, as added by Chapter 1150, Acts of the 78th
4-51 Legislature, Regular Session, 2003) . . . as imposed by the
4-52 referring court or associate judge;
4-53 (36) court fees and costs, if ordered by the court, for
4-54 a suit filed by an inmate in which an affidavit or unsworn
4-55 declaration of inability to pay costs is filed by the inmate (Sec.
4-56 14.006, Civil Practice and Remedies Code) . . . the lesser of:
4-57 (A) 20 percent of the preceding six months'
4-58 deposits to the inmate's trust account administered by the Texas
4-59 Department of Criminal Justice under Section 501.014, Government
4-60 Code; or
4-61 (B) the total amount of court fees and costs;
4-62 (37) monthly payment for remaining court fees and
4-63 costs after the initial payment for a suit in which an affidavit or
4-64 unsworn declaration of inability to pay costs is filed by the inmate
4-65 (Sec. 14.006, Civil Practice and Remedies Code) . . . the lesser
4-66 of:
4-67 (A) 10 percent of that month's deposit to the
4-68 inmate's trust account administered by the Texas Department of
4-69 Criminal Justice under Section 501.014, Government Code; or

5-1 (B) the total amount of court fees and costs that
5-2 remain unpaid;
5-3 (38) the following costs not otherwise charged to the
5-4 inmate under Section 14.006, Civil Practice and Remedies Code, if
5-5 the inmate has previously filed an action dismissed as malicious or
5-6 frivolous (Sec. 14.007, Civil Practice and Remedies Code):
5-7 (A) expenses of service of process;
5-8 (B) postage; and
5-9 (C) transportation, housing, or medical care
5-10 incurred in connection with the appearance of the inmate in the
5-11 court for any proceeding;
5-12 (39) fee for performing a service:
5-13 (A) related to the matter of the estate of a
5-14 deceased person (Sec. 51.319, Government Code) . . . the same fee
5-15 allowed the county clerk for those services;
5-16 (B) related to the matter of a minor (Sec.
5-17 51.319, Government Code) . . . the same fee allowed the county
5-18 clerk for the service;
5-19 (C) of serving process by certified or registered
5-20 mail (Sec. 51.319, Government Code) . . . the same fee a sheriff or
5-21 constable is authorized to charge for the service under Section
5-22 118.131, Local Government Code; and
5-23 (D) prescribed or authorized by law but for which
5-24 no fee is set (Sec. 51.319, Government Code) . . . a reasonable fee;
5-25 (40) court costs, which may include expert witness
5-26 fees in Travis County in an action in which the plaintiff prevails
5-27 against an insurer for economic damages sustained by the plaintiff
5-28 as a result of unfair discrimination (Sec. 544.054, Insurance Code)
5-29 . . . court costs and reasonable and necessary expert witness fees;
5-30 (41) security deposit on filing, by any person other
5-31 than the personal representative of an estate, an application,
5-32 complaint, or opposition in relation to the estate, if required by
5-33 the clerk (Sec. 12, Texas Probate Code) . . . probable cost of the
5-34 proceeding;
5-35 (42) security deposit on filing, by any person other
5-36 than the guardian, attorney ad litem, or guardian ad litem, an
5-37 application, complaint, or opposition in relation to a guardianship
5-38 matter, if required by the clerk (Sec. 622, Texas Probate Code)
5-39 . . . probable cost of the guardianship proceeding; and
5-40 (43) fee for filing an additional petition for review
5-41 of an appraisal review board order relating to certain regulated
5-42 property running through or operating in more than one county after
5-43 the first petition for review relating to the same property is filed
5-44 for a tax year (Sec. 42.221, Tax Code) . . . \$5.
5-45 SECTION 3. Section 101.081, Government Code, is amended to
5-46 read as follows:
5-47 Sec. 101.081. STATUTORY COUNTY COURT FEES AND COSTS. The
5-48 clerk of a statutory county court shall collect fees and costs as
5-49 follows:
5-50 (1) court cost in certain civil cases to establish and
5-51 maintain an alternative dispute resolution system, if authorized by
5-52 the county commissioners court (Sec. 152.004, Civil Practice and
5-53 Remedies Code) . . . not to exceed \$10;
5-54 (2) appellate judicial system filing fees:
5-55 (A) First or Fourteenth Court of Appeals District
5-56 (Sec. 22.2021, Government Code) . . . not more than \$5;
5-57 (B) Second Court of Appeals District (Sec.
5-58 22.2031, Government Code) . . . not more than \$5;
5-59 (C) Fourth Court of Appeals District (Sec.
5-60 22.2051, Government Code) . . . not more than \$5;
5-61 (D) Fifth Court of Appeals District (Sec.
5-62 22.2061, Government Code) . . . not more than \$5; and
5-63 (E) Thirteenth Court of Appeals District (Sec.
5-64 22.2141, Government Code) . . . not more than \$5;
5-65 (3) an official court reporter fee, County Court at
5-66 Law No. 2 of Bexar County (Sec. 25.0172, Government Code) . . . \$3;
5-67 (4) a court reporter fee when testimony is taken in a
5-68 county court at law in McLennan County (Sec. 25.1572, Government
5-69 Code) . . . \$3;

