By:  Zaffirini S.B. No. 41

(In the Senate - Filed November 9, 2020; March 3, 2021, read first time and referred to Committee on State Affairs; April 8, 2021, rereferred to Committee on Jurisprudence; April 28, 2021, reported adversely, with favorable Committee Substitute by the following vote: Yeas 5, Nays 0; April 28, 2021, sent to printer.)

COMMITTEE VOTE

                    Yea Nay Absent  PNV

Huffman           X

Hinojosa             X

Creighton            X

Hughes               X

Johnson              X

COMMITTEE SUBSTITUTE FOR S.B. No. 41 By:  Hughes

A BILL TO BE ENTITLED

AN ACT

relating to the consolidation and allocation of state civil court costs; increasing certain civil court costs; authorizing fees.

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

ARTICLE 1. CONSOLIDATED CIVIL FILING FEES

SECTION 1.01.  Section 133.004, Local Government Code, is amended to read as follows:

Sec. 133.004.  CIVIL FEES. This chapter applies to the following civil fees:

(1)  the consolidated fee [~~on filing in district court~~] imposed under Section 133.151;

(2)  the filing fee [~~in district court~~] for basic civil legal services for indigents imposed under Section 133.152;

(3)  [~~the filing fee in courts other than district court for basic civil legal services for indigents imposed under Section 133.153;~~

[~~(4)  the filing fees for the judicial fund imposed in certain statutory county courts under Section 51.702, Government Code;~~

[~~(5)  the filing fees for the judicial fund imposed in certain county courts under Section 51.703, Government Code;~~

[~~(6)~~]  the filing fees for the judicial fund imposed in statutory probate courts under Section 51.704, Government Code;

(4) [~~(7)~~]  fees collected under Section 118.015;

(5) [~~(8)~~]  marriage license fees for the family trust fund collected under Section 118.018; and

(6) [~~(9)~~]  marriage license or declaration of informal marriage fees for the child abuse and neglect prevention trust fund account collected under Section 118.022[~~; and~~

[~~(10) the filing fee for the judicial fund imposed in district court, statutory county court, and county court under Section 133.154~~].

SECTION 1.02.  The heading to Section 133.151, Local Government Code, is amended to read as follows:

Sec. 133.151.  CONSOLIDATED CIVIL FEE ON FILING A CIVIL SUIT [~~IN DISTRICT COURT~~].

SECTION 1.03.  Section 133.151, Local Government Code, is amended by amending Subsections (a) and (c) and adding Subsections (a-1) and (c-1) to read as follows:

(a)  The [~~In addition to each fee collected under Section 51.317(b)(1), Government Code, the~~] clerk of a district court, statutory county court, or county court shall collect a fee in the amount of $137 [~~the following fees~~] on the filing of any civil suit[~~:~~

[~~(1)  $45 for family law cases and proceedings as defined by Section 25.0002, Government Code; and~~

[~~(2) $50 for any case other than a case described by Subdivision (1)~~].

(a-1)  The clerk of a justice court shall collect a fee in the amount of $21 on the filing of any civil suit.

(c)  The comptroller shall allocate the fees received under Subsection (a) [~~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 may not receive 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; [~~and~~]

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

(3)  the statewide electronic filing system fund21.8978 percent; and

(4)  the judicial and court personnel training fund3.6497 percent.

(c-1)  The comptroller shall 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 may not receive 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 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 1.04.  Subtitle C, Title 4, Local Government Code, is amended by adding Chapter 135 to read as follows:

CHAPTER 135. CIVIL FEES PAYABLE TO LOCAL GOVERNMENT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 135.001.  PURPOSE. The purpose of this chapter is to consolidate and standardize collection of fees payable to a local government in civil matters by:

(1)  an officer of a court for deposit in a county treasury; or

(2)  an officer of a county for deposit in the county treasury.

Sec. 135.002.  DEFINITIONS. In this chapter:

(1)  "Fee" means a civil fee listed under Section 135.003.

(2)  "Treasurer" means the custodian of money in a municipal or county treasury, as appropriate.

Sec. 135.003.  CIVIL FEES. This chapter applies to the civil fees imposed under Sections 135.101 and 135.102.

SUBCHAPTER B. COLLECTION AND REMITTANCE OF LOCAL CRIMINAL FEES

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

(b)  An officer collecting a fee in a case in municipal court shall remit the money to the municipal treasurer for deposit in the municipal treasury.

(c)  An officer collecting a fee in a justice, county, or district court shall remit the money to the county treasurer for deposit in the county treasury.

(d)  A court clerk collecting a fee shall remit the money to the municipal or county treasurer, as applicable, for deposit in the municipal or county treasury, as appropriate.

Sec. 135.052.  ALLOCATION OF DEPOSITED FEES. (a)  Money collected under Subchapter C as civil fees imposed on or after January 1, 2020, shall be allocated according to the percentages provided by Sections 135.101 and 135.102, as applicable.

(b)  Money collected under Subchapter C as civil fees before January 1, 2020, shall be distributed using 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.

SUBCHAPTER C. LOCAL CIVIL FEES

Sec. 135.101.  LOCAL CONSOLIDATED CIVIL FEE FOR DISTRICT COURT, STATUTORY COUNTY COURT, OR COUNTY COURT. (a)  A person shall pay a local consolidated filing fee of $208 on filing of a civil action in a district court, statutory county court, or county court in addition to all other fee and court costs.

