

## **BILL ANALYSIS**

Senate Research Center

S.B. 41  
By: Zaffirini  
Jurisprudence  
6/7/2021  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

According to the Office of Court Administration of the Texas Judicial System, there are 223 distinct civil court filing fees. This system is needlessly complex to administer and track. Specifically, it is labor intensive for state and local personnel to ensure that the proper portion of each fee is retained locally, remitted to the state, or deposited in the appropriate dedicated revenue account. What's more, some courts have held that several civil filing fees are unconstitutional, threatening the ability of vital programs to retain funding from filing fees.

S.B. 41 would consolidate civil court filing fees and establish a streamlined system while remaining revenue neutral to the greatest extent possible. The new system would be simpler for local officials to administer, the state to audit, and litigants to navigate and would cure current constitutional issues.

(Original Author's / Sponsor's Statement of Intent)

S.B. 41 amends current law relating to the consolidation and allocation of state civil court costs, increases certain civil court costs, and authorizes fees.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

#### ARTICLE 1. CONSOLIDATED CIVIL FILING FEES

SECTION 1.01. Amends Section 133.004, Local Government Code, as follows:

Sec. 133.004. CIVIL FEES. Provides that Chapter 133 (Criminal and Civil Fees Payable to the Comptroller) applies to the following civil fees:

- (1) the consolidated fee, rather than the consolidated fee on filing in district court, imposed under Section 133.151;
- (2) fees collected under Section 118.015 (Birth or Death Certificate);
- (3) redesignates existing Subsection (8) as Subsection (3) and makes a nonsubstantive change; and
- (4) redesignates existing Subsection (9) as Subsection (4) and makes a nonsubstantive change.

Deletes existing text providing that Chapter 133 applies to the filing fee in district court for basic civil legal services for indigents imposed under Section 133.152 (Additional Filing Fees for Certain Actions and Proceedings in District Court for Basic Civil Legal Services for Indigents); the filing fee in courts other than district court for basic civil legal services for indigents imposed under Section 133.153 (Additional Filing Fees for

Certain Actions and Proceedings in Courts Other Than District Court for Basic Civil Legal Services for Indigents); the filing fees for the judicial fund imposed in certain statutory county courts under Section 51.702 (Additional Fees in Statutory County Courts), Government Code; the filing fees for the judicial fund imposed in certain county courts under Section 51.703 (Additional Fees in Certain County Courts), Government Code; the filing fees for the judicial fund imposed in statutory probate court under Section 51.704 (Additional Fees in Statutory Probate Courts), Government Code; and the filing fee for the judicial fund imposed in district court, statutory county court, and county court under Section 133.154 (Additional Filing Fee in District Court, Statutory County Court, or County Court for Support of Judiciary). Makes nonsubstantive changes.

SECTION 1.02. Amends Section 133.151, Local Government Code, as follows:

Sec. 133.151. New heading: STATE CONSOLIDATED CIVIL FEE ON FILING A CIVIL CASE. (a) Requires the clerk of a district court, statutory county court, statutory probate court, or county court to collect:

(1) a fee in the amount of \$137 on the filing of any civil, probate, guardianship, or mental health case; and

(2) a fee in the amount of \$45 on any action other than an original action subject to Subdivision (1), including an appeal and any counterclaim, cross-action, intervention, contempt action, adverse probate action, interpleader, motion for new trial, or third-party action.

Deletes existing text requiring the clerk of a district court, in addition to certain other fees collected, to collect the following fees on the filing of any civil suit: \$45 for family law cases and proceedings as defined by Section 25.0002 (Definitions), Government Code; and \$50 for any other case. Makes nonsubstantive changes.

(a-1) Requires the clerk of a justice court to collect a fee in the amount of \$21 on the filing of any civil case and on any action other than an original action for the civil case, including an appeal and any counterclaim, cross-action, intervention, contempt action, interpleader, motion for new trial, or third-party action.

(b) Requires that the fees under this section, rather than under Subsection (a), be collected and remitted either directly to the treasury by the Office of Court Administration of the Texas Judicial System (OCA) for fees paid using the electronic filing system established under Section 72.031 (Electronic Filing System), Government Code, or to the Comptroller of Public Accounts of the State of Texas (comptroller) in the manner provided by Subchapter B (Reporting, Collection, and Remittance of Fees) for fees paid to an officer of a court.

(c) Requires the comptroller to allocate the fees received under Subsection (a)(1), rather than under this section, to the following accounts and funds so that each receives to the extent practicable, utilizing historical data as applicable, the same amount of money the account or fund would have received if the fees for the accounts and funds had been collected and reported separately, except that the account or fund is prohibited from receiving less than the following percentages:

(1) the judicial fund to be used for court-related purposes for the support of the judiciary 59.854 percent;

(2) the basic civil legal services account of the judicial fund for use in programs approved by the Supreme Court of Texas that provide basic civil legal services to an indigent 14.5985 percent;

(3) the statewide electronic filing system fund 21.8978 percent; and

(4) the judicial and court personnel training fund 3.6497 percent.

Makes nonsubstantive changes.

(d) Requires the comptroller to allocate the fees received under Subsection (a)(2) to the following accounts and funds so that each receives to the extent practicable, utilizing historical data as applicable, the same amount of money the account or fund would have received if the fees for the accounts and funds had been collected and reported separately, except that the account or fund is prohibited from receiving less than the following percentages:

(1) the basic civil legal services account of the judicial fund for use in programs approved by the Supreme Court of Texas that provide basic legal services to an indigent 22.2222 percent;

(2) the statewide electronic filing system fund 66.6667 percent; and

(3) the judicial and court personnel training fund 11.1111 percent.

