

By: Woolley, Corte, Callegari,  
Cook of Colorado, Orr, et al.

H.B. No. 2006

Substitute the following for H.B. No. 2006:

By: Orr

C.S.H.B. No. 2006

A BILL TO BE ENTITLED

AN ACT

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relating to the use of eminent domain authority.

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

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

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

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

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

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

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

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

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

4 SUBCHAPTER A. GENERAL PROVISIONS

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

11 SUBCHAPTER B. LIMITATIONS ON PURPOSE AND USE OF PROPERTY

12 ACQUIRED THROUGH EMINENT DOMAIN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (A) port authorities;

19 (B) navigation districts; and

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

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

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

25 (5) the provision of utility services;

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

1 Chapter 334 or 335, Local Government Code;

2 (7) the operations of:

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

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

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

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

12 (10) a waste disposal project; or

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

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

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

23 SUBCHAPTER C. PROCEDURES REQUIRED TO INITIATE

24 EMINENT DOMAIN PROCEEDINGS

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

27 Sec. 2206.102. APPLICABILITY. The procedures in this

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

3 Sec. 2206.103. VOTE ON USE OF EMINENT DOMAIN. (a) Before a  
4 governmental entity initiates a condemnation proceeding under  
5 Chapter 21, Property Code, the governmental entity must authorize  
6 the initiation of the condemnation proceedings at a public meeting  
7 by a record vote. Except as provided by Subsection (b), a separate  
8 record vote must be taken for each unit of property for which  
9 condemnation proceedings are to be initiated.

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

13 (c) The motion to adopt an ordinance, resolution, or order  
14 authorizing the initiation of condemnation proceedings under  
15 Chapter 21, Property Code, must be made in a form substantially  
16 similar to the following: "I move that the [name of governmental  
17 entity] authorize the use of the power of eminent domain to acquire  
18 [describe the property] for [describe the public use]."

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

21 Sec. 21.0112. GOOD FAITH STANDARD. An entity with eminent  
22 domain authority that wants to acquire real property for a public  
23 use must make a good faith effort to acquire the property by  
24 voluntary purchase or lease.

25 Sec. 21.0113. ADDITIONAL PROCEDURES FOR CERTAIN COMMON  
26 CARRIERS. (a) This section applies only to a condemnation  
27 proceeding initiated by a common carrier, as that term is defined by

1 Section 111.002, Natural Resources Code.

2 (b) A common carrier that intends to exercise the power of  
3 eminent domain must serve the owner of the property to be acquired  
4 with notice that the common carrier intends to initiate  
5 condemnation proceedings on or before the date the common carrier  
6 files a condemnation petition.

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

9 (1) regular mail; and

10 (2) certified mail, return receipt requested.

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

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

15 (b) The petition must:

16 (1) describe the property to be condemned;

17 (2) state the purpose for which the entity intends to  
18 use the property;

19 (3) state the name of the owner of the property if the  
20 owner is known; ~~and~~

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

23 (5) state that the entity made a good faith effort to  
24 acquire the property by voluntary purchase or lease.

25 SECTION 5. Section 21.023, Property Code, is amended to  
26 read as follows:

27 Sec. 21.023. DISCLOSURE OF INFORMATION REQUIRED AT TIME OF

1 ACQUISITION. A governmental entity shall disclose in writing to  
2 the property owner, at the time of acquisition of the property  
3 through eminent domain, that:

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

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

13 SECTION 6. Section 21.041, Property Code, is amended to  
14 read as follows:

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

18 (1) the value of the property being condemned,  
19 including any evidence that a property owner would consider in a  
20 negotiated transaction that is not subject to this chapter;

21 (2) the injury to the property owner;

22 (3) the benefit to the property owner's remaining  
23 property; and

24 (4) the use of the property for the purpose of the  
25 condemnation.

26 SECTION 7. The heading to Section 21.047, Property Code, is  
27 amended to read as follows:

1           Sec. 21.047. ASSESSMENT OF COSTS AND FEES.

2           SECTION 8. Section 21.047, Property Code, is amended by  
3 adding Subsection (d) to read as follows:

4           (d) If a court hearing a suit under this chapter finds that a  
5 condemning entity did not make a good faith effort to acquire the  
6 property by voluntary purchase or lease as required by Section  
7 21.0112, the court may order the condemning entity to pay all costs  
8 and any reasonable attorney's fees incurred by the property owner.

