

By: Wentworth

S.B. No. 819

A BILL TO BE ENTITLED

AN ACT

relating to the fees charged for filing an inventory and
appraisement in probate actions.

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

SECTION 1. Section 118.052, Local Government Code, is
amended to read as follows:

Sec. 118.052. FEE SCHEDULE. Each clerk of a county court
shall collect the following fees for services rendered to any
person:

(1) CIVIL COURT ACTIONS

(A) Filing of Original Action (Sec. 118.053):

(i) Garnishment after judgment . . . \$15.00

(ii) All others . . . \$40.00

(B) Filing of Action Other than Original (Sec.
118.054) . . . \$30.00

(C) Services Rendered After Judgment in Original
Action (Sec. 118.0545):

(i) Abstract of judgment . . . \$5.00

(ii) Execution, order of sale, writ, or
other process . . . \$5.00

(2) PROBATE COURT ACTIONS

(A) Probate Original Action (Sec. 118.055):

(i) Probate of a will with independent
executor, administration with will attached, administration of an

estate, guardianship or receivership of an estate, or muniment of title . . . \$40.00

(ii) Community survivors . . . \$40.00

(iii) Small estates . . . \$40.00

(iv) Declarations of heirship . . . \$40.00

(v) Mental health or chemical dependency services . . . \$40.00

(vi) Additional, special fee (Sec. 118.064) . . . \$5.00

(B) Services in Pending Probate Action (Sec. 118.056):

(i) Filing an inventory and appraisement as provided by Section 118.056(d) ~~[after the 120th day after the date of the initial filing of the action]~~ . . . \$25.00

(ii) Approving and recording bond . . . \$3.00

(iii) Administering oath . . . \$2.00

(iv) Filing annual or final account of estate . . . \$25.00

(v) Filing application for sale of real or personal property . . . \$25.00

(vi) Filing annual or final report of guardian of a person . . . \$10.00

(vii) Filing a document not listed under this paragraph after the filing of an order approving the inventory and appraisement or after the 120th day after the date of the initial filing of the action, whichever occurs first, if more than

1 25 pages . . . \$25.00

2 (C) Adverse Probate Action (Sec.

3 118.057) . . . \$40.00

4 (D) Claim Against Estate (Sec.

5 118.058) . . . \$2.00

6 (3) OTHER FEES

7 (A) Issuing Document (Sec. 118.059):

8 original document and one copy . . . \$4.00

9 each additional set of an original and one

10 copy . . . \$4.00

11 (B) Certified Papers (Sec. 118.060):

12 for the clerk's certificate . . . \$5.00

13 plus a fee per page or part of a page of . . . \$1.00

14 (C) Noncertified Papers (Sec. 118.0605):

15 for each page or part of a page . . . \$1.00

16 (D) Letters Testamentary, Letter of

17 Guardianship, Letter of Administration, or Abstract of Judgment

18 (Sec. 118.061) . . . \$2.00

19 (E) Safekeeping of Wills (Sec.

20 118.062) . . . \$5.00

21 (F) Mail Service of Process (Sec.

22 118.063) . . . same as sheriff

23 (G) Records Management and Preservation

24 Fee . . . \$5.00

25 SECTION 2. Section 118.056, Local Government Code, as

26 amended by Chapter 66, Acts of the 76th Legislature, Regular

27 Session, 1999, is amended by amending Subsection (a) and adding

Subsection (d) to read as follows:

(a) Except as provided by Subsection (d), the ~~[The]~~ fees for "Services in Pending Probate Action" under Section 118.052(2) are for services in an action in an open probate docket rendered after the filing of an order approving the inventory and appraisement or after the 120th day after the date of the initial filing of the action, whichever occurs first.

(d) The fee for filing an inventory and appraisement under Section 118.052(2)(B)(i) applies only if the instrument is filed after the 90th day after the date the personal representative has qualified to serve or, if the court grants an extension under Section 250, Texas Probate Code, after the date of the extended deadline specified by the court.