(e) Requires the comptroller to allocate the fees received under Subsection (a-1) to the following accounts and funds so that each receives to the extent practicable, utilizing historical data as applicable, the same amount of money the account or fund would have received if the fees for the accounts and funds had been collected and reported separately, except that the account or fund is prohibited from receiving less than the following percentages:

(1) the basic civil legal services account of the judicial fund for use in programs approved by the Supreme Court of Texas that provide basic civil legal services to an indigent 28.5714 percent;

(2) the statewide electronic filing system fund 47.6191 percent; and

(3) the judicial and court personnel training fund 23.8095 percent.

SECTION 1.03. Amends Subtitle C, Title 4, Local Government Code, by adding Chapter 135, as follows:

## CHAPTER 135. CIVIL FEES PAYABLE TO LOCAL GOVERNMENT

### SUBCHAPTER A. GENERAL PROVISIONS

Sec. 135.001. PURPOSE. Provides that the purpose of this chapter is to consolidate and standardize collection of fees payable to a local government in civil cases by an officer of a court for deposit in a county treasury or an officer of a county for deposit in the county treasury.

Sec. 135.002. DEFINITIONS. Defines "fee" and "county treasurer."

Sec. 135.003. CIVIL FEES. Provides that this chapter applies to the civil fees imposed under Sections 135.101, 135.102, and 135.103 on civil, probate, guardianship, and mental health cases.

### SUBCHAPTER B. COLLECTION AND REMITTANCE OF LOCAL CIVIL FEES

Sec. 135.051. COLLECTION, REMITTANCE, AND DEPOSIT OF FEES. (a) Requires a court clerk to collect and remit to the county treasurer all fees in the manner provided by this section.

(b) Requires an officer collecting a fee in a justice, county, or district court to remit the money to the county treasurer for deposit in the county treasury.

(c) Requires a court clerk collecting a fee to remit the money to the county treasurer for deposit in the county treasury.

Sec. 135.052. ALLOCATION OF DEPOSITED FEES. (a) Requires that money collected under Subchapter C as civil fees imposed on or after January 1, 2022, be allocated according to the percentages provided by Sections 135.101, 135.102, and 135.103, as applicable.

(b) Requires that money collected under Subchapter C as civil fees before January 1, 2022, be distributed utilizing historical data so that each account or fund receives the same amount of money the account or fund would have received if the fee for the accounts and funds had been collected and reported separately. Provides that this subsection expires September 1, 2025.

#### SUBCHAPTER C. LOCAL CIVIL FEES

Sec. 135.101. LOCAL CONSOLIDATED CIVIL FEE FOR CERTAIN CIVIL CASES IN DISTRICT COURT, STATUTORY COUNTY COURT, OR COUNTY COURT. (a) Requires a person to pay in a district court, statutory county court, or county court in addition to all other fees and court costs a local consolidated filing fee of:

(1) \$213 on filing any civil case except a probate, guardianship, or mental health case; and

(2) \$35 on any action other than an original action for a case subject to Subdivision (1), including an appeal and any counterclaim, cross-action, intervention, contempt action, interpleader, motion for new trial, or third-party action.

(b) Requires the county treasurer to allocate the fees received under Subsection (a)(1) to the following accounts and funds so that each receives to the extent practicable, utilizing historical data as applicable, the same amount of money the account or fund would have received if the fees for the accounts and funds had been collected and reported separately, except that the account or fund is prohibited from receiving less than the following percentages:

(1) the appellate judicial system fund 2.3474 percent;

(2) the court facility fee fund 9.3897 percent;

(3) the clerk of the court account 23.4742 percent;

(4) the county records management and preservation account 14.0845 percent;

(5) the court reporter service fund 11.7371 percent;

(6) the county law library fund 16.4319 percent;

(7) the courthouse security fund 9.3897 percent;

(8) the language access fund 1.4085 percent;

(9) the county jury fund 4.6948 percent; and

(10) the county dispute resolution fund 7.0423 percent.

(c) Requires the county treasurer to allocate the fees received under Subsection (a)(2) to the following accounts and funds so that each receives to the extent practicable, utilizing historical data as applicable, the same amount of money the

account or fund would have received if the fees for the accounts and funds had been collected and reported separately, except that the account or fund is prohibited from receiving less than the following percentages:

- (1) the clerk of the court account 42.8571 percent; and
- (2) the county records management and preservation account 57.1429 percent.

Sec. 135.102. LOCAL CIVIL FEE FOR PROBATE, GUARDIANSHIP, AND MENTAL HEALTH CASES IN STATUTORY COUNTY COURT, STATUTORY PROBATE COURT, OR COUNTY COURT. (a) Requires a person to pay in a statutory county court, statutory probate court, or county court in addition to all other fees and court costs a fee of:

- (1) \$223 on filing any probate, guardianship, or mental health case; and
- (2) \$75 on any action other than an original action for a case subject to Subdivision (1), including an adverse probate action, contest, or suit in a probate court, other than the filing of a claim against an estate, in which the movant or applicant filing the intervention pleading seeks any affirmative relief.

(b) Requires the county treasurer to allocate the fees received under Subsection (a)(1) to the following accounts and funds so that each receives to the extent practicable, utilizing historical data as applicable, the same amount of money the account or fund would have received if the fees for the accounts and funds had been collected and reported separately, except that the account or fund is prohibited from receiving less than the following percentages:

- (1) the appellate judicial system fund 2.2422 percent;
- (2) the court facility fee fund 8.9686 percent;
- (3) the clerk of the court account 17.9372 percent;
- (4) the county records management and preservation account 6.7265 percent;
- (5) the court reporter service fund 11.2108 percent;
- (6) the county law library fund 15.6951 percent;
- (7) the courthouse security fund 8.9686 percent;
- (8) the language access fund 1.3453 percent;
- (9) the county jury fund 4.4841 percent;
- (10) the county dispute resolution fund 6.7265 percent;
- (11) the court-initiated guardianship fund 8.9686 percent;
- (12) the judicial education and support fund 2.2422 percent; and
- (13) the public probate administrator fund 4.4843 percent.