9           SECTION 9. Section 21.101(a), Property Code, is amended to  
10 read as follows:

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

18           SECTION 10. Section 21.103(b), Property Code, is amended to  
19 read as follows:

20           (b) As soon as practicable after receipt of a [the]  
21 notification under Subsection (a), the governmental entity shall  
22 offer to sell the property interest to the person for the price paid  
23 to the owner by the governmental entity at the time the governmental  
24 entity acquired the property through eminent domain ~~[fair market~~  
25 ~~value of the property at the time the public use was canceled]~~. The  
26 person's right to repurchase the property expires on the 90th day  
27 after the date on which the governmental entity makes the offer.

1           SECTION 11. Section 101.061, Government Code, is amended to  
2 read as follows:

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

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

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

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

17                   (4) appellate judicial system filing fees for:

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

20                           (B) Second Court of Appeals District (Sec.  
21 22.2031, Government Code) . . . not more than \$5;

22                           (C) Fourth Court of Appeals District (Sec.  
23 22.2051, Government Code) . . . not more than \$5;

24                           (D) Fifth Court of Appeals District (Sec.  
25 22.2061, Government Code) . . . not more than \$5; and

26                           (E) Thirteenth Court of Appeals District (Sec.  
27 22.2141, Government Code) . . . not more than \$5;

1           (5) additional filing fees:

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

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

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

11                           (ii) for any case other than a case  
12 described by Subparagraph (i) (Sec. 133.151, Local Government Code)  
13 . . . \$50;

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

17                   (D) on the filing of any civil action or  
18 proceeding requiring a filing fee, including an appeal, and on the  
19 filing of any counterclaim, cross-action, intervention,  
20 interpleader, or third-party action requiring a filing fee, to fund  
21 civil legal services for the indigent:

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

25                           (ii) for any case other than a case  
26 described by Subparagraph (i) (Sec. 133.152, Local Government Code)  
27 . . . \$10;

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

3           (A) for a suit with 10 or fewer plaintiffs (Sec.  
4 51.317, Government Code) . . . \$50;

5           (B) for a suit with at least 11 but not more than  
6 25 plaintiffs (Sec. 51.317, Government Code) . . . \$75;

7           (C) for a suit with at least 26 but not more than  
8 100 plaintiffs (Sec. 51.317, Government Code) . . . \$100;

9           (D) for a suit with at least 101 but not more than  
10 500 plaintiffs (Sec. 51.317, Government Code) . . . \$125;

11           (E) for a suit with at least 501 but not more than  
12 1,000 plaintiffs (Sec. 51.317, Government Code) . . . \$150; or

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

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

18           (8) for issuing a citation or other writ or process not  
19 otherwise provided for, including one copy, when requested at the  
20 time a suit or action is filed (Sec. 51.317, Government Code) . . .  
21 \$8;

22           (9) for records management and preservation (Sec.  
23 51.317, Government Code) . . . \$10;

24           (10) for issuing a subpoena, including one copy (Sec.  
25 51.318, Government Code) . . . \$8;

26           (11) for issuing a citation, commission for  
27 deposition, writ of execution, order of sale, writ of execution and

1 order of sale, writ of injunction, writ of garnishment, writ of  
2 attachment, or writ of sequestration not provided for in Section  
3 51.317, or any other writ or process not otherwise provided for,  
4 including one copy if required by law (Sec. 51.318, Government  
5 Code) . . . \$8;

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

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

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

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

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

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

22 (18) jury fee (Sec. 51.604, Government Code) . . .  
23 \$30;

24 (19) for filing a report of divorce or annulment (Sec.  
25 194.002, Health and Safety Code) . . . \$1;

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

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

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

9           (22-a) a child support service fee in Nueces County if  
10 ordered by the commissioners court and assessed by the court (Sec.  
11 152.1844, Human Resources Code) . . . not to exceed \$5 a month  
12 payable annually in advance;

13           (22-b) a service fee to be paid by a person ordered by  
14 a district court to pay child or spousal support:

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

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

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

24           (22-c) attorney's fees as an additional cost in  
25 Montague County on a finding of contempt of court for failure to pay  
26 child or spousal support if the contempt action is initiated by the  
27 probation department (Sec. 152.1752, Human Resources Code) . . .