(b)  The treasurer shall 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 may not receive less than the following percentages:

(1)  the appellate judicial system fund2.4039 percent;

(2)  the court facility fee fund7.2115 percent;

(3)  the clerk of the court account24.0385 percent;

(4)  the county records management and preservation account14.4231 percent;

(5)  the court reporter service fund12.0192 percent;

(6)  the county law library fund16.8269 percent;

(7)  the courthouse security fund9.6154 percent;

(8)  the language access fund1.4423 percent;

(9)  the county jury fund4.8077 percent; and

(10)  the county dispute resolution fund7.2115 percent.

(c)  If a county has not established an alternative dispute resolution system under Chapter 152, Civil Practice and Remedies Code, the money allocated under Subsection (b)(10) shall be allocated to the statewide electronic filing system fund.

Sec. 135.102.  LOCAL CONSOLIDATED CIVIL FEE FOR JUSTICE COURT. (a)  A person shall pay a local consolidated filing fee of $33 on filing of a civil action in a justice court in addition to all other fee and court costs.

(b)  The treasurer shall 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 may not receive less than the following percentages:

(1)  the justice court support fund75.7576 percent;

(2)  the county dispute resolution fund15.1515 percent; and

(3)  the language access fund9.0909 percent.

(c)  If a county has not established an alternative dispute resolution system under Chapter 152, Civil Practice and Remedies Code, the money allocated under Subsection (b)(2) shall be allocated to the statewide electronic filing system fund.

SUBCHAPTER D. ALLOCATION AND USE OF CERTAIN CIVIL FEES

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

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

Sec. 135.152.  COURT FACILITY FEE FUND. Money allocated under Section 135.101 to the court facility fee fund maintained in the county treasury as required by Section 135.151 may 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. Money allocated under Section 135.101 to the clerk of the court account maintained in the county treasury as required by Section 135.151 may 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. Money allocated under Section 135.101 to the county records management and preservation account maintained in the county treasury as required by Section 135.151 may be used by a county only to fund records management and preservation services performed by the court clerk.

Sec. 135.155.  LANGUAGE ACCESS FUND. Money allocated under Section 135.101 or 135.102 to the language access fund maintained in the county treasury as required by Section 135.151 may 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. Money allocated under Section 135.101 to the county jury fund maintained in the county treasury as required by Section 135.151 may be used by a county only to fund juror reimbursements and otherwise finance jury services.

Sec. 135.157.  COUNTY DISPUTE RESOLUTION FUND. (a)  Money allocated under Section 135.101 or 135.102 to the county dispute resolution fund maintained in the county treasury as required by Section 135.151 may only be used by a county to establish and maintain an alternative dispute resolution system in accordance with Chapter 152, Civil Practice and Remedies Code.

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

Sec. 135.158.  JUSTICE COURT SUPPORT FUND. Money allocated under Section 135.102 to the justice court support fund maintained in the county treasury as required by Section 135.151 may be used by a county only to defray the costs of services provided by a justice court.

SECTION 1.05.  The heading to Section 51.601, Government Code, is amended to read as follows:

Sec. 51.601.  COURT REPORTER SERVICE FUND [~~FEE~~].

ARTICLE 2. GOVERNMENT CODE

SECTION 2.01.  Sections 22.2021(b) and (d), Government Code, are amended to read as follows:

(b)  The [~~To fund the system, the~~] commissioners court shall set a court costs fee of not more than $5 for each civil suit filed in [~~county court, county court at law,~~] probate court[~~, or district court~~] in the county.

(d)  The court costs fee shall be taxed, collected, and paid as other court costs in a suit. The clerk of the court shall collect the court costs fee set under this section and pay it to the county officer who performs the county treasurer's functions. That officer shall deposit the fee in a separate appellate judicial [~~justice~~] system fund. The commissioners court shall administer the fund to maintain the system in cooperation with the chief justice of the courts of appeals. The fund may not be used for any other purpose.

SECTION 2.02.  Section 22.2031(b), Government Code, is amended to read as follows:

(b)  The [~~To fund the system, the~~] commissioners court shall set a court costs fee of $5 for each civil suit filed in [~~county court, statutory county court,~~] statutory probate court[~~, or district court~~] in the county.

SECTION 2.03.  Section 22.2041(b), Government Code, is amended to read as follows:

(b)  The [~~To fund the system, the~~] commissioners court shall set a court costs fee of $5 for each civil suit filed in [~~county court, county court at law,~~] probate court[~~, or district court~~] in the county.

SECTION 2.04.  Section 22.2051(b), Government Code, is amended to read as follows:

(b)  The [~~To fund the system, the~~] commissioners court shall set a court costs fee of not more than $5 for each civil suit filed in [~~county court, county court at law,~~] probate court[~~, or district court~~] in the county.

SECTION 2.05.  Sections 22.2061(b) and (d), Government Code, are amended to read as follows:

(b)  The [~~To fund the system, the~~] commissioners court shall set a court costs fee of not more than $5 for each civil suit filed in [~~county court, county court at law,~~] probate court[~~, or district court~~] in the county.

(d)  The court costs fee shall be taxed, collected, and paid as other court costs in a suit. The clerk of the court shall collect the court costs fee set under this section and pay it to the county officer who performs the county treasurer's functions. That officer shall deposit the fee in a separate appellate judicial [~~justice~~] system fund. The commissioners court shall administer the fund to establish and maintain a fund system to assist the court of appeals in the district. The fund may not be used for any other purpose.