(c) Requires the county treasurer to allocate the fees received under Subsection (a)(2) to the following accounts and funds so that each receives to the extent practicable, utilizing historical data as applicable, the same amount of money the

account or fund would have received if the fees for the accounts and funds had been collected and reported separately, except that the account or fund is prohibited from receiving less than the following percentages:

- (1) the clerk of the court account 53.3333 percent;
- (2) the county records management and preservation account 6.6667 percent;
- (3) the court-initiated guardianship fund 26.6667 percent; and
- (4) the public probate administrator fund 13.3333 percent.

Sec. 135.103. LOCAL CONSOLIDATED CIVIL FEE FOR JUSTICE COURT. (a) Requires a person, in addition to all other fees and court costs, to pay a local consolidated filing fee of \$33 on filing of any civil case in a justice court and on any action other than an original action for a civil case, including an appeal and any counterclaim, cross-action, intervention, contempt action, interpleader, motion for new trial, or third-party action.

(b) Requires the county treasurer to allocate the fees received under this section to the following accounts and funds so that each receives to the extent practicable, utilizing historical data as applicable, the same amount of money the account or fund would have received if the fees for the accounts and funds had been collected and reported separately, except that the account or fund is prohibited from receiving less than the following percentages:

- (1) the justice court support fund 75.7576 percent;
- (2) the county dispute resolution fund 15.1515 percent; and
- (3) the language access fund 9.0909 percent.

#### SUBCHAPTER D. ALLOCATION AND USE OF CERTAIN CIVIL FEES

Sec. 135.151. MAINTENANCE OF FUNDS AND ACCOUNTS. (a) Requires a county treasurer to maintain in the county treasury a fund or account to which money is allocated under Section 135.101, 135.102, or 135.103, to the extent that the fund or account is not required by other law. Provides that money in an account maintained under this section is authorized to be used only for the purposes provided by Subchapter D.

(b) Authorizes an account or fund maintained under this section in a county treasury to be administered by or at the direction of the county commissioners court.

Sec. 135.152. COURT FACILITY FEE FUND. Provides that money allocated under Section 135.101 or 135.102 to the court facility fee fund maintained in the county treasury as required by Section 135.151 is authorized to be used by a county only to fund the construction, renovation, or improvement of facilities that house the courts or to pay the principal of, interest on, and costs of issuance of bonds, including refunding bonds, issued for the construction, renovation, or improvement of the facilities.

Sec. 135.153. CLERK OF THE COURT ACCOUNT. Provides that money allocated under Section 135.101 or 135.102 to the clerk of the court account maintained in the county treasury as required by Section 135.151 is authorized to be used by a county only to defray costs of services provided by a county or district clerk.

Sec. 135.154. COUNTY RECORDS MANAGEMENT AND PRESERVATION ACCOUNT. Provides that money allocated under Section 135.101 or 135.102 to the county records management and preservation account maintained in the county treasury as required by Section 135.151 is authorized to be used by a county only to fund records

management and preservation services including automation, performed by the court clerk on approval by the commissioners court of a budget as provided by Chapter 111 (County Budget). Requires that an expenditure from the fund comply with Subchapter C (Competitive Bidding in General), Chapter 262 (Purchasing and Contracting Authority of Counties).

Sec. 135.155. LANGUAGE ACCESS FUND. Provides that money allocated under Section 135.101, 135.102, or 135.103 to the language access fund maintained in the county treasury as required by Section 135.151 is authorized to be used by a county only to provide language access services for individuals appearing before the court or receiving court services.

Sec. 135.156. COUNTY JURY FUND. Provides that money allocated under Section 135.101 or 135.102 to the county jury fund maintained in the county treasury as required by Section 135.151 is authorized to be used by a county only to fund juror reimbursements and otherwise finance jury services.

Sec. 135.157. COUNTY DISPUTE RESOLUTION FUND. (a) Provides that money allocated under Section 135.101, 135.102, or 135.103 to the county dispute resolution fund maintained in the county treasury as required by Section 135.151 is authorized to be used by a county only to establish and maintain an alternative dispute resolution system in accordance with Chapter 152 (Alternative Dispute Resolution System Established by Counties), Civil Practice and Remedies Code. Provides that the fund is required to be administered by the commissioners court and is authorized to be used by the county only to establish and maintain the system. Requires that the system be operated at one or more convenient and accessible places in the county.

(b) Requires that the money allocated under Subsection (a), if a county has not established an alternative dispute resolution system under Chapter 152, Civil Practice and Remedies Code, be remitted to the comptroller and requires the comptroller to allocate the money to the statewide electronic filing system fund.

Sec. 135.158. COURT-INITIATED GUARDIANSHIP FUND. Authorizes money allocated under Section 135.102 to the court-initiated guardianship fund maintained in the county treasury as required by Section 135.151 to be used by a county only to supplement other available funds to:

- (1) pay the compensation of a guardian ad litem appointed by a court under Section 1102.001 (Court-Initiated Investigation), Estates Code;
- (2) pay the compensation of an attorney ad litem appointed by a court to represent a proposed ward in a guardianship proceeding initiated under Chapter 1102 (Court-Initiated Procedure to Appoint Guardian), Estates Code; and
- (3) fund local guardianship programs that provide guardians for indigent incapacitated persons who do not have family members suitable and willing to serve as guardians.

Sec. 135.159. JUDICIAL EDUCATION AND SUPPORT FUND. Authorizes money allocated under Section 135.102 to the judicial education and support fund maintained in the county treasury as required by Section 135.151 to be used by a county only to pay:

- (1) the continuing education of the judge and staff of the probate court, including the payment of travel and related expenses in attending a continuing judicial education activity of an organization accredited by the Supreme Court of Texas for continuing judicial education; or
- (2) the county's contribution to fund the compensation required by Section 25.0022 (Administration of Statutory Probate Courts), Government Code, for the presiding judge of the statutory probate court.