SECTION 3. Section 101.081, Government Code, is amended to read as follows:

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

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

(2) appellate judicial system filing fees:

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

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

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

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

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

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

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

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

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

16 (B) in a county court at law in Nolan County (Sec.
17 25.1792, Government Code) . . . \$25;

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

19 (7) an additional filing fee:

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

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

27 (C) for filing any civil action or proceeding

1 requiring a filing fee, including an appeal, and on the filing of
2 any counterclaim, cross-action, intervention, interpleader, or
3 third-party action requiring a filing fee, to fund civil legal
4 services for the indigent (Sec. 133.153, Local Government
5 Code) . . . \$5;

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

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

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

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

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

19 (13) civil court actions (Sec. 118.052, Local
20 Government Code):

21 (A) filing of original action (Secs. 118.052 and
22 118.053, Local Government Code):

23 (i) garnishment after judgment (Sec.
24 118.052, Local Government Code) . . . \$15; and

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

27 (B) filing of action other than original (Secs.

1 118.052 and 118.054, Local Government Code) . . . \$30; and

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

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

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

8 (14) probate court actions (Sec. 118.052, Local
9 Government Code):

10 (A) probate original action (Secs. 118.052 and
11 118.055, Local Government Code):

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

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

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

20 (iv) declarations of heirship (Sec.
21 118.052, Local Government Code) . . . \$40;

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

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

26 (B) services in pending probate action (Secs.
27 118.052 and 118.056, Local Government Code):

1 (i) filing an inventory and appraisement
2 [~~after the 120th day after the date of the initial filing of the~~
3 ~~action~~] (Secs. [~~Sec.~~] 118.052 and 118.056(d), Local Government
4 Code) . . . \$25;

5 (ii) approving and recording bond (Sec.
6 118.052, Local Government Code) . . . \$3;

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

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

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

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

16 (vii) filing a document not listed under
17 this paragraph after the filing of an order approving the inventory
18 and appraisement or after the 120th day after the date of the
19 initial filing of the action, whichever occurs first (Secs. 118.052
20 and 191.007, Local Government Code), if more than 25
21 pages . . . \$25;

22 (C) adverse probate action (Secs. 118.052 and
23 118.057, Local Government Code) . . . \$40; and

24 (D) claim against estate (Secs. 118.052 and
25 118.058, Local Government Code) . . . \$2;

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

27 (A) issuing document (Secs. 118.052 and 118.059,

Local Government Code):

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (23) court fees and costs, if ordered by the court, for
23 a suit filed by an inmate in which an affidavit or unsworn
24 declaration of inability to pay costs is filed by the inmate (Sec.
25 14.006, Civil Practice and Remedies Code) . . . the lesser of:

26 (A) 20 percent of the preceding six months'
27 deposits to the inmate's trust account administered by the Texas

1 Department of Criminal Justice under Section 501.014, Government
2 Code; or

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

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

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

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

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

18 (A) expenses of service of process;

19 (B) postage; and

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

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

25 (A) in Bexar County Courts at Law:

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

1 the fee is taxed in district court; and

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

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

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

10 (27) a stenographer's fee as costs in each civil,
11 criminal, and probate case in which a record is made by the official
12 court reporter in a statutory county court in Nolan County (Sec.
13 25.1792, Government Code) . . . \$25;

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

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

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

27 (31) security deposit on filing, by any person other

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

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

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

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

- 18 (A) attorney's fees;
19 (B) physician examination fees;
20 (C) expense of transportation to a mental health
21 facility or to a federal agency not to exceed \$50 if transporting
22 within the same county and not to exceed the reasonable cost of
23 transportation if transporting between counties;

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

26 (E) prosecutors' fees authorized under Section
27 574.031, Health and Safety Code;

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

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

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

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

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

24 (39) a fee not otherwise listed in this section that is
25 required to be collected under Section 25.0008, Government Code
26 (Sec. 25.0008, Government Code), in a county other than Brazos,
27 Cameron, Ellis, Guadalupe, Harris, Henderson, Liberty, Moore,

1 Nolan, Panola, Parker, Starr, Victoria, and Williamson . . . as
2 prescribed by law relating to county judges' fees.

3 SECTION 4. Section 101.101, Government Code, is amended to
4 read as follows:

5 Sec. 101.101. STATUTORY PROBATE COURT FEES AND COSTS. The
6 clerk of a statutory probate court shall collect fees and costs as
7 follows:

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

12 (2) appellate judicial system filing fees:

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

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

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

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

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

23 (3) additional filing fees as follows:

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

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

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

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

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

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

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

21 (8) probate court actions (Sec. 118.052, Local
22 Government Code):

23 (A) probate original action (Secs. 118.052 and
24 118.055, Local Government Code):

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

1 title (Sec. 118.052, Local Government Code) . . . \$40;

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

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

6 (iv) declarations of heirship (Sec.
7 118.052, Local Government Code) . . . \$40;

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

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

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

14 (i) filing an inventory and appraisement
15 ~~[after the 120th day after the date of the initial filing of the~~
16 ~~action]~~ (Secs. ~~[Sec.]~~ 118.052 and 118.056(d), Local Government
17 Code) . . . \$25;

18 (ii) approving and recording bond (Sec.
19 118.052, Local Government Code) . . . \$3;

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

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

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

26 (vi) filing annual or final report of
27 guardian of a person (Sec. 118.052, Local Government

Code) . . . \$10; and

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (F) mail service of process (Secs. 118.052 and
7 118.063, Local Government Code) . . . same as sheriff; and

8 (G) records management and preservation fee
9 (Secs. 118.052 and 118.0645, Local Government Code) . . . \$5;

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

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

15 (12) jury fee for civil case (Sec. 51.604, Government
16 Code) . . . \$22;

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

21 (14) the expense of preserving the record as a court
22 cost, if imposed on a party by the referring court or associate
23 judge (Sec. 54.612, Government Code) . . . actual cost;

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

1 proceeding;

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

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

- 12 (A) attorneys;
- 13 (B) physicians;
- 14 (C) language interpreters;
- 15 (D) sign interpreters; and
- 16 (E) masters;

17 (18) for a hearing or proceeding under the Texas
18 Mental Health Code (Subtitle C, Title 7, Health and Safety Code) as
19 costs (Sec. 571.018, Health and Safety Code):

- 20 (A) attorney's fees;
- 21 (B) physician examination fees;
- 22 (C) expense of transportation to a mental health
23 facility or to a federal agency not to exceed \$50 if transporting
24 within the same county and not to exceed the reasonable cost of
25 transportation if transporting between counties;

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

1 (E) prosecutors' fees authorized under Section
2 574.031, Health and Safety Code;

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

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

13 (21) fee for judge's services for holding a hearing on
14 an application for court-ordered mental health services (Sec.
15 574.031, Health and Safety Code) . . . as assessed by the judge, not
16 to exceed \$50;

17 (22) expenses to reimburse judge for holding a hearing
18 in a hospital or location other than the county courthouse (Sec.
19 574.031, Health and Safety Code) . . . reasonable and necessary
20 expenses as certified;

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

26 (24) a fee not otherwise listed in this section that is
27 required to be collected under Section 25.0029, Government Code

(Sec. 25.0029, Government Code) . . . as prescribed by law relating to county judges' fees.

SECTION 5. Section 101.121, Government Code, is amended to read as follows:

Sec. 101.121. COUNTY COURT FEES AND COSTS. The clerk of a county court shall collect:

(1) fee for hearing on application for a license to manufacture, distribute, store, or sell beer (Sec. 61.31, Alcoholic Beverage Code) . . . \$5;

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

(3) appellate judicial system filing fees:

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

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

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

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

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

(4) a jury fee (Sec. 51.604, Government Code) . . . \$22;

(5) a filing fee in each civil case filed to be used

1 for court-related purposes for the support of the judiciary (Sec.
2 51.703, Government Code) . . . \$40;

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

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

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

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

14 (10) civil court actions (Sec. 118.052, Local
15 Government Code):

16 (A) filing of original action (Secs. 118.052 and
17 118.053, Local Government Code):

18 (i) garnishment after judgment (Sec.
19 118.052, Local Government Code) . . . \$15; and

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

22 (B) filing of action other than original (Secs.
23 118.052 and 118.054, Local Government Code) . . . \$30; and

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

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

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

(11) probate court actions (Sec. 118.052, Local Government Code):

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

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

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

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

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

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

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

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

(i) filing an inventory and appraisement ~~[after the 120th day after the date of the initial filing of the action]~~ (Secs. ~~[Sec.]~~ 118.052 and 118.056(d), Local Government Code) . . . \$25;

(ii) approving and recording bond (Sec.