SECTION 2.06.  Section 22.2071(b), Government Code, is amended to read as follows:

(b)  The [~~To fund the system, the~~] commissioners court shall set a court costs fee of $5 for each civil suit filed in [~~county court, statutory county court,~~] probate court[~~, or district court~~] in the county.

SECTION 2.07.  Section 22.2081(b), Government Code, is amended to read as follows:

(b)  The [~~To fund the system, the~~] commissioners court shall set a court costs fee of $5 for each civil suit filed in a [~~county court, statutory county court,~~] probate court[~~, or district court~~] in the county.

SECTION 2.08.  Section 22.2091(b), Government Code, is amended to read as follows:

(b)  The [~~To fund the system, the~~] commissioners court shall set a court costs fee of $5 for each civil suit filed in a [~~county court, statutory county court,~~] statutory probate court[~~, or district court~~] in the county.

SECTION 2.09.  Section 22.2101(b), Government Code, is amended to read as follows:

(b)  The [~~To fund the system, the~~] commissioners court shall set a court fee of $5 for each civil suit filed in [~~county court, county court at law,~~] probate court[~~, or district court~~] in the county.

SECTION 2.10.  Subchapter C, Chapter 22, Government Code, is amended by adding Section 22.2111 to read as follows:

Sec. 22.2111.  APPELLATE JUDICIAL SYSTEM. (a) The commissioners court of each county in the Tenth Court of Appeals District, by order entered in its minutes, shall establish an appellate judicial system to:

(1)  assist the court of appeals for the county in the processing of appeals filed with the court of appeals from the county court, county courts at law, probate courts, and district courts; and

(2)  defray costs and expenses incurred by the county under Section 22.211.

(b)  The commissioners court shall set a court costs fee of not more than $5 for each civil suit filed in a probate court in the county.

(c)  The court costs fee shall be taxed, collected, and paid as other court costs in a suit. The clerk of the court shall collect the court costs fee set under this section and pay it to the county officer who performs the county treasurer's functions. That officer shall deposit the fee in a separate appellate judicial system fund. The commissioners court shall administer the fund to establish and maintain a fund system to assist the court of appeals in the district. The fund may not be used for any other purpose.

(d)  The commissioners court has the authority necessary to assist the court of appeals in the administration of the system and the system's judicial and staff education program, including the authority to contract with any private nonprofit corporation, public corporation, or combination of those corporations.

(e)  The commissioners court shall vest management of the system in the chief justice of the court of appeals in the district.

SECTION 2.11.  Sections 22.2121(b) and (d), Government Code, are amended to read as follows:

(b)  The [~~To fund the system, the~~] commissioners court shall set a court costs fee of $5 for each civil suit filed in [~~county court, statutory county court,~~] probate court[~~, or district court~~] in the county.

(d)  The court costs fee shall be taxed, collected, and paid as other court costs in a suit. The clerk of the court shall collect the court costs fee set under this section and pay it to the county officer who performs the county treasurer's functions. That officer shall deposit the fee in a separate appellate judicial [~~justice~~] system fund. The commissioners court shall establish and maintain the fund to assist the court of appeals district. The fund may not be used for any other purpose.

SECTION 2.12.  Section 22.2131(b), Government Code, is amended to read as follows:

(b)  The [~~To fund the system, the~~] commissioners court shall set a court costs fee of $5 for each civil suit filed in [~~county court, statutory county court,~~] probate court[~~, or district court~~] in the county.

SECTION 2.13.  Section 22.2141(b), Government Code, is amended to read as follows:

(b)  The [~~To fund the system, the~~] commissioners court shall set a court costs fee of not more than $5 for each civil suit filed in a [~~county court, county court at law,~~] probate court[~~, or district court~~] in the county.

SECTION 2.14.  Section 26.007(a), Government Code, is amended to read as follows:

(a)  Beginning on the first day of the state fiscal year, the state shall annually compensate each county [~~that collects the additional fees under Section 51.703~~] in an amount equal to $5,000 if the county judge is entitled to an annual salary supplement from the state under Section 26.006.

SECTION 2.15.  Section 26.008(a), Government Code, is amended to read as follows:

(a)  At the end of each state fiscal year, the comptroller shall determine the amounts deposited in the judicial fund under Section 133.151, Local Government Code, [~~51.703~~] and the amounts paid to the counties under Section 26.007. If the total amount paid under Section 133.151, Local Government Code, [~~51.703 by all counties that collect fees under that section~~] exceeds the total amount paid to the counties under Section 26.007, the state shall remit the excess to the counties that collect fees under Section 133.151, Local Government Code, [~~51.703~~] proportionately based on the percentage of the total paid by each county.

SECTION 2.16.  Section 51.305, Government Code, is amended to read as follows:

Sec. 51.305.  DISTRICT COURT RECORDS TECHNOLOGY ACCOUNT [~~FUND~~]. (a) In this section:

(1)  "Court document" means any instrument, document, paper, or other record that the district clerk is authorized to accept for filing or maintenance.

(2)  "Deterioration" means any naturally occurring process or a natural disaster that results in the destruction or partial destruction of a court document.