Sec. 135.160. PUBLIC PROBATE ADMINISTRATOR FUND. Authorizes money allocated under Section 135.102 to the public probate administrator fund maintained in the county treasury as required by Section 135.151 to be used by a county only to support the office of public probate administrator established under Chapter 455 (Public Probate Administrator), Estates Code. Requires a county that does not appoint a public probate administrator subject to Chapter 455, Estates Code, to deposit the money to the court-initiated guardianship fund.

Sec. 135.161. JUSTICE COURT SUPPORT FUND. Authorizes money allocated under Section 135.103 to the justice court support fund maintained in the county treasury as required by Section 135.151 to be used by a county only to defray the costs of services provided by a justice court.

## ARTICLE 2. GOVERNMENT CODE

SECTION 2.01. Amends Subchapter C, Chapter 22, Government Code, by adding Section 22.229, as follows:

Sec. 22.229. APPELLATE JUDICIAL SYSTEM FUND. (a) Provides that an appellate judicial system fund is established for each court of appeals to:

(1) assist the court of appeals in the processing of appeals filed with the court of appeals from the county courts, statutory county courts, statutory probate courts, and district courts in the counties the court of appeals serves; and

(2) defray costs and expenses incurred in the operation of the court of appeals.

(b) Requires each county treasurer, to fund the appellate judicial system, to allocate to the fund the percentage of the local consolidated filing fee provided by Section 135.101(b)(1) or 135.102(b)(1), Local Government Code.

(c) Requires that fee required under Subsection (b)(2) be taxed, collected, and paid as other court costs in a suit. Requires the clerk of the court to collect the fee and pay it to the county treasurer.

(d) Requires the county treasurer to monthly forward the money collected under this section to the clerk of the court of appeals serving the county for deposit in the appellate judicial system fund. Authorizes the court of appeals to spend money in the fund for the purposes described by Subsection (a). Prohibits money in the fund from being used for any other purpose.

(e) Provides that the chief justice of each court of appeals is responsible for the management of all money deposited in the appellate judicial system fund for the chief justice's court of appeals and has sole discretion on use of the money in the fund, except that the money is required to be used for purposes consistent with the purposes described by Subsection (a) for which the fund was established.

SECTION 2.02. Amends Section 25.00211(a), Government Code, as follows:

(a) Requires the state, beginning on the first day of the state fiscal year, to annually compensate each county, rather than each county that collects the additional fees under Section 51.704, in an amount equal to \$40,000 for each statutory probate court judge in the county.

SECTION 2.03. Amends Section 25.00212(a), Government Code, as follows:



(a) Requires the comptroller, at the end of each state fiscal year, to determine the amounts deposited in the judicial fund by statutory probate courts, rather than under Section 51.704, and the sum of the amount paid under Section 25.0022(e) and the total amounts paid to the counties under Section 25.00211. Requires the state, if the total amount deposited in the judicial fund by statutory probate courts in all counties exceeds that sum, to remit the excess proportionately to each county that deposited a greater amount in the judicial fund by statutory probate court than the amount the county was paid under Section 25.00211, as adjusted in an equitable manner to reflect the differences in the total amounts paid to the counties under Section 25.00211. Makes conforming changes.

SECTION 2.04. Amends Section 25.00213(a), Government Code, to provide that a contributions fund is created in the county treasury of each county that receives funds under Section 25.00212, rather than of each county that collects the additional fees under Section 51.704.

SECTION 2.05. Amends Section 25.0022(e), Government Code, to make a conforming change.

SECTION 2.06. Amends Section 25.0172(u), Government Code, as follows:

(u) Deletes existing text requiring that the official court reporter's fee be taxed as costs in civil actions in Bexar County Courts at Law Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 in the same manner as that fee is taxed in district court. Deletes existing text providing that, in Bexar County Court at Law No. 2, the clerk collects the official court reporters' fee of \$3 and pays it into the county treasury in the same manner as district clerks are required to collect and pay costs.

SECTION 2.07. Amends Section 25.0595(j), Government Code, as follows:

(j) Authorizes fees collected under Section 135.102, rather than under Section 118.052(2)(A)(vi), Local Government Code, and deposited into the judicial education and support fund, in addition to the uses authorized by Section 135.159, rather than by 118.064(b) (relating to requiring that an additional fee in an original probate action be deposited in the general fund of the county for certain uses), Local Government Code, to be used by Dallas County for providing staff for the statutory probate courts and for court-related purposes for the support of the statutory probate courts. Deletes existing text requiring the commissioners court, in determining if the fee produces more revenue than required as provided by Section 118.064(c) (relating to requiring the commissioners court to reduce the additional fee in an original probate action if the fee produces more revenue than required), Local Government Code, to include the uses authorized by this subsection.

SECTION 2.08. Amends Section 25.1102(f), Government Code, as follows:

(f) Deletes existing text requiring the clerk of the court in a Hidalgo County court of law to tax as costs in each civil, criminal, or probate case in which a record, or any part of a record, is made of the evidence a stenographer's fee of \$20. Deletes existing text providing that the clerk collects the fees and pays them in to the county's general fund.

SECTION 2.09. Amends Section 25.1572(h), Government Code, as follows:

(h) Deletes existing text requiring the clerk of a McLennan County court of law, in civil and probate cases in which the court reporter is required to take testimony, to assess a \$3 fee as costs in the case. Deletes existing text requiring the clerk to collect the fee and deposit it in the county treasury.

SECTION 2.10. Amends Section 25.2702(d), Government Code, as follows:

(d) Deletes existing text requiring the clerk of the court in the 1st Multicounty Court of Law to tax as costs, in each civil and probate case in which a record of any part of the evidence in the case is made by the reporter, a stenographer's fee of \$25. Deletes existing

text requiring that the fee be paid in the same manner as other costs in the case and providing that the clerk collects the fee and pays it into the general funds of the counties.

SECTION 2.11. Amends Section 51.302(e), Government Code, as follows:

(e) Deletes existing text authorizing the commissioners court to set an additional filing fee in an amount not to exceed \$5 for each suit filed to be collected by the district clerk and requiring that the fee be paid into the fund. Deletes existing text requiring the clerk, when the contingency fund reaches an amount equal to that required by Subsection (c) or (d), to stop collecting the additional fee.