6-1 (5) a stenographer fee, if a record or part of a record
6-2 is made:
6-3 (A) in a county court at law in Hidalgo County
6-4 (Sec. 25.1102, Government Code) . . . \$20; and
6-5 (B) in a county court at law in Nolan County (Sec.
6-6 25.1792, Government Code) . . . \$25;
6-7 (6) jury fee (Sec. 51.604, Government Code) . . . \$22;
6-8 (7) an additional filing fee:
6-9 (A) for each civil case filed to be used for
6-10 court-related purposes for the support of the judiciary, if
6-11 authorized by the county commissioners court (Sec. 51.702,
6-12 Government Code) . . . \$40;
6-13 (B) to fund the improvement of Dallas County
6-14 civil court facilities, if authorized by the county commissioners
6-15 court (Sec. 51.705, Government Code) . . . not more than \$15; ~~and~~
6-16 (C) for filing any civil action or proceeding
6-17 requiring a filing fee, including an appeal, and on the filing of
6-18 any counterclaim, cross-action, intervention, interpleader, or
6-19 third-party action requiring a filing fee, to fund civil legal
6-20 services for the indigent (Sec. 133.153, Local Government Code)
6-21 . . . \$5; and
6-22 (D) to fund the improvement of Bexar County court
6-23 facilities, if authorized by the county commissioners court (Sec.
6-24 51.706, Government Code) . . . not more than \$15;
6-25 (8) for filing an application for registration of
6-26 death (Sec. 193.007, Health and Safety Code) . . . \$1;
6-27 (9) fee for judge's services on an application for
6-28 court-ordered mental health services (Sec. 574.031, Health and
6-29 Safety Code) . . . not to exceed \$50;
6-30 (10) fee for prosecutor's services on an application
6-31 for court-ordered mental health services (Sec. 574.031, Health and
6-32 Safety Code) . . . not to exceed \$50;
6-33 (11) for filing a suit in Comal County (Sec. 152.0522,
6-34 Human Resources Code) . . . \$4;
6-35 (12) additional filing fee to fund contingency fund
6-36 for liability insurance, if authorized by the county commissioners
6-37 court (Sec. 82.003, Local Government Code) . . . not to exceed \$5;
6-38 (13) civil court actions (Sec. 118.052, Local
6-39 Government Code):
6-40 (A) filing of original action (Secs. 118.052 and
6-41 118.053, Local Government Code):
6-42 (i) garnishment after judgment (Sec.
6-43 118.052, Local Government Code) . . . \$15; and
6-44 (ii) all others (Sec. 118.052, Local
6-45 Government Code) . . . \$40;
6-46 (B) filing of action other than original (Secs.
6-47 118.052 and 118.054, Local Government Code) . . . \$30; and
6-48 (C) services rendered after judgment in original
6-49 action (Secs. 118.052 and 118.0545, Local Government Code):
6-50 (i) abstract of judgment (Sec. 118.052,
6-51 Local Government Code) . . . \$5; and
6-52 (ii) execution, order of sale, writ, or
6-53 other process (Sec. 118.052, Local Government Code) . . . \$5;
6-54 (14) probate court actions (Sec. 118.052, Local
6-55 Government Code):
6-56 (A) probate original action (Secs. 118.052 and
6-57 118.055, Local Government Code):
6-58 (i) probate of a will with independent
6-59 executor, administration with will attached, administration of an
6-60 estate, guardianship or receivership of an estate, or muniment of
6-61 title (Sec. 118.052, Local Government Code) . . . \$40;
6-62 (ii) community survivors (Sec. 118.052,
6-63 Local Government Code) . . . \$40;
6-64 (iii) small estates (Sec. 118.052, Local
6-65 Government Code) . . . \$40;
6-66 (iv) declarations of heirship (Sec.
6-67 118.052, Local Government Code) . . . \$40;
6-68 (v) mental health or chemical dependency
6-69 services (Sec. 118.052, Local Government Code) . . . \$40; and