(3)  "Preservation" means any process that:

(A)  suspends or reduces the deterioration of a court document; or

(B)  provides public access to a court document in a manner that reduces the risk of deterioration.

(4)  "Restoration" means any process that permits the visual enhancement of a court document, including making the document more legible.

(b)  The commissioners court of a county may, [~~adopt a district court records archive fee of not more than $10 for the filing of a suit, including an appeal from an inferior court, or a cross-action, counterclaim, intervention, contempt action, motion for new trial, or third-party petition, in any court in the county for which the district clerk accepts filings as part of the county's annual budget. The fee must be set and itemized in the county's budget as part of the budget preparation process and must be approved in a public meeting. The fee is~~] for preservation and restoration services performed in connection with maintaining a district court records archive,[~~.~~

[~~(c)  The county treasurer, or the official who discharges the duties commonly delegated to the county treasurer, in a county that adopts a fee under Subsection (b) shall~~] establish a district court records technology account [~~fund~~] in the general fund of the county [~~for deposit of fees paid under Section 51.317(f)~~].

(c) [~~(d)~~]  Subject to Subsection (e) [~~(f)~~], money deposited into the account [~~generated from the fee imposed under this section~~] may be expended only for the preservation and restoration of the district court records archive.

(d) [~~(e)~~]  The district clerk shall designate the court documents that are part of the records archive for purposes of this section.  The designation of court documents by the district clerk under this subsection is subject to approval by the commissioners court in a public meeting.

(e) [~~(f)~~]  The district clerk in a county that establishes an account [~~adopts a fee~~] under this section shall prepare an annual written plan for the preservation and restoration of the district court records archive. The plan may include a proposal for entering into a contract with another person for preservation and restoration services. The commissioners court shall publish notice of a public hearing on the plan in a newspaper of general circulation in the county not later than the 15th day before the date of the hearing. After the public hearing, the plan shall be considered for approval by the commissioners court. Money in the district court records technology account [~~fund~~] may be expended only as provided by the plan. All expenditures from the records technology account [~~fund~~] must comply with Subchapter C, Chapter 262, Local Government Code.

(f)  [~~(g)  If a county imposes a fee under this section, a notice shall be posted in a conspicuous place in the district clerk's office.  The notice must state the amount of the fee in the following form:  "THE COMMISSIONERS COURT OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Insert name of county) COUNTY HAS DETERMINED THAT A RECORDS ARCHIVE FEE OF $\_\_\_\_\_\_\_\_ (Insert amount adopted by commissioners court) IS NEEDED TO PRESERVE AND RESTORE DISTRICT COURT RECORDS."~~

[~~(h)~~]  Funds [~~Money~~] remaining [~~from the collection of fees imposed under this section~~] after completion of a district court records archive preservation and restoration project may be expended for records management and preservation purposes [~~in the manner provided by Section 51.317(d). The commissioners court of a county may not impose a fee under this section after the district court records archive preservation and restoration project is complete~~].

SECTION 2.17.  Section 51.318(b), Government Code, is amended to read as follows:

(b)  The fees are:

(1)  for issuing a subpoena, including one copy $8

(2)  for issuing a citation, commission for deposition, writ of execution, order of sale, writ of execution and order of sale, writ of injunction, writ of garnishment, writ of attachment, or writ of sequestration [~~not provided for in Section 51.317, or any other writ or process~~] not otherwise provided for, including one copy if required by law $8

(3)  for searching files or records to locate a cause when the docket number is not provided or [~~$5~~

[~~(4)  for searching files or records~~] to ascertain the existence of an instrument or record in the district clerk's office $5

(4) [~~(5)~~]  for abstracting a judgment $8

(5)  for preparation of the clerk's record on appeal, for each page or part of a page$1

(6)  for approving a bond $5 [~~$4~~]

(7)  for a certified copy of a record, judgment, order, pleading, or paper on file or of record in the district clerk's office, printed on paper:

(A)  including certificate and seal $5; and

(B)  [~~,~~] for each page or part of a page [~~not to exceed~~]$1

(8)  for a noncertified copy:

(A)  printed on paper, for each page or part of a page [~~not to exceed~~]$1;

(B)  paper document converted to electronic format, for each page or part of a page$1; or

(C)  electronic copy of electronic document, the greater of:

(i)  $0.10 for each page or part of a page; or

(ii)  $1.

SECTION 2.18.  Section 51.704(i), Government Code, is amended to read as follows:

(i)  A clerk may not collect a fee under this section [~~and under Section 51.701 or 51.702~~].

SECTION 2.19.  The heading to Section 51.708, Government Code, is amended to read as follows:

Sec. 51.708.  COURT RECORDS MANAGEMENT AND PRESERVATION ACCOUNT [~~ADDITIONAL FILING FEE FOR CIVIL CASES IN CERTAIN COURTS~~].

SECTION 2.20.  Section 51.708(c), Government Code, is amended to read as follows:

(c)  The [~~clerk at least monthly shall send the~~] fees collected under Section 133.151, Local Government Code, and deposited to the [~~this section to the county treasurer or to any other official who discharges the duties commonly assigned to the county treasurer. The treasurer or other official shall deposit the fees in a~~] court record preservation account in the county treasury[~~. The money in the account~~] may be used only to digitize court records and preserve the records from natural disasters.