SECTION 2.12. Amends Sections 51.318(a) and (b), Government Code, as follows:

(a) Requires the district clerk to collect, rather than collect in addition to a fee under Section 51.317 (Fees Due at Filing), at the time the service is performed or at the time the service is requested the fees provided by Subsection (b) for services performed by the clerk. Makes a nonsubstantive change.

(b) Amends the fees for certain court office services as set forth in this subsection.

SECTION 2.13. Amends the heading to Section 51.601, Government Code, to read as follows:

Sec. 51.601. COURT REPORTER SERVICE FUND.

SECTION 2.14. Amends Section 51.607, Government Code, by amending Subsection (c) and adding Subsection (d), as follows:

(c) Provides that, except as provided by Subsection (d) and notwithstanding the effective date of the law imposing or changing the amount of a court cost or fee included on the list, the imposition or change in the amount of the court cost or fee does not take effect until the next January 1 after the law takes effect. Makes a nonsubstantive change.

(d) Provides that Subsection (c) does not apply to a court cost or fee if the law imposing or changing the amount of the cost or fee takes effect on or after the January 1 following the regular session of the legislature at which the law was enacted.

SECTION 2.15. Amends Section 51.851(b), Government Code, as follows:

(b) Deletes existing text requiring the clerk of a district court, a county court, a statutory county court, or a statutory probate court, in addition to other fees authorized or required by law, to collect a \$30 fee on the filing of any civil action or proceeding requiring a filing fee, including an appeal, and on the filing of any counterclaim, cross-action, intervention, interpleader, or third-party action requiring a filing fee to be used as provided by Section 51.852 (Statewide Electronic Filing System Fund). Makes a nonsubstantive change.

SECTION 2.16. Amends Section 411.0745(b), Government Code, as follows:

(b) Requires that the petition for an order of nondisclosure of criminal history record information be accompanied by payment of a fee that generally applies to the filing of a civil case, rather than accompanied by payment of a \$28 fee to the clerk of the court in addition to any other fee that generally applies to the filing of a civil petition.

SECTION 2.17. Amends the heading to Section 411.077, Government Code, to read as follows:

Sec. 411.077. DEPARTMENT OF PUBLIC SAFETY REPORT.

### ARTICLE 3. LOCAL GOVERNMENT CODE

SECTION 3.01. Amends Section 82.003(c), Local Government Code, as follows:

(c) Deletes existing text authorizing the commissioners court to set an additional filing fee in an amount not to exceed \$5 for each suit filed to be collected by the county clerk and requiring that the fee be paid into the fund. Deletes existing text requiring the clerk, when the contingency fund reaches an amount equal to that required by Section 82.003 (Errors and Omissions Insurance; Contingency Fund), to stop collecting the additional fee.

SECTION 3.02. Amends Sections 118.051 and 118.052, Local Government Code, as follows:

Sec. 118.051. CLERICAL DUTIES. Provides that the fees listed in Subchapter C (Fees of Clerk of County Court), rather than the fees listed in Subchapter C except as provided by Section 118.067, for certain county civil court dockets and county probate court dockets are fees for all clerical duties performed in connection with the docket, including certain clerical and administrative duties.

Sec. 118.052. FEE SCHEDULE. Requires each clerk of a county court to collect certain fees for services rendered to any person for certain civil court actions, probate court actions, and other fees. Amends the fee schedule as set forth in this section.

SECTION 3.03. Amends Section 118.0545, Local Government Code, by adding Subsection (b-1) and amending Subsection (e), as follows:

(b-1) Provides that the fee for "Preparation of the clerk's record for appeal" under Section 118.052(1) (relating to fees for clerical services rendered to any person in a civil court action) is for preparation of the clerk's record for appeal.

(e) Redefines "original action" for Section 118.0545 (Services Rendered After Judgment in Original Action).

SECTION 3.04. Amends Section 118.056(c), Local Government Code, as amended by Chapter 66, Acts of the 76th Legislature, Regular Session, 1999, as follows:

(c) Provides that each fee for certain services in pending probate action is required to be paid, rather than be paid in cash, at the time of the filing or the rendering of the service and is in addition to other fees prescribed by Section 118.052.

SECTION 3.05. Amends Section 118.059(c), Local Government Code, to redefine "document" for Section 118.059 (Issuing Document).

SECTION 3.06. Amends Subchapter C, Chapter 118, Local Government Code, by adding Section 118.070, as follows:

Sec. 118.070. FEE FOR SEARCH OF RECORDS. Authorizes the clerk of a county court to collect a fee for searching files or records to locate a cause when the docket number is not provided.

SECTION 3.07. Amends Section 118.101, Local Government Code, as follows:

Sec. 118.101. FEE SCHEDULE. Deletes existing text requiring the county judge to collect a \$2.00 fee in probate matters regarding records technology and infrastructure, if authorized by the commissioners court of the county.

SECTION 3.08. Amends Section 118.121, Local Government Code, as follows:

Sec. 118.121. FEE SCHEDULE. Deletes existing text requiring a justice of the peace to collect certain fees for services rendered to any person before judgment. Makes nonsubstantive changes.

SECTION 3.09. Amends Section 133.051, Local Government Code, as follows:

Sec. 133.051. COLLECTION AND REMITTANCE OF FEES. (a) Creates this subsection from existing text. Requires a municipality or county to collect, record, account for, and remit to the comptroller all fees in the manner provided by Subchapter B, except fees paid under Section 133.151 using the electronic filing system established under Section 72.031, Government Code.

(b) Requires that fees paid under Section 133.151 using the electronic filing system established under Section 72.031, Government Code, be remitted directly to the treasury by OCA for disbursement and deposit as provided by that section.