7-1 (vi) additional, special fee (Secs. 118.052
7-2 and 118.064, Local Government Code) . . . \$5;
7-3 (B) services in pending probate action (Secs.
7-4 118.052 and 118.056, Local Government Code):
7-5 (i) filing an inventory and appraisement
7-6 after the 120th day after the date of the initial filing of the
7-7 action (Sec. 118.052, Local Government Code) . . . \$25;
7-8 (ii) approving and recording bond (Sec.
7-9 118.052, Local Government Code) . . . \$3;
7-10 (iii) administering oath (Sec. 118.052,
7-11 Local Government Code) . . . \$2;
7-12 (iv) filing annual or final account of
7-13 estate (Sec. 118.052, Local Government Code) . . . \$25;
7-14 (v) filing application for sale of real or
7-15 personal property (Sec. 118.052, Local Government Code). . . \$25;
7-16 (vi) filing annual or final report of
7-17 guardian of a person (Sec. 118.052, Local Government Code) . . .
7-18 \$10; and
7-19 (vii) filing a document not listed under
7-20 this paragraph after the filing of an order approving the inventory
7-21 and appraisement or after the 120th day after the date of the
7-22 initial filing of the action, whichever occurs first (Secs. 118.052
7-23 and 191.007, Local Government Code), if more than 25 pages . . .
7-24 \$25;
7-25 (C) adverse probate action (Secs. 118.052 and
7-26 118.057, Local Government Code) . . . \$40; and
7-27 (D) claim against estate (Secs. 118.052 and
7-28 118.058, Local Government Code) . . . \$2;
7-29 (15) other fees (Sec. 118.052, Local Government Code):
7-30 (A) issuing document (Secs. 118.052 and 118.059,
7-31 Local Government Code):
7-32 (i) original document and one copy (Sec.
7-33 118.052, Local Government Code) . . . \$4; and
7-34 (ii) each additional set of an original and
7-35 one copy (Sec. 118.052, Local Government Code) . . . \$4;
7-36 (B) certified papers (Secs. 118.052 and 118.060,
7-37 Local Government Code):
7-38 (i) for the clerk's certificate (Sec.
7-39 118.052, Local Government Code) . . . \$5; and
7-40 (ii) a fee per page or part of a page (Sec.
7-41 118.052, Local Government Code) . . . \$1;
7-42 (C) noncertified papers, for each page or part of
7-43 a page (Secs. 118.052 and 118.0605, Local Government Code) . . .
7-44 \$1;
7-45 (D) letters testamentary, letter of
7-46 guardianship, letter of administration, or abstract of judgment
7-47 (Secs. 118.052 and 118.061, Local Government Code) . . . \$2;
7-48 (E) safekeeping of wills (Secs. 118.052 and
7-49 118.062, Local Government Code) . . . \$5;
7-50 (F) mail service of process (Secs. 118.052 and
7-51 118.063, Local Government Code) . . . same as sheriff; and
7-52 (G) records management and preservation fee
7-53 (Secs. 118.052, 118.0546, and 118.0645, Local Government Code)
7-54 . . . \$5;
7-55 (16) additional filing fee to fund the courthouse
7-56 security fund, if authorized by the county commissioners court
7-57 (Sec. 291.008, Local Government Code) . . . not to exceed \$5;
7-58 (17) additional filing fee for filing documents not
7-59 subject to certain filing fees to fund the courthouse security
7-60 fund, if authorized by the county commissioners court (Sec.
7-61 291.008, Local Government Code) . . . \$1;
7-62 (18) additional filing fee to fund the courthouse
7-63 security fund in Webb County, if authorized by the county
7-64 commissioners court (Sec. 291.009, Local Government Code) . . . not
7-65 to exceed \$20;
7-66 (19) court cost in civil cases other than suits for
7-67 delinquent taxes to fund the county law library fund, if authorized
7-68 by the county commissioners court (Sec. 323.023, Local Government
7-69 Code) . . . not to exceed \$35;