SECTION 2.21.  Section 51.851(b), Government Code, is amended to read as follows:

(b)  In addition to other fees authorized or required by law, the clerk of the supreme court, a court of appeals, [~~a district court, a county court, a statutory county court,~~] or a statutory probate court shall 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.

SECTION 2.22.  Section 411.0745(b), Government Code, is amended to read as follows:

(b)  The petition must be 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.

ARTICLE 3. LOCAL GOVERNMENT CODE

SECTION 3.01.  Sections 118.011(a) and (f), Local Government Code, are amended to read as follows:

(a)  A county clerk shall collect the following fees for services rendered to any person:

(1)  Personal Property Records Filing (Sec. 118.012):

for the first page $ 5.00

for each additional page or part of a page on which there are visible marks of any kind $ 4.00

(2)  Real Property Records Filing (Sec. 118.013):

for the first page $ 5.00

for each additional page or part of a page on which there are visible marks of any kind $ 4.00

for all or part of each 8-1/2" X 14" attachment or rider $ 4.00

for each name in excess of five names that has to be indexed in all records in which the document must be indexed $ 0.25

(3)  Certified Papers (Sec. 118.014):

for the clerk's certificate $ 5.00

plus a fee for each page or part of a page $ 1.00

(4)  Noncertified Papers (Sec. 118.0145):

printed on paper, for each page or part of a page $ 1.00

paper converted to electronic format, for each page or part of a page$ 1.00

for electronic copies, for each document up to 10 pages in length$ 1.00

plus a fee for each page or part of a page over 10 pages$0.10

(5)  Birth or Death Certificate (Sec. 118.015) same as state registrar

(6)  Bond Approval (Sec. 118.016) $ 3.00

(7)  Marriage License (Sec. 118.018) $60.00

(8)  Declaration of Informal Marriage (Sec. 118.019) $25.00

(9)  Brand Registration (Sec. 118.020) $ 5.00

(10)  Oath Administration (Sec. 118.021) $ 1.00

(f)  The county clerk of a county shall, if the commissioners court of the county adopts the fee as part of the county's annual budget, collect the following fee from any person:

[~~(1)~~]  Records Archive Fee (Sec. 118.025) . . . . . . . not more than $10

[~~(2)  Records Technology and Infrastructure Fee (Sec. 118.026) . . . . . . . $2.00~~]

SECTION 3.02.  Section 118.052, Local Government Code, is amended to read as follows:

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

(1)  CIVIL COURT ACTIONS

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

[~~(i)~~]  Garnishment after judgment . . . $15.00

[~~(ii)  All others . . . $40.00~~]

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

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

(i)  Abstract of judgment . . . $ 8.00 [~~5.00~~]

(ii)  Preparation of the clerk's record for appeal, per page or part of a page . . . $ 1.00

(iii)  Execution, order of sale, writ, or other process . . . $ 8.00 [~~5.00~~]

(2)  PROBATE COURT ACTIONS

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

(i)  Probate of a will with independent executor, administration with will attached, administration of an estate, guardianship or receivership of an estate, or muniment of title . . . $40.00

(ii)  Community survivors . . . $40.00

(iii)  Small estates . . . $40.00

(iv)  Declarations of heirship . . . $40.00

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

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

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

(i)  Filing an inventory and appraisement as provided by Section 118.056(d) . . . $25.00

(ii)  Approving and recording bond . . . $ 5.00 [~~3.00~~]

(iii)  Administering oath . . . $ 2.00

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

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

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

(vii)  Filing a document not listed under this paragraph after the filing of an order approving the inventory and appraisement or after the 120th day after the date of the initial filing of the action, whichever occurs first, if more than 25 pages . . . $25.00

(C)  Adverse Probate Action (Sec. 118.057) . . . $40.00

(D)  Claim Against Estate (Sec. 118.058) . . . $10.00

(E)  Supplemental Court-Initiated Guardianship Fee in Probate Original Actions and Adverse Probate Actions (Sec. 118.067) . . . $20.00

(F)  Supplemental Public Probate Administrator Fee For Counties That Have Appointed a Public Probate Administrator (Sec. 118.068) . . . $10.00

(3)  OTHER FEES

(A)  Issuing Document (Sec. 118.059):

original document and one copy . . . $ 8.00 [~~4.00~~]

each additional set of an original and one copy . . . $ 8.00 [~~4.00~~]

(B)  Certified Papers (Sec. 118.060):

for the clerk's certificate . . . $ 5.00

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

(C)  Noncertified Papers (Sec. 118.0605):

printed on paper, for each page or part of a page . . . $ 1.00

paper converted to electronic format, for each page or part of a page . . . $ 1.00

electronic copies, for each document up to 10 pages in length . . . $1.00

plus a fee for each page or part of a page over 10 pages . . $0.10

(D)  Letters Testamentary, Letter of Guardianship, Letter of Administration, or Abstract of Judgment (Sec. 118.061) . . . $ 2.00

(E)  Deposit and Safekeeping of Wills (Sec. 118.062) . . . $ 5.00

(F)  Mail Service of Process (Sec. 118.063) . . . same as sheriff

(G)  Searching files or records to locate a cause when the docket number is not provided or to ascertain the existence of an instrument or record in the district clerk's office [~~Records Management and Preservation Fee~~] . . . $ 5.00

[~~(H)  Records Technology and Infrastructure Fee if authorized by the commissioners court of the county (Sec. 118.026) . . . $ 2.00~~]

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

(b-1)  The fee for "Preparation of the clerk's record for appeal" under Section 118.052(1) is for preparation of the clerk's record for appeal.