SECTION 3.10. Amends Section 133.055(a), Local Government Code, as follows:

(a) Requires the treasurer, for fees paid to an officer of a court and not using the electronic filing system established under Section 72.031, Government Code, on or before the last day of the month following each calendar quarter, to remit to the comptroller the money from all fees collected during the preceding quarter, except as provided by Section 133.058, and submit to the comptroller the report required under Section 133.056 (Quarterly Report for Criminal Fees) for criminal fees and Section 133.057 (Quarterly Report for Civil Fees) for civil fees. Makes a nonsubstantive change.

SECTION 3.11. Amends Section 133.058(d), Local Government Code, as follows:

(d) Prohibits a county from retaining a service fee on the collection of certain fees or fines, including a fee or fine for any state consolidated filing fee under Section 133.151, rather than under Section 51.971 (Judicial and Court Personnel Training Fee), Government Code.

SECTION 3.12. Amends Section 203.003, Local Government Code, as follows:

Sec. 203.003. DUTIES OF COMMISSIONERS COURT. Makes conforming changes to this section.

SECTION 3.13. Amends the heading to Section 291.008, Local Government Code, to read as follows:

Sec. 291.008. DOCUMENT FILING FEE.

SECTION 3.14. Amends Section 291.008(d), Local Government Code, as follows:

(d) Requires the county and district clerks, rather than requires the county and district clerks if a commissioners court sets a security fee under Subsection (a) (relating to authorizing a commissioners court to set a fee for security not to exceed \$5 to be collected at the time of filing in a civil case) of this section, to collect a fee of \$1 for filing any document not subject to a filing fee under Section 118.052(2) (relating to requiring each clerk of a county court to collect fees for probate court services), 135.101, or 135.102, rather than to any document not subject to the security fee. Makes a nonsubstantive change.

SECTION 3.15. Amends Sections 323.023(a) and (b), Local Government Code, as follows:

(a) Requires the commissioners court to establish a county law library fund. Deletes existing text requiring that a sum set by the commissioners court not to exceed \$35 be taxed, collected, and paid as other costs in each civil case filed in a county or district court, except suits for delinquent taxes. Deletes existing text providing that the county is not liable for the costs.

(b) Authorizes the county law library fund to be used only for certain purposes. Deletes existing text requiring the clerks of the respective courts to collect the costs and pay them to the county treasurer, or to any other official who discharges the duties commonly

delegated to the county treasurer, for deposit in a fund to be known as the county law library fund. Makes nonsubstantive changes.

#### ARTICLE 4. OTHER CONFORMING AMENDMENTS

SECTION 4.01. Amends Section 12.005(a), Civil Practice and Remedies Code, as follows:

(a) Provides that the fee for filing an action under this Chapter 12 (Liability Related to a Fraudulent Court Record or a Fraudulent Lien or Claim Filed Against Real or Personal Property) is the fee that generally applies to the filing of a civil case.

Deletes existing text providing that the fee for filing an action under this chapter is \$15 and requiring the plaintiff to pay the fee to the clerk of the court in which the action is filed. Deletes existing text providing that except as provided by Subsection (b) (relating to prohibiting the fee for service of notice of an action charged to the plaintiff from exceeding certain prescribed amounts), the plaintiff is prohibited from being assessed any other fee, cost, charge, or expense by the clerk of the court or other public official in connection with the action.

SECTION 4.02. Amends Article 102.017(a), Code of Criminal Procedure, to make conforming and nonsubstantive changes.

SECTION 4.03. Amends Section 54.041(a), Family Code, as follows:

(a) Deletes existing text authorizing the juvenile court, when a child has been found to have engaged in delinquent conduct or conduct indicating a need for supervision and the juvenile court has made a finding that the child is in need of rehabilitation or that the protection of the public or the child requires that disposition be made, on notice by any reasonable method to all persons affected, after notice and a hearing of all persons affected, to order the child's parent or other person responsible for the child's support to pay all or part of the reasonable costs of treatment programs in which the child is required to participate during the period of probation if the court finds the child's parent or person responsible for the child's support is able to pay the costs. Makes nonsubstantive changes.

SECTION 4.04. Amends Section 61.002(a), Family Code, as follows:

(a) Deletes existing text providing that Chapter 61 (Rights and Responsibilities of Parents and Other Eligible Persons), except as provided by Subsection (b) (relating to providing that Subchapter A (Entry of Orders Against Parents and Other Eligible Persons) does not apply to the entry and enforcement of a certain child support order), applies to a proceeding to enter a juvenile court order for payment of graffiti eradication fees under Section 54.0461 (Payment of Juvenile Delinquency Prevention Fees), for payment of costs of court under Section 54.0411 (Juvenile Probation Diversion Fund) or other provisions of law, and for payment of fees under Section 54.0462 (Payment of Fees for Offenses Requiring DNA Testing). Makes nonsubstantive changes.

SECTION 4.05. Amends Section 231.202, Family Code, as follows:

Sec. 231.202. AUTHORIZED COSTS AND FEES IN TITLE IV-D CASES. Deletes existing text requiring a Title IV-D agency, in a Title IV-D case filed under Title 5 (The Parent-Child Relationship and the Suit Affecting the Parent-Child Relationship), including a case filed under Chapter 159 (Uniform Interstate Family Support Act), to pay filing fees and fees for issuance and service of process as provided by Sections 51.317(b)(1), (2), (3), and (b-1) (relating to fees that the district clerk is required to collect in certain amounts for certain filings and actions), Government Code, and a fee authorized by Section 72.031, Government Code, for the electronic filing of documents with a clerk. Makes nonsubstantive changes.

SECTION 4.06. Amends Section 571.018(b), Health and Safety Code, to delete existing text prohibiting the county from paying the costs from any fees collected under Section 51.704, Government Code.