- 8-1 (20) fee for deposit of a will with the county clerk
- 8-2 during testator's lifetime (Sec. 71, Texas Probate Code) . . . \$3;
- 8-3 (21) court cost for each special commissioner in an
- 8-4 eminent domain proceeding (Sec. 21.047, Property Code). . . as
- 8-5 taxed by the court, \$10 or more;
- 8-6 (22) fee for county attorney in a suit regarding a
- 8-7 railroad company's failure to keep roadbed and right-of-way in
- 8-8 proper condition (Art. 6327, Vernon's Texas Civil Statutes) . . .
- 8-9 \$10;
- 8-10 (23) court fees and costs, if ordered by the court, for
- 8-11 a suit filed by an inmate in which an affidavit or unsworn
- 8-12 declaration of inability to pay costs is filed by the inmate (Sec.
- 8-13 14.006, Civil Practice and Remedies Code) . . . the lesser of:
- 8-14 (A) 20 percent of the preceding six months'
- 8-15 deposits to the inmate's trust account administered by the Texas
- 8-16 Department of Criminal Justice under Section 501.014, Government
- 8-17 Code; or
- 8-18 (B) the total amount of court fees and costs;
- 8-19 (24) monthly payment for remaining court fees and
- 8-20 costs after the initial payment for a suit in which an affidavit or
- 8-21 unsworn declaration of inability to pay costs is filed by the inmate
- 8-22 (Sec. 14.006, Civil Practice and Remedies Code) . . . the lesser
- 8-23 of:
- 8-24 (A) 10 percent of that month's deposit to the
- 8-25 inmate's trust account administered by the Texas Department of
- 8-26 Criminal Justice under Section 501.014, Government Code; or
- 8-27 (B) the total amount of court fees and costs that
- 8-28 remain unpaid;
- 8-29 (25) the following costs not otherwise charged to the
- 8-30 inmate under Section 14.006, Civil Practice and Remedies Code, if
- 8-31 the inmate has previously filed an action dismissed as malicious or
- 8-32 frivolous (Sec. 14.007, Civil Practice and Remedies Code):
- 8-33 (A) expenses of service of process;
- 8-34 (B) postage; and
- 8-35 (C) transportation, housing, or medical care
- 8-36 incurred in connection with the appearance of the inmate in the
- 8-37 court for any proceeding;
- 8-38 (26) the official court reporter's fee taxed as costs
- 8-39 in civil actions in a statutory county court:
- 8-40 (A) in Bexar County Courts at Law:
- 8-41 (i) Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12
- 8-42 (Sec. 25.0172, Government Code) . . . taxed in the same manner as
- 8-43 the fee is taxed in district court; and
- 8-44 (ii) No. 2 (Sec. 25.0172, Government Code)
- 8-45 . . . \$3;
- 8-46 (B) in Galveston County (Sec. 25.0862,
- 8-47 Government Code) . . . taxed in the same manner as the fee is taxed
- 8-48 in civil cases in the district courts; and
- 8-49 (C) in Parker County (Sec. 25.1862, Government
- 8-50 Code) . . . taxed in the same manner as the fee is taxed in civil
- 8-51 cases in the district courts;
- 8-52 (27) a stenographer's fee as costs in each civil,
- 8-53 criminal, and probate case in which a record is made by the official
- 8-54 court reporter in a statutory county court in Nolan County (Sec.
- 8-55 25.1792, Government Code) . . . \$25;
- 8-56 (28) in Brazoria County, in matters of concurrent
- 8-57 jurisdiction with the district court, fees (Sec. 25.0222,
- 8-58 Government Code) . . . as prescribed by law for district judges
- 8-59 according to the nature of the matter;
- 8-60 (29) in Nueces County, in matters of concurrent
- 8-61 jurisdiction with the district court, with certain exceptions, fees
- 8-62 (Sec. 25.1802, Government Code) . . . equal to those in district
- 8-63 court cases;
- 8-64 (30) security deposit on filing, by any person other
- 8-65 than the personal representative of an estate, an application,
- 8-66 complaint, or opposition in relation to the estate, if required by
- 8-67 the clerk (Sec. 12, Texas Probate Code) . . . probable cost of the
- 8-68 proceeding;
- 8-69 (31) security deposit on filing, by any person other