(e)  In this section, "original action" includes an appeal from a justice of the peace or a corporation court and a transfer of an action from another jurisdiction [~~has the meaning assigned by Section 118.053~~].

SECTION 3.04.  Section 118.0546, Local Government Code, is amended to read as follows:

Sec. 118.0546.  RECORDS MANAGEMENT AND PRESERVATION ACCOUNT [~~FEE--CIVIL CASES~~]. (a) The commissioners court of a county shall establish an account in the general fund of the county [~~fee for "Records Management and Preservation" under Section 118.052 is~~] for the records management and preservation services performed by the county as required by Chapter 203.

(b)  [~~The fee shall be assessed as cost and must be paid at the time of filing any civil case or ancillary pleading thereto.~~

[~~(c)~~]  The account is [~~fee shall be placed in a special fund~~] to be called the records management and preservation account [~~fund~~].

(c) [~~(d)~~]  The account [~~fee~~] shall be used only for records management and preservation purposes in the county. No expenditure may be made from this fund without prior approval of the commissioners court.

SECTION 3.05.  Section 118.059(c), Local Government Code, is amended to read as follows:

(c)  In this section, "document" includes a subpoena, citation, notice, commission to take depositions, execution, order, writ, process, or other instrument or paper authorized or required to be issued by the clerk.

SECTION 3.06.  Subchapter C, Chapter 118, Local Government Code, is amended by adding Section 118.070 to read as follows:

Sec. 118.070.  FEE FOR SEARCH OF RECORDS. The clerk of a county court shall collect a fee for searching files or records to locate a cause when the docket number is not provided or to ascertain the existence of an instrument or record in the district clerk's office.

SECTION 3.07.  Section 118.121, Local Government Code, is amended to read as follows:

Sec. 118.121.  FEE SCHEDULE. A justice of the peace shall collect the following fees for services rendered [~~to any person:~~

[~~(1)  Services rendered before judgment (Sec. 118.122):~~

[~~(A)  Justice court$25.00~~

[~~(B)  Small claims court$25.00~~

[~~(2)  Services rendered~~] after judgment (Sec. 118.123):

(1) [~~(A)~~]  Transcript $10.00

(2) [~~(B)~~]  Abstract of judgment $5.00

(3) [~~(C)~~]  Execution, order of sale, writ of restitution, or other writ or process $5.00 per page

Certified copy of court papers $2.00 for

 first page

 $0.25 for each additional page

Issuing other document

(no return required) $1.00 for

 first page

 $0.25 for each additional page

SECTION 3.08.  Section 133.058(d), Local Government Code, is amended to read as follows:

(d)  A county may not retain a service fee on the collection of a fee or fine:

(1)  for the judicial fund;

(2)  under Article 42A.303 or 42A.653, Code of Criminal Procedure; or

(3)  under Section 51.851, Government Code[~~; or~~

[~~(4)  under Section 51.971, Government Code~~].

SECTION 3.09.  Section 203.003, Local Government Code, is amended to read as follows:

Sec. 203.003.  DUTIES OF COMMISSIONERS COURT.  The commissioners court of each county shall:

(1)  promote and support the efficient and economical management of records of all elective offices in the county to enable elected county officers to conform to this subtitle and rules adopted under it;

(2)  facilitate the creation and maintenance of records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of each elective office and designed to furnish the information necessary to protect the legal and financial rights of the local government, the state, and the persons affected by the activities of the local government;

(3)  facilitate the identification and preservation of the records of elective offices that are of permanent value;

(4)  facilitate the identification and protection of the essential records of elective offices;

(5)  establish a county clerk records management and preservation fund for fees subject to Section 118.0216 and approve in advance any expenditures from the fund; and

(6)  establish a records management and preservation account [~~fund~~] for the records management and preservation fees authorized under Sections 118.052, 118.0546, and 118.0645, [~~and Section 51.317, Government Code,~~] and approve in advance any expenditures from the fund, which may be spent only for records management preservation or automation purposes in the county.

SECTION 3.10.  Sections 323.023(a) and (b), Local Government Code, are amended to read as follows:

(a)  The [~~A sum set by the~~] commissioners court [~~not to exceed $35~~] shall establish a law library fund [~~be taxed, collected, and paid as other costs in each civil case filed in a county or district court, except suits for delinquent taxes~~]. The county is not liable for the costs.

(b)  [~~The clerks of the respective courts shall 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.~~] The fund may be used only for:

(1)  establishing the law library after the entry of the order creating it;

(2)  purchasing or leasing library materials, maintaining the library, or acquiring furniture, shelving, or equipment for the library;

(3)  purchasing or leasing library materials or acquiring library equipment, including computers, software, and subscriptions to obtain access to electronic research networks for use by judges in the county; or

(4)  establishing and maintaining a self-help center to provide resources to county residents representing themselves in legal matters.