SECTION 4.07. Amends Section 40.062, Human Resources Code, as follows:

Sec. 40.062. EXEMPTION FROM CERTAIN COSTS AND FEES. Deletes existing text providing that the Department of Family and Protective Services is not required to pay a filing fee or fee for issuance or service of process imposed by Section 51.317 or 51.318(b)(2) (relating to an \$8 fee for issuing certain documents, citations, writs, and processes), Government Code, a court reporter fee imposed by Section 51.601 (Court Reporter Service Fee), Government Code, and a judicial fund fee imposed by Section 51.702 (Additional Fees in Statutory County Courts), Government Code. Makes nonsubstantive changes.

SECTION 4.08. Amends Section 161.107(b), Human Resources Code, as follows:

(b) Deletes existing text providing that the Health and Human Services Commission is not required to pay a filing fee or fee for issuance or service of process imposed by Section 51.317 or 51.318(b)(2), Government Code, a court reporter service fee imposed by Section 51.601, Government Code, or a judicial fund fee imposed by Section 51.702, Government Code. Makes nonsubstantive changes.

SECTION 4.09. Amends Section 21.013(c), Property Code, to delete existing text requiring that the filing fee for a condemnation petition be due at the time of filing in accordance with Section 51.317, Government Code.

#### ARTICLE 5. REPEALERS

SECTION 5.01. Repealers: Sections 12.005(b) (relating to prohibiting the fee for service of notice of an action charged to the plaintiff from exceeding certain amounts) and (d) (relating to authorizing a court to order a defendant to pay to the court the differences between certain fees), Civil Practice and Remedies Code.

Repealers: Sections 21.051 (Interpreter Fee) and 126.012 (Certified Copy to Court), Civil Practice and Remedies Code.

Repealers: Sections 152.004 (Financing) and 152.005 (Additional Fee for Justice Courts), Civil Practice and Remedies Code.

Repealers: Sections 54.032(e) (relating to a reimbursement fee paid by a child who requests a teen court program) and (g) (relating to additional costs paid by a child who requests a teen court program), Family Code.

Repealer: Section 54.032(h) (relating to a reimbursement fee charged by a juvenile court that is located in the Texas-Louisiana border region), Family Code.

Repealers: Sections 54.0325(g) (relating to authorizing the court to require a child who participates in a teen dating violence court program to pay a certain fee) and (h) (relating to an additional fee paid by a child who participates in a teen dating violence court program), Family Code.

Repealer: Section 54.0411 (Juvenile Probation Diversion Fund), Family Code.

Repealers: Sections 54.0461 (Payment of Juvenile Delinquency Prevention Fees) and 54.0462 (Payment of Fees for Offenses Requiring DNA Testing), Family Code.

Repealer: Section 54.047(f) (relating to requiring the court to require the child's parent or a guardian of the child to pay the cost of attending a drug education program or alcohol awareness program), Family Code.

Repealer: Section 54.06(a) (relating to requiring the juvenile court to order the parent or other person to pay a reasonable sum for the support in whole or in part of a child), Family Code.

Repealers: Sections 108.006 (b) (relating to requiring the clerk of the court, on the filing of a suit requesting the adoption of a child, to collect an additional fee of \$15) and (c) (relating to requiring the clerk to send certain fees to the Department of State Health Services for deposit in a special fund), Family Code.

Repealers: Sections 22.2021 (Appellate Judicial System) and 22.2031 (Appellate Judicial System), Government Code.

Repealers: Sections 22.2041 (Appellate Judicial System) and 22.2051 (Appellate Judicial System), Government Code.

Repealers: Sections 22.2061 (Appellate Judicial System) and 22.2071 (Appellate Judicial System), Government Code.

Repealers: Sections 22.2081 (Appellate Judicial System) and 22.2091 (Appellate Judicial System), Government Code.

Repealers: Sections 22.2101 (Appellate Judicial System) and 22.2121 (Appellate Judicial System), Government Code.

Repealers: Sections 22.2131 (Appellate Judicial System) and 22.2141 (Appellate Judicial System), Government Code.

Repealer: Section 25.0862(i) (relating to requiring the clerk in a statutory county court in Galveston County to tax the official court reporter's fees as costs in civil actions in the same manner as the fee is taxed in civil cases in the district courts), Government Code.

Repealer: Section 25.1862(l) (relating to requiring that the official court reporter's fee in a county court at law in Parker County be taxed as costs in civil actions in the same manner as that fee is taxed in civil cases in the district courts), Government Code.

Repealers: Sections 26.007 (State Contribution) and 26.008 (Excess Contributions), Government Code.

Repealers: Sections 51.305 (District Court Records Technology Fund) and 51.317 (Fees Due at Filing), Government Code.

Repealers: Sections 51.601(a) (relating to requiring the clerk of each court that has an official court reporter to collect a court reporter service fee) and (a-1) (relating to requiring the clerk of each court that has an official court reporter and that serves a county that meets certain criteria to collect a court reporter service fee), Government Code.

Repealers: Sections 51.601(b) (relating to requiring the clerk to collect the court reporter service fee in the manner provided for other court costs and to deliver the fee to certain persons) and (e) (relating to providing that this section does not apply to an action brought to collect delinquent taxes), Government Code.

Repealers: Sections 51.604 (Jury Fee) and 51.702 (Additional Fees in Statutory County Courts), Government Code.

Repealers: Sections 51.703 (Additional Fees in Certain County Courts) and 51.704 (Additional Fees in Statutory Probate Courts), Government Code.

Repealers: Sections 51.705 (Additional Filing Fee for Dallas County Civil Courts) and 51.706 (Additional Filing Fee for Civil Cases in Bexar County), Government Code.

Repealers: Sections 51.707 (Additional Filing Fee for Civil Cases in Hays County) and 51.708 (Additional Filing Fee for Civil Cases in Certain Courts), Government Code.

Repealers: Sections 51.709 (Additional Filing Fee for Civil Cases in Rockwall County) and 51.710 (Additional Filing Fee for Civil Cases in Travis County), Government Code.

Repealers: Sections 51.711 (Additional Filing Fee for Civil Cases in Hidalgo County and Cameron County) and 51.713 (Additional Filing Fee for Civil Cases in Willacy County and Starr County), Government Code.