9-1 than the guardian, attorney ad litem, or guardian ad litem, an
9-2 application, complaint, or opposition in relation to a guardianship
9-3 matter, if required by the clerk (Sec. 622, Texas Probate Code)
9-4 . . . probable cost of the guardianship proceeding;

9-5 (32) for a hearing or proceeding under the Texas
9-6 Mental Health Code (Subtitle C, Title 7, Health and Safety Code) as
9-7 costs (Secs. 571.017 and 571.018, Health and Safety Code) . . .
9-8 reasonable compensation to the following persons appointed under
9-9 the Texas Mental Health Code:

- 9-10 (A) attorneys;
- 9-11 (B) physicians;
- 9-12 (C) language interpreters;
- 9-13 (D) sign interpreters; and
- 9-14 (E) masters;

9-15 (33) for a hearing or proceeding under the Texas
9-16 Mental Health Code (Subtitle C, Title 7, Health and Safety Code) as
9-17 costs (Sec. 571.018, Health and Safety Code):

- 9-18 (A) attorney's fees;
- 9-19 (B) physician examination fees;
- 9-20 (C) expense of transportation to a mental health
9-21 facility or to a federal agency not to exceed \$50 if transporting
9-22 within the same county and not to exceed the reasonable cost of
9-23 transportation if transporting between counties;
- 9-24 (D) costs and salary supplements authorized
9-25 under Section 574.031, Health and Safety Code; and
- 9-26 (E) prosecutors' fees authorized under Section
9-27 574.031, Health and Safety Code;

9-28 (34) expenses of transporting certain patients from
9-29 the county of treatment to a hearing in the county in which the
9-30 proceedings originated (Sec. 574.008, Health and Safety Code) . . .
9-31 actual expenses unless certain arrangements are made to hold the
9-32 hearing in the county in which the patient is receiving services;

9-33 (35) expenses for expert witness testimony for an
9-34 indigent patient (Sec. 574.010, Health and Safety Code) . . . if
9-35 authorized by the court as reimbursement to the attorney ad litem,
9-36 court-approved expenses;

9-37 (36) fee for judge's services for holding a hearing on
9-38 an application for court-ordered mental health services (Sec.
9-39 574.031, Health and Safety Code) . . . as assessed by the judge, not
9-40 to exceed \$50;

9-41 (37) expenses to reimburse judge for holding a hearing
9-42 in a hospital or location other than the county courthouse (Sec.
9-43 574.031, Health and Safety Code) . . . reasonable and necessary
9-44 expenses as certified;