ARTICLE 4. OTHER CONFORMING AMENDMENTS

SECTION 4.01.  Section 12.005(a), Civil Practice and Remedies Code, is amended to read as follows:

(a)  The fee for filing an action under this chapter is the fee that generally applies to the filing of a civil petition [~~$15. The plaintiff must pay the fee to the clerk of the court in which the action is filed. Except as provided by Subsection (b), the plaintiff may not be 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.  Sections 152.004(a) and (c), Civil Practice and Remedies Code, are amended to read as follows:

(a)  To establish and maintain an alternative dispute resolution system, the commissioners court may establish a dispute resolution fund [~~set a court cost in an amount not to exceed $15 to be taxed, collected, and paid as other court costs in each civil case filed in a county or district court in the county, including a civil case relating to probate matters but not including:~~

[~~(1)  a suit for delinquent taxes;~~

[~~(2)  a condemnation proceeding under Chapter 21, Property Code; or~~

[~~(3)  a proceeding under Subtitle C, Title 7, Health and Safety Code~~].

(c)  [~~The clerks of the courts in the county shall collect and pay the costs to the county treasurer or, if the county does not have a treasurer, to the county officer who performs the functions of the treasurer, who shall deposit the costs in a separate fund known as the alternative dispute resolution system fund.~~] The fund shall be administered by the commissioners court and may only be used to establish and maintain the system. The system shall be operated at one or more convenient and accessible places in the county.

SECTION 4.03.  Section 6.410, Family Code, is amended to read as follows:

Sec. 6.410.  REPORT TO ACCOMPANY PETITION. At the time a petition for divorce or annulment of a marriage is filed, the petitioner shall also file a completed report that may be used by the district clerk, at the time the petition is granted[~~, to comply with Section 194.002, Health and Safety Code~~].

SECTION 4.04.  Section 54.041(a), Family Code, is amended to read as follows:

(a)  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, the juvenile court, on notice by any reasonable method to all persons affected, may:

(1)  order any person found by the juvenile court to have, by a wilful act or omission, contributed to, caused, or encouraged the child's delinquent conduct or conduct indicating a need for supervision to do any act that the juvenile court determines to be reasonable and necessary for the welfare of the child or to refrain from doing any act that the juvenile court determines to be injurious to the welfare of the child;

(2)  enjoin all contact between the child and a person who is found to be a contributing cause of the child's delinquent conduct or conduct indicating a need for supervision; or

(3)  after notice and a hearing of all persons affected order any person living in the same household with the child to participate in social or psychological counseling to assist in the rehabilitation of the child and to strengthen the child's family environment[~~; or~~

[~~(4)  after notice and a hearing of all persons affected 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~~].

SECTION 4.05.  Section 61.002(a), Family Code, is amended to read as follows:

(a)  Except as provided by Subsection (b), this chapter applies to a proceeding to enter a juvenile court order:

(1)  for payment of probation fees under Section 54.061;

(2)  for restitution under Sections 54.041(b) and 54.048;

(3)  [~~for payment of graffiti eradication fees under Section 54.0461;~~

[~~(4)~~]  for community service under Section 54.044(b);

(4)  [~~(5)  for payment of costs of court under Section 54.0411 or other provisions of law;~~

[~~(6)~~]  requiring the person to refrain from doing any act injurious to the welfare of the child under Section 54.041(a)(1);

(5) [~~(7)~~]  enjoining contact between the person and the child who is the subject of a proceeding under Section 54.041(a)(2);

(6) [~~(8)~~]  ordering a person living in the same household with the child to participate in counseling under Section 54.041(a)(3);

(7) [~~(9)~~]  requiring a parent or other eligible person to pay reasonable attorney's fees for representing the child under Section 51.10(e);

(8) [~~(10)~~]  requiring the parent or other eligible person to reimburse the county for payments the county has made to an attorney appointed to represent the child under Section 51.10(j);

(9) [~~(11)~~]  requiring payment of deferred prosecution supervision fees under Section 53.03(d);

(10) [~~(12)~~]  requiring a parent or other eligible person to attend a court hearing under Section 51.115;

(11) [~~(13)~~]  requiring a parent or other eligible person to act or refrain from acting to aid the child in complying with conditions of release from detention under Section 54.01(r);

(12) [~~(14)~~]  requiring a parent or other eligible person to act or refrain from acting under any law imposing an obligation of action or omission on a parent or other eligible person because of the parent's or person's relation to the child who is the subject of a proceeding under this title;

[~~(15)  for payment of fees under Section 54.0462;~~] or

(13) [~~(16)~~]  for payment of the cost of attending an educational program under Section 54.0404.

SECTION 4.06.  Section 231.202, Family Code, is amended to read as follows:

Sec. 231.202.  AUTHORIZED COSTS AND FEES IN TITLE IV-D CASES.  In a Title IV-D case filed under this title, including a case filed under Chapter 159, the Title IV-D agency shall pay only the following costs and fees:

(1)  filing fees and fees for issuance and service of process as provided by Chapter 110 of this code and by Sections [~~51.317(b)(1), (2), and (3) and (b-1),~~] 51.318(b)(2)[~~,~~] and 51.319(2), Government Code;

(2)  fees for transfer as provided by Chapter 110;

(3)  fees for the issuance and delivery of orders and writs of income withholding in the amounts provided by Chapter 110;

(4)  the fee for services provided by sheriffs and constables, including:

(A)  a fee authorized under Section 118.131, Local Government Code, for serving each item of process to each individual on whom service is required, including service by certified or registered mail; and

(B)  a fee authorized under Section 157.103(b) for serving a capias;

(5)  the fee for filing an administrative writ of withholding under Section 158.503(d);

(6)  the fee for issuance of a subpoena as provided by Section 51.318(b)(1), Government Code; and

(7)  a fee authorized by Section 72.031, Government Code, for the electronic filing of documents with a clerk.