1 \$15;

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

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

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

10 (26) court costs on citation for contempt of court in  
11 Orange County for failure to comply with a child support order or  
12 order providing for possession of or access to a child (Sec.  
13 152.1873, Human Resources Code) . . . amount determined by district  
14 clerk;

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

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

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

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

27 (31) additional filing fee to fund the courthouse

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

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

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

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

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

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

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

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

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

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

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

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

16 (A) expenses of service of process;

17 (B) postage; and

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

21 (39) fee for performing a service:

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

25 (B) related to the matter of a minor (Sec.  
26 51.319, Government Code) . . . the same fee allowed the county  
27 clerk for the service;

1 (C) of serving process by certified or registered  
2 mail (Sec. 51.319, Government Code) . . . the same fee a sheriff or  
3 constable is authorized to charge for the service under Section  
4 118.131, Local Government Code; and

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

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

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

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

22 (43) fee for filing an additional petition for review  
23 of an appraisal review board order relating to certain regulated  
24 property running through or operating in more than one county after  
25 the first petition for review relating to the same property is filed  
26 for a tax year (Sec. 42.221, Tax Code) . . . \$5;

27 (44) court costs for each special commissioner in an

1 eminent domain proceeding (Sec. 21.047, Property Code) . . . as  
2 taxed by the court, \$10 or more; and

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

6 SECTION 12. Section 101.081, Government Code, is amended to  
7 read as follows:

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

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

15 (2) appellate judicial system filing fees:

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

18 (B) Second Court of Appeals District (Sec.  
19 22.2031, Government Code) . . . not more than \$5;

20 (C) Fourth Court of Appeals District (Sec.  
21 22.2051, Government Code) . . . not more than \$5;

22 (D) Fifth Court of Appeals District (Sec.  
23 22.2061, Government Code) . . . not more than \$5; and

24 (E) Thirteenth Court of Appeals District (Sec.  
25 22.2141, Government Code) . . . not more than \$5;

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

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

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

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

8                 (B) in a county court at law in Nolan County (Sec.  
9 25.1792, Government Code) . . . \$25;

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

11           (7) an additional filing fee:

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

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

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

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

27           (9) fee for judge's services on an application for

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

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

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

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

11 (13) civil court actions (Sec. 118.052, Local  
12 Government Code):

13 (A) filing of original action (Secs. 118.052 and  
14 118.053, Local Government Code):

15 (i) garnishment after judgment (Sec.  
16 118.052, Local Government Code) . . . \$15; and

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

19 (B) filing of action other than original (Secs.  
20 118.052 and 118.054, Local Government Code) . . . \$30; and

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

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

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

27 (14) probate court actions (Sec. 118.052, Local

1 Government Code):

2 (A) probate original action (Secs. 118.052 and  
3 118.055, Local Government Code):

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

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

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

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

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

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

18 (B) services in pending probate action (Secs.  
19 118.052 and 118.056, Local Government Code):

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

23 (ii) approving and recording bond (Sec.  
24 118.052, Local Government Code) . . . \$3;

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

27 (iv) filing annual or final account of

1 estate (Sec. 118.052, Local Government Code) . . . \$25;

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

4 (vi) filing annual or final report of  
5 guardian of a person (Sec. 118.052, Local Government Code) . . .  
6 \$10; and

7 (vii) filing a document not listed under  
8 this paragraph after the filing of an order approving the inventory  
9 and appraisement or after the 120th day after the date of the  
10 initial filing of the action, whichever occurs first (Secs. 118.052  
11 and 191.007, Local Government Code), if more than 25 pages . . .  
12 \$25;

13 (C) adverse probate action (Secs. 118.052 and  
14 118.057, Local Government Code) . . . \$40; and

15 (D) claim against estate (Secs. 118.052 and  
16 118.058, Local Government Code) . . . \$2;

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

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

20 (i) original document and one copy (Sec.  
21 118.052, Local Government Code) . . . \$4; and

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

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

26 (i) for the clerk's certificate (Sec.  
27 118.052, Local Government Code) . . . \$5; and

1 (ii) a fee per page or part of a page (Sec.  
2 118.052, Local Government Code) . . . \$1;

3 (C) noncertified papers, for each page or part of  
4 a page (Secs. 118.052 and 118.0605, Local Government Code) . . .  
5 \$1;

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

9 (E) safekeeping of wills (Secs. 118.052 and  
10 118.062, Local Government Code) . . . \$5;

11 (F) mail service of process (Secs. 118.052 and  
12 118.063, Local Government Code) . . . same as sheriff; and

13 (G) records management and preservation fee  
14 (Secs. 118.052, 118.0546, and 118.0645, Local Government Code)  
15 . . . \$5;