Repealer: Section 51.851(c) (relating to requiring the clerk of a justice court to collect certain filing fees), Government Code.

Repealer: Section 51.851(g) (relating to requiring the clerk of a district court, a county court, a statutory county court, a statutory probate court, or a justice court to deposit the fees in the appropriate local treasury and remit the fees to the comptroller), Government Code.

Repealer: Section 51.851(j) (relating to authorizing the comptroller to audit the records of a county related to fees collected under this section), Government Code.

Repealer: Subchapter M (Additional Filing Fee for Family Protection), Chapter 51 (Clerks), Government Code.

Repealer: Subchapter N (Additional Filing Fee for Judicial and Court Personnel Training), Chapter 51, Government Code.

Repealer: Section 54A.110(d) (relating to authorizing the referring court or associate judge to assess the expense of preserving certain records as costs), Government Code.

Repealer: Section 411.077(a) (relating to requiring the a clerk of a court that collects a certain fee to remit the fee to the comptroller not later than the last day of the month following the end of the calendar quarter in which the fee is collected, and requiring the comptroller to deposit the fee in the general revenue fund), Government Code.

Repealer: Subtitle I (Court Fees and Costs), Title 2 (Judicial Branch), Government Code, as duplicative of the substantive provisions referenced in the subtitle.

Repealer: Section 194.002(e) (relating to authorizing a district clerk to collect a \$1 fee as costs in a case in which the divorce or annulment of marriage is granted for each report that a district clerk files with the vital statistics unit), Health and Safety Code.

Repealer: Section 152.0492 (Collin County Support Payment Collection), Human Resources Code.

Repealer: Sections 152.1074(f) (relating to authorizing the Harris County Commissioners Court, to recover the costs of providing services, to provide by order for the collection by the district clerk of a certain fee) and (g) (relating to authorizing the Harris County Commissioners Court to provide by order for the collection of certain fees by the Harris County Child Support Department), Human Resources Code.

Repealer: Section 152.1322 (Johnson County Support Payment Collection), Human Resources Code.

Repealers: Sections 152.1752(b) (relating to requiring a person ordered by a Montague County district court to pay child or spousal support to the district clerk to pay a monthly service fee of \$1.) and (c) (relating to requiring a person found in contempt of court in



Montague County for failure to pay child or spousal support to pay a fee of \$15), Human Resources Code.

Repealers: Sections 152.1752(d) (relating to requiring a person who files an adoption case in a Montague County district court to pay a filing fee of \$25) and (e) (relating to requiring the district clerk to transfer the money collected under Section 152.1752 (Montague County Child Support Division) to the Montague County treasurer on the last day of each month), Human Resources Code.

Repealer: Sections 152.1844 (Child Support Service Fee in Nueces County), Human Resources Code.

Repealers: Sections 152.1873 (Divorce and Contempt Fees in Orange County) and 152.1874 (Orange County Adoption Investigation Fund), Human Resources Code.

Repealers: Sections 152.2183 (Smith County Child Support Service Fee) and 152.2496 (Wichita County Adoption Investigation Fund), Human Resources Code.

Repealers: Sections 118.053 (Filing of Original Action) and 118.054 (Filing of Action Other Than Original), Local Government Code.

Repealers: Sections 118.0546 (Records Management and Preservation Fee--Civil Cases) and 118.055 (Probate Original Action), Local Government Code.

Repealer: Section 118.056 (Services in Pending Probate Action), Local Government Code, as amended by Chapter 1001, Acts of the 76th Legislature, Regular Session, 1999.

Repealers: Sections 118.057 (Adverse Probate Action) and 118.064 (Additional Fee in Original Probate Action), Local Government Code.

Repealers: Sections 118.0645 (Records Management and Preservation Fee--Probate Cases) and 118.067 (Supplemental Court-Initiated Guardianship Fee), Local Government Code.

Repealers: Sections 118.068 (Supplemental Public Probate Administrator Fee) and 118.069 (Fee for County Records Technology and Infrastructure), Local Government Code.

Repealers: Sections 118.102 (Fee for County Records Technology and Infrastructure) and 118.122 (Fees Before Entry of Judgment), Local Government Code.

Repealer: Section 133.058(c) (relating to authorizing a county to retain a service fee on the collection of certain fees or fines), Local Government Code.

Repealer: Section 133.152 (Additional Filing Fees for Certain Actions and Proceedings in District Court for Basic Civil Legal Services for Indigents), Local Government Code.

Repealers: Sections 133.153 (Additional Filing Fees for Certain Actions and Proceedings in Courts Other than District Court for Basic Civil Legal Services for Indigents) and 133.154 (Additional Filing Fee in District Court, Statutory County Court, or County Court for Support of Judiciary), Local Government Code.

Repealers: Sections 291.008(a) (relating to authorizing the commissioners court to set a fee not to exceed \$5 to be collected at the time of filing in each civil case filed in a county court, county court at law, or district court which is required to be taxed as other costs) and (b) (relating to requiring that a certain fee be collected as a cost of court against each nonprevailing party), Local Government Code.

Repealers: Sections 291.008(c) (relating to requiring clerks of the respective courts to collect the costs and fees established by Subsections (a) and (b)) and (e) (relating to

requiring that certain costs and fees collected under this section be collected by the county treasurer), Local Government Code.

Repealer: Section 291.009 (Webb County Security Fee), Local Government Code.

Repealer: Section 2308.457 (Filing Fee Authorized), Occupations Code.

Repealer: Section 21.047(c) (relating to a fee for court costs of an eminent domain proceeding), Property Code.

Repealer: Section 372.107(c) (relating to a filing fee for a hearing on nonpayment of tolls), Transportation Code.

Repealer: Article 7818 (Appeal), Revised Statutes.

#### ARTICLE 6. EFFECTIVE DATE

SECTION 6.01. Effective date: January 1, 2022.