SECTION 4.07.  Section 40.062, Human Resources Code, is amended to read as follows:

Sec. 40.062.  EXEMPTION FROM CERTAIN COSTS AND FEES.  The department is not required to pay any cost or fee otherwise imposed for court proceedings or other services, including a:

(1)  filing fee or fee for issuance or service of process imposed by Section 110.002, Family Code, or by Section [~~51.317, 51.318(b)(2), or~~] 51.319, Government Code;

(2)  transfer fee imposed by Section 110.002 or 110.005, Family Code;

(3)  [~~court reporter fee imposed by Section 51.601, Government Code;~~

[~~(4)  judicial fund fee imposed by Section 51.702, Government Code;~~

[~~(5)~~]  judge's fee imposed by Section 25.0008 or 25.0029, Government Code;

(4) [~~(6)~~]  cost or security fee imposed by Section 53.051, 53.052, 1053.051, or 1053.052, Estates Code; or

(5) [~~(7)~~]  fee imposed by a county officer under Section 118.011 or 118.052, Local Government Code.

SECTION 4.08.  Section 161.107(b), Human Resources Code, is amended to read as follows:

(b)  The department is not required to pay any cost or fee otherwise imposed for court proceedings or other services, including:

(1)  a filing fee or fee for issuance of service of process imposed by Section [~~51.317, 51.318(b)(2), or~~] 51.319, Government Code;

(2)  [~~a court reporter service fee imposed by Section 51.601, Government Code;~~

[~~(3)  a judicial fund fee imposed by Section 51.702, Government Code;~~

[~~(4)~~]  a judge's fee imposed by Section 25.0008 or 25.0029, Government Code;

(3) [~~(5)~~]  a cost or security fee imposed by Section 53.051, 53.052, 1053.051, or 1053.052, Estates Code; or

(4) [~~(6)~~]  a fee imposed by a county officer under Section 118.011 or 118.052, Local Government Code.

SECTION 4.09.  Section 21.013(c), Property Code, is amended to read as follows:

(c)  A party initiating a condemnation proceeding in a county in which there is not a county court at law must file the condemnation petition with the district clerk. The filing fee shall be due at the time of filing [~~in accordance with Section 51.317, Government Code~~].

ARTICLE 5. REPEALERS

SECTION 5.01.  (a)  The following provisions of the Civil Practice and Remedies Code are repealed:

(1)  Sections 12.005(b) and (d);

(2)  Sections 21.051 and 126.012;

(3)  Section 152.004(b); and

(4)  Section 152.005.

(b)  The following provisions of the Family Code are repealed:

(1)  Sections 54.032(e), (g), and (h);

(2)  Sections 54.0325(g) and (h);

(3)  Section 54.0411;

(4)  Sections 54.0461 and 54.0462;

(5)  Section 54.047(f);

(6)  Section 54.06(a); and

(7)  Section 108.006.

(c)  The following provisions of the Government Code are repealed:

(1)  Sections 22.2021(c), 22.2031(c), 22.2041(c), 22.2051(c), 22.2061(c), 22.2071(c), 22.2081(c), 22.2091(c), 22.2101(c), 22.2121(c), 22.2131(c), and 22.2141(c);

(2)  Section 25.0172(u);

(3)  Section 25.0862(i);

(4)  Sections 25.1102 and 25.1572;

(5)  Section 25.1862(l);

(6)  Section 25.2702;

(7)  Section 51.302(e);

(8)  Section 51.317;

(9)  Sections 51.601(a), (a-1), and (b);

(10)  Section 51.604;

(11)  Sections 51.702, 51.703, 51.705, 51.706, and 51.707;

(12)  Sections 51.708(a) and (b);

(13)  Sections 51.709, 51.710, 51.711, and 51.713;

(14)  Sections 51.851(c) and (g);

(15)  Subchapter M, Chapter 51;

(16)  Subchapter N, Chapter 51;

(17)  Section 54A.110; and

(18)  Section 411.077.

(d)  Subtitle I, Title 2, Government Code, is repealed as duplicative of the substantive provisions referenced in the subtitle.

(e)  Section 194.002, Health and Safety Code, is repealed.

(f)  The following provisions of the Human Resources Code are repealed:

(1)  Section 152.0492;

(2)  Sections 152.1074(f) and (g);

(3)  Section 152.1322;

(4)  Sections 152.1752(b), (c), and (d);

(5)  Sections 152.1844(a) and (e);

(6)  Sections 152.1873(a), (b), (c), and (e); and

(7)  Sections 152.1874, 152.2183, and 152.2496.

(g)  The following provisions of the Local Government Code are repealed:

(1)  Sections 82.003, 118.026, 118.053, and 118.069;

(2)  Section 118.101(14);

(3)  Sections 118.102 and 118.122; and

(4)  Sections 291.008 and 291.009.

(h)  Section 2308.457, Occupations Code, is repealed.

(i)  Section 21.047(c), Property Code, is repealed.

(j)  Section 372.107(c), Transportation Code, is repealed.

(k)  Article 7818, Revised Civil Statutes, is repealed.

ARTICLE 6. EFFECTIVE DATE

SECTION 6.01.  This Act takes effect September 1, 2021.

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