9-45 (38) fee for services of a prosecuting attorney,
9-46 including costs incurred for preparation of documents related to a
9-47 hearing on an application for court-ordered mental health services
9-48 (Sec. 574.031, Health and Safety Code) . . . as assessed by the
9-49 judge, not to exceed \$50; and

9-50 (39) a fee not otherwise listed in this section that is
9-51 required to be collected under Section 25.0008, Government Code
9-52 (Sec. 25.0008, Government Code), in a county other than Brazos,
9-53 Cameron, Ellis, Guadalupe, Harris, Henderson, Liberty, Moore,
9-54 Nolan, Panola, Parker, Starr, Victoria, and Williamson . . . as
9-55 prescribed by law relating to county judges' fees.

9-56 SECTION 4. Section 101.101, Government Code, is amended to
9-57 read as follows:

9-58 Sec. 101.101. STATUTORY PROBATE COURT FEES AND COSTS. The
9-59 clerk of a statutory probate court shall collect fees and costs as
9-60 follows:

9-61 (1) court cost in certain civil cases to establish and
9-62 maintain an alternative dispute resolution system, if authorized by
9-63 the county commissioners court (Sec. 152.004, Civil Practice and
9-64 Remedies Code) . . . not to exceed \$10;

9-65 (2) appellate judicial system filing fees:

9-66 (A) First or Fourteenth Court of Appeals District
9-67 (Sec. 22.2021, Government Code) . . . not more than \$5;

9-68 (B) Second Court of Appeals District (Sec.
9-69 22.2031, Government Code) . . . not more than \$5;

10-1 (C) Fourth Court of Appeals District (Sec.
10-2 22.2051, Government Code) . . . not more than \$5;

10-3 (D) Fifth Court of Appeals District (Sec.
10-4 22.2061, Government Code) . . . not more than \$5; and

10-5 (E) Thirteenth Court of Appeals District (Sec.
10-6 22.2141, Government Code) . . . not more than \$5;

10-7 (3) additional filing fees as follows:

10-8 (A) for certain cases to be used for
10-9 court-related purposes for support of the judiciary, if authorized
10-10 by the county commissioners court (Sec. 51.704, Government Code)
10-11 . . . \$40;

10-12 (B) to fund the improvement of Dallas County
10-13 civil court facilities, if authorized by the county commissioners
10-14 court (Sec. 51.705, Government Code) . . . not more than \$15; ~~and~~

10-15 (C) for filing any civil action or proceeding
10-16 requiring a filing fee, including an appeal, and on the filing of
10-17 any counterclaim, cross-action, intervention, interpleader, or
10-18 third-party action requiring a filing fee to fund civil legal
10-19 services for the indigent (Sec. 133.153, Local Government Code)
10-20 . . . \$5; and

10-21 (D) to fund the improvement of Bexar County court
10-22 facilities, if authorized by the county commissioners court (Sec.
10-23 51.706, Government Code). . . not more than \$15;

10-24 (4) for filing an application for registration of
10-25 death (Sec. 193.007, Health and Safety Code) . . . \$1;

10-26 (5) fee for judge's services on an application for
10-27 court-ordered mental health services (Sec. 574.031, Health and
10-28 Safety Code) . . . not to exceed \$ 50;

10-29 (6) fee for prosecutor's services on an application
10-30 for court-ordered mental health services (Sec. 574.031, Health and
10-31 Safety Code) . . . not to exceed \$50;

10-32 (7) additional filing fee to fund contingency fund for
10-33 liability insurance, if authorized by the county commissioners
10-34 court (Sec. 82.003, Local Government Code) . . . not to exceed \$5;

10-35 (8) probate court actions (Sec. 118.052, Local
10-36 Government Code):

10-37 (A) probate original action (Secs. 118.052 and
10-38 118.055, Local Government Code):

10-39 (i) probate of a will with independent
10-40 executor, administration with will attached, administration of an
10-41 estate, guardianship or receivership of an estate, or muniment of
10-42 title (Sec. 118.052, Local Government Code) . . . \$ 40;