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

19 (17) additional filing fee for filing documents not  
20 subject to certain filing fees to fund the courthouse security  
21 fund, if authorized by the county commissioners court (Sec.  
22 291.008, Local Government Code) . . . \$1;

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

27 (19) court cost in civil cases other than suits for

1 delinquent taxes to fund the county law library fund, if authorized  
2 by the county commissioners court (Sec. 323.023, Local Government  
3 Code) . . . not to exceed \$35;

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

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

9 (21-a) court costs and attorney's fees in an eminent  
10 domain proceeding (Sec. 21.047, Property Code) . . . as taxed by  
11 the court and as reasonable, respectively;

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

16 (23) court fees and costs, if ordered by the court, for  
17 a suit filed by an inmate in which an affidavit or unsworn  
18 declaration of inability to pay costs is filed by the inmate (Sec.  
19 14.006, Civil Practice and Remedies Code) . . . the lesser of:

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

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

25 (24) monthly payment for remaining court fees and  
26 costs after the initial payment for a suit in which an affidavit or  
27 unsworn declaration of inability to pay costs is filed by the inmate

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

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

6 (B) the total amount of court fees and costs that  
7 remain unpaid;

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

12 (A) expenses of service of process;

13 (B) postage; and

14 (C) transportation, housing, or medical care  
15 incurred in connection with the appearance of the inmate in the  
16 court for any proceeding;

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

19 (A) in Bexar County Courts at Law:

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

23 (ii) No. 2 (Sec. 25.0172, Government Code)  
24 . . . \$3;

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

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

4 (27) a stenographer's fee as costs in each civil,  
5 criminal, and probate case in which a record is made by the official  
6 court reporter in a statutory county court in Nolan County (Sec.  
7 25.1792, Government Code) . . . \$25;

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

12 (29) in Nueces County, in matters of concurrent  
13 jurisdiction with the district court, with certain exceptions, fees  
14 (Sec. 25.1802, Government Code) . . . equal to those in district  
15 court cases;

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

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

26 (32) for a hearing or proceeding under the Texas  
27 Mental Health Code (Subtitle C, Title 7, Health and Safety Code) as

1 costs (Secs. 571.017 and 571.018, Health and Safety Code) . . .  
2 reasonable compensation to the following persons appointed under  
3 the Texas Mental Health Code:

- 4 (A) attorneys;
- 5 (B) physicians;
- 6 (C) language interpreters;
- 7 (D) sign interpreters; and
- 8 (E) masters;

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

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

22 (34) expenses of transporting certain patients from  
23 the county of treatment to a hearing in the county in which the  
24 proceedings originated (Sec. 574.008, Health and Safety Code) . . .  
25 actual expenses unless certain arrangements are made to hold the  
26 hearing in the county in which the patient is receiving services;

27 (35) expenses for expert witness testimony for an

1 indigent patient (Sec. 574.010, Health and Safety Code) . . . if  
2 authorized by the court as reimbursement to the attorney ad litem,  
3 court-approved expenses;

4 (36) fee for judge's services for holding a hearing on  
5 an application for court-ordered mental health services (Sec.  
6 574.031, Health and Safety Code) . . . as assessed by the judge, not  
7 to exceed \$50;

8 (37) expenses to reimburse judge for holding a hearing  
9 in a hospital or location other than the county courthouse (Sec.  
10 574.031, Health and Safety Code) . . . reasonable and necessary  
11 expenses as certified;

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

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

23 SECTION 13. (a) The change in law made by Section 552.0037,  
24 Government Code, as amended by this Act, applies only to a request  
25 for disclosure made on or after the effective date of this Act. A  
26 request for disclosure made before the effective date of this Act is  
27 governed by the law in effect immediately before the effective date

1 of this Act, and that law is continued in effect for that purpose.

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

11 SECTION 14. (a) Except as provided by Subsection (b) of  
12 this section, this Act takes effect September 1, 2007.

13 (b) Sections 5 and 10 of this Act, amending Sections 21.023  
14 and 21.103, Property Code, take effect on the date on which the  
15 constitutional amendment proposed by the 80th Legislature, Regular  
16 Session, 2007, allowing a governmental entity to sell property  
17 acquired through eminent domain back to the previous owners at the  
18 price the entity paid to acquire the property takes effect. If that  
19 amendment is not approved by the voters, Sections 5 and 10 of this  
20 Act have no effect.