118.052, Local Government Code) . . . \$3;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (13) deposit on filing petition requesting permission
21 to create a municipal civic center authority (Sec. 281.013, Local
22 Government Code) . . . \$200;

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

26 (15) additional filing fee for filing documents not
27 subject to certain filing fees to fund the courthouse security

1 fund, if authorized by the county commissioners court (Sec.
2 291.008, Local Government Code) . . . \$1;

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

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

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

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

17 (20) appeal bond from a petitioner or taxpayer in a
18 water control and preservation district (Art. 7818, Vernon's Texas
19 Civil Statutes) . . . \$100;

20 (21) additional filing fee for filing any civil action
21 or proceeding requiring a filing fee, including an appeal, and on
22 the filing of any counterclaim, cross-action, intervention,
23 interpleader, or third-party action requiring a filing fee, to fund
24 civil legal services for the indigent (Sec. 133.153, Local
25 Government Code) . . . \$5;

26 (22) court fees and costs, if ordered by the court, for
27 a suit filed by an inmate in which an affidavit or unsworn

1 declaration of inability to pay costs is filed by the inmate (Sec.
2 14.006, Civil Practice and Remedies Code) . . . the lesser of:

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

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

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

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

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

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

22 (A) expenses of service of process;

23 (B) postage; and

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

27 (25) security deposit on filing, by any person other

1 than the personal representative of an estate, an application,
2 complaint, or opposition in relation to the estate, if required by
3 the clerk (Sec. 12, Texas Probate Code) . . . probable cost of the
4 proceeding;

5 (26) security deposit on filing, by any person other
6 than the guardian, attorney ad litem, or guardian ad litem, an
7 application, complaint, or opposition in relation to a guardianship
8 matter, if required by the clerk (Sec. 622, Texas Probate Code)
9 . . . probable cost of the guardianship proceeding;

10 (27) for a hearing or proceeding under the Texas
11 Mental Health Code (Subtitle C, Title 7, Health and Safety Code) as
12 costs (Secs. 571.017 and 571.018, Health and Safety Code) . . .
13 reasonable compensation to the following persons appointed under
14 the Texas Mental Health Code:

- 15 (A) attorneys;
16 (B) physicians;
17 (C) language interpreters;
18 (D) sign interpreters; and
19 (E) masters;

20 (28) for a hearing or proceeding under the Texas
21 Mental Health Code (Subtitle C, Title 7, Health and Safety Code) as
22 costs (Sec. 571.018, Health and Safety Code):

- 23 (A) attorney's fees;
24 (B) physician examination fees;
25 (C) expense of transportation to a mental health
26 facility or to a federal agency not to exceed \$50 if transporting
27 within the same county and not to exceed the reasonable cost of

1 transportation if transporting between counties;

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

4 (E) prosecutors' fees authorized under Section
5 574.031, Health and Safety Code;

6 (29) expenses of transporting certain patients from
7 the county of treatment to a hearing in the county in which the
8 proceedings originated (Sec. 574.008, Health and Safety
9 Code) . . . actual expenses unless certain arrangements are made
10 to hold the hearing in the county in which the patient is receiving
11 services;

12 (30) expenses for expert witness testimony for an
13 indigent patient (Sec. 574.010, Health and Safety Code) . . . if
14 authorized by the court as reimbursement to the attorney ad litem,
15 court-approved expenses;

16 (31) fee for judge's services for holding a hearing on
17 an application for court-ordered mental health services (Sec.
18 574.031, Health and Safety Code) . . . as assessed by the judge, not
19 to exceed \$50;

20 (32) expenses to reimburse judge for holding a hearing
21 in a hospital or location other than the county courthouse (Sec.
22 574.031, Health and Safety Code) . . . reasonable and necessary
23 expenses as certified; and

24 (33) fee for services of a prosecuting attorney,
25 including costs incurred for preparation of documents related to a
26 hearing on an application for court-ordered mental health services
27 (Sec. 574.031, Health and Safety Code) . . . as assessed by the

1 judge, not to exceed \$50.

2 SECTION 6. The changes in law made by this Act apply only to
3 a document filed on or after the effective date of this Act. A
4 document filed before the effective date of this Act is governed by
5 the law in effect on the date the document was filed, and the former
6 law is continued in effect for that purpose.

7 SECTION 7. This Act takes effect September 1, 2007.