10-43 (ii) community survivors (Sec. 118.052,
10-44 Local Government Code) . . . \$ 40;

10-45 (iii) small estates (Sec. 118.052, Local
10-46 Government Code) . . . \$40;

10-47 (iv) declarations of heirship (Sec.
10-48 118.052, Local Government Code) . . . \$40;

10-49 (v) mental health or chemical dependency
10-50 services (Sec. 118.052, Local Government Code) . . . \$40; and

10-51 (vi) additional, special fee (Secs. 118.052
10-52 and 118.064, Local Government Code) . . . \$5;

10-53 (B) services in pending probate action (Secs.
10-54 118.052 and 118.056, Local Government Code):

10-55 (i) filing an inventory and appraisal
10-56 after the 120th day after the date of the initial filing of the
10-57 action (Sec. 118.052, Local Government Code) . . . \$25;

10-58 (ii) approving and recording bond (Sec.
10-59 118.052, Local Government Code) . . . \$3;

10-60 (iii) administering oath (Sec. 118.052,
10-61 Local Government Code) . . . \$ 2;

10-62 (iv) filing annual or final account of
10-63 estate (Sec. 118.052, Local Government Code) . . . \$25;

10-64 (v) filing application for sale of real or
10-65 personal property (Sec. 118.052, Local Government Code). . . \$25;

10-66 (vi) filing annual or final report of
10-67 guardian of a person (Sec. 118.052, Local Government Code) . . .
10-68 \$10; and

10-69 (vii) filing a document not listed under

11-1 this paragraph after the filing of an order approving the inventory
11-2 and appraisal or after the 120th day after the date of the
11-3 initial filing of the action, whichever occurs first (Secs. 118.052
11-4 and 191.007, Local Government Code), if more than 25 pages . . .
11-5 \$25;

11-6 (C) adverse probate action (Secs. 118.052 and
11-7 118.057, Local Government Code) . . . \$40; and

11-8 (D) claim against estate (Secs. 118.052 and
11-9 118.058, Local Government Code) . . . \$2;

11-10 (9) other fees (Sec. 118.052, Local Government Code):

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

11-13 (i) original document and one copy (Sec.
11-14 118.052, Local Government Code) . . . \$4; and

11-15 (ii) each additional set of an original and
11-16 one copy (Sec. 118.052, Local Government Code) . . . \$4;

11-17 (B) certified papers (Secs. 118.052 and 118.060,
11-18 Local Government Code):

11-19 (i) for the clerk's certificate (Sec.
11-20 118.052, Local Government Code) . . . \$5; and

11-21 (ii) a fee per page or part of a page (Sec.
11-22 118.052, Local Government Code) . . . \$1;

11-23 (C) noncertified papers, for each page or part of
11-24 a page (Secs. 118.052 and 118.0605, Local Government Code) . . .
11-25 \$1;

11-26 (D) letters testamentary, letter of
11-27 guardianship, letter of administration, or abstract of judgment
11-28 (Secs. 118.052 and 118.061, Local Government Code) . . . \$2;

11-29 (E) safekeeping of wills (Secs. 118.052 and
11-30 118.062, Local Government Code) . . . \$5;

11-31 (F) mail service of process (Secs. 118.052 and
11-32 118.063, Local Government Code) . . . same as sheriff; and

11-33 (G) records management and preservation fee
11-34 (Secs. 118.052 and 118.0645, Local Government Code) . . . \$5;

11-35 (10) fee for deposit of a will with the county clerk
11-36 during testator's lifetime (Sec. 71, Texas Probate Code) . . . \$3;

11-37 (11) court costs for each special commissioner in an
11-38 eminent domain proceeding (Sec. 21.047, Property Code) . . . as
11-39 taxed by the court, \$10 or more;

11-40 (12) jury fee for civil case (Sec. 51.604, Government
11-41 Code) . . . \$22;

11-42 (13) court cost in civil cases other than suits for
11-43 delinquent taxes to fund the county law library fund, if authorized
11-44 by the county commissioners court (Sec. 323.023, Local Government
11-45 Code) . . . not to exceed \$35;

11-46 (14) the expense of preserving the record as a court
11-47 cost, if imposed on a party by the referring court or associate
11-48 judge (Sec. 54.612, Government Code) . . . actual cost;

11-49 (15) security deposit on filing, by any person other
11-50 than the personal representative of an estate, an application,
11-51 complaint, or opposition in relation to the estate, if required by
11-52 the clerk (Sec. 12, Texas Probate Code) . . . probable cost of the
11-53 proceeding;

11-54 (16) security deposit on filing, by any person other
11-55 than the guardian, attorney ad litem, or guardian ad litem, an
11-56 application, complaint, or opposition in relation to a guardianship
11-57 matter, if required by the clerk (Sec. 622, Texas Probate Code)
11-58 . . . probable cost of the guardianship proceeding;

11-59 (17) for a hearing or proceeding under the Texas
11-60 Mental Health Code (Subtitle C, Title 7, Health and Safety Code) as
11-61 costs (Secs. 571.017 and 571.018, Health and Safety Code) . . .
11-62 reasonable compensation to the following persons appointed under
11-63 the Texas Mental Health Code:

11-64 (A) attorneys;

11-65 (B) physicians;

11-66 (C) language interpreters;

11-67 (D) sign interpreters; and

11-68 (E) masters;

11-69 (18) for a hearing or proceeding under the Texas

12-1 Mental Health Code (Subtitle C, Title 7, Health and Safety Code) as
12-2 costs (Sec. 571.018, Health and Safety Code):
12-3 (A) attorney's fees;
12-4 (B) physician examination fees;
12-5 (C) expense of transportation to a mental health
12-6 facility or to a federal agency not to exceed \$50 if transporting
12-7 within the same county and not to exceed the reasonable cost of
12-8 transportation if transporting between counties;
12-9 (D) costs and salary supplements authorized
12-10 under Section 574.031, Health and Safety Code; and
12-11 (E) prosecutors' fees authorized under Section
12-12 574.031, Health and Safety Code;
12-13 (19) expenses of transporting certain patients from
12-14 the county of treatment to a hearing in the county in which the
12-15 proceedings originated (Sec. 574.008, Health and Safety Code) . . .
12-16 actual expenses unless certain arrangements are made to hold the
12-17 hearing in the county in which the patient is receiving services;
12-18 (20) expenses for expert witness testimony for an
12-19 indigent patient (Sec. 574.010, Health and Safety Code) . . . if
12-20 authorized by the court as reimbursement to the attorney ad litem,
12-21 court-approved expenses;
12-22 (21) fee for judge's services for holding a hearing on
12-23 an application for court-ordered mental health services (Sec.
12-24 574.031, Health and Safety Code) . . . as assessed by the judge, not
12-25 to exceed \$50;
12-26 (22) expenses to reimburse judge for holding a hearing
12-27 in a hospital or location other than the county courthouse (Sec.
12-28 574.031, Health and Safety Code) . . . reasonable and necessary
12-29 expenses as certified;
12-30 (23) fee for services of a prosecuting attorney,
12-31 including costs incurred for preparation of documents related to a
12-32 hearing on an application for court-ordered mental health services
12-33 (Sec. 574.031, Health and Safety Code) . . . as assessed by the
12-34 judge, not to exceed \$50; and
12-35 (24) a fee not otherwise listed in this section that is
12-36 required to be collected under Section 25.0029, Government Code
12-37 (Sec. 25.0029, Government Code) . . . as prescribed by law relating
12-38 to county judges' fees.
12-39 SECTION 5. This Act takes effect immediately if it receives
12-40 a vote of two-thirds of all the members elected to each house, as
12-41 provided by Section 39, Article III, Texas Constitution. If this
12-42 Act does not receive the vote necessary for immediate effect, this
12-43 Act takes effect September 1, 2007.

12-44 * * * * *