

# SENATE JOURNAL

EIGHTY-SEVENTH LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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**THIRTY-FOURTH DAY**

(Wednesday, May 5, 2021)

The Senate met at 5:27 p.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Alvarado, Bettencourt, Birdwell, Blanco, Buckingham, Campbell, Creighton, Eckhardt, Gutierrez, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Schwertner, Seliger, Springer, Taylor, West, Whitmire, Zaffirini.

The President announced that a quorum of the Senate was present.

Senator Perry offered the invocation as follows:

Heavenly Father, we thank You for the God that You are. We thank You. You loved us enough to give us an eternity with You if we so choose to. Debates of the day remind us that we live in a world full of spiritual warfare where evil is always a constant and where we try to debate those things of the day to protect the innocent. And that's the role of government, protecting good and punishing evil. And we're told that that government sets on the top of Your shoulders. We just ask that we seek Your will and Your wisdom, and we ask for Your unconditional love and mercy, undeserved most of the time, and continue on that path that as we get to debate the things of the day that we'll remind ourselves that it is not flesh that we deal with on this floor. It's not Democrat and Republican, but it's trying to provide safety to the public at the best way we can. In Jesus' name. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

## MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Wednesday, May 5, 2021 - 2

The Honorable President of the Senate  
Senate Chamber

Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

**HB 622** Gervin-Hawkins  
Relating to creating abbreviated educator preparation programs for certification in marketing education and certification in health science technology education.

**HB 1080** Patterson  
Relating to the eligibility for participation in University Interscholastic League activities of certain public school students who receive outpatient mental health services.

**HB 1128** Jetton  
Relating to persons permitted to be in a polling place or a place where ballots are being counted.

**HB 1193** Wu  
Relating to the jurisdiction of a juvenile court over certain persons and to the sealing and nondisclosure of certain juvenile records.

**HB 1300** Guillen  
Relating to the reading and marking of a ballot by a person occupying a voting station or by the person's child.

**HB 1340** Leach  
Relating to the extent of a defendant's criminal responsibility for the conduct of a coconspirator in a capital murder case and the review of certain convictions by the Board of Pardons and Paroles.

**HB 1397** White  
Relating to the required disclosure of entities with an ownership interest in a vendor of voting system equipment.

**HB 1477** Bell, Keith  
Relating to performance and payment bonds for public work contracts on public property leased to a nongovernmental entity.

**HB 1488** Dean  
Relating to state agency reports submitted to the legislature.

**HB 1509** Murphy  
Relating to enhancing the criminal penalties for certain repeat and habitual offenders.

**HB 1518** Dutton  
Relating to the hours for selling alcoholic beverages in certain establishments.

**HB 1564** González, Mary  
Relating to the appointment of a receivership for and disposition of certain platted lots that are abandoned, unoccupied, and undeveloped in certain counties.

- HB 1646** Lambert  
Relating to modification of certain prescription drug benefits and coverage offered by certain health benefit plans.
- HB 1681** Harless  
Relating to the construction of certain assisted living facilities within a 500-year floodplain in certain counties.
- HB 2063** Ordaz Perez  
Relating to the establishment of a state employee family leave pool.
- HB 2136** Thompson, Ed  
Relating to marine vessel projects in the diesel emissions reduction incentive program.
- HB 2308** Gates  
Relating to procedures in certain suits affecting the parent-child relationship filed by the Department of Family and Protective Services.
- HB 2497** Parker  
Relating to the establishment and duties of the Texas 1836 Project.
- HB 2867** Raymond  
Relating to the issuance of a temporary license for an assisted living facility that has a change in ownership.
- HB 2924** Dutton  
Relating to certain grounds for the involuntary termination of the parent-child relationship.
- HB 3046** Middleton  
Relating to the identification of and prohibited cooperation by state and local entities with certain federal acts that violate the United States Constitution.
- HB 3215** Geren  
Relating to energy efficiency building standards.
- HB 3354** Burrows  
Relating to the location of certain justice courts.
- HB 3535** Hunter  
Relating to the availability of dates of birth under the public information law.
- HB 3702** Paddie  
Relating to prohibiting the enactment of a law that imposes a tax on certain transactions that either convey a security or involve specified derivative contracts.
- HB 3752** Frank  
Relating to the offering of health benefits by subsidiaries of the Texas Mutual Insurance Company.
- HB 3777** Noble  
Relating to eligible costs and expenses for purposes of the franchise tax credit for the certified rehabilitation of certified historic structures.

**HB 3893** Hinojosa  
Relating to the modification of a 99-year lease of certain state property to the City of Austin and the grant of a 99-year lease of certain state property and certain easements to the Capital Metropolitan Transportation Authority.

**HB 3923** Oliverson  
Relating to multiple employer welfare arrangements.

**HB 3924** Oliverson  
Relating to health benefits offered by certain nonprofit agricultural organizations.

**HB 4139** Coleman  
Relating to the Office for Health Equity.

**SB 43** Zaffirini Sponsor: Ortega  
Relating to residential mortgage loans, including the financing of residential real estate purchases by means of a wrap mortgage loan; providing licensing and registration requirements; authorizing an administrative penalty.  
(Amended)

**SB 295** Perry Sponsor: Minjarez  
Relating to the confidential and privileged communications and records of victims of certain sexual assault offenses.  
(Amended)

**SB 1064** Alvarado Sponsor: Schofield  
Relating to the extended registration of certain county fleet vehicles.

**SB 1334** Hinojosa Sponsor: Canales  
Relating to the lease, rental, and donation to the United States of certain facilities relating to a toll bridge by certain counties and municipalities.

**SB 1555** Zaffirini Sponsor: Raney  
Relating to establishing reimbursement rates for certain child-care providers participating in the subsidized child-care program administered by the Texas Workforce Commission.

THE HOUSE HAS CONCURRED IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

**HB 390** (125 Yeas, 17 Nays, 1 Present, not voting)

**HB 1118** (143 Yeas, 0 Nays, 1 Present, not voting)

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

### CONCLUSION OF MORNING CALL

The President at 5:29 p.m. announced the conclusion of morning call.

### HOUSE BILL 1927 ON THIRD READING

Senator Schwertner moved to suspend the regular order of business to take up for consideration **HB 1927** at this time on its third reading and final passage:

**HB 1927**, Relating to provisions governing the carrying of a firearm by a person who is 21 years of age or older and not otherwise prohibited by state or federal law from possessing the firearm and to other provisions related to the carrying, possessing, transporting, or storing of a firearm or other weapon; creating criminal offenses.

The motion prevailed by the following vote: Yeas 18, Nays 13.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Menéndez, Miles, Powell, West, Whitmire, Zaffirini.

The bill was read third time and was passed by the following vote: Yeas 18, Nays 13. (Same as previous roll call)

### **STATEMENT REGARDING HOUSE BILL 1927**

Senator Zaffirini submitted the following statement regarding **HB 1927**:

I am a strong supporter of our U.S. Constitution, including the 2nd Amendment, which states, "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." It is related to our unalienable rights of "Life, Liberty and the pursuit of Happiness" defined in our Declaration of Independence.

To meet our responsibility of ensuring the latter, it is our duty to have safeguards related to the former. Toward that end, common-sense measures exist in current law to ensure persons purchasing a handgun are competent and law-abiding. Interested persons must submit an application, undergo a background check, pass a training course, and display shooting proficiency before their license to carry (LTC) permit is approved. These basic provisions help keep guns out of the hands of dangerous criminals with bad intentions, persons who pose a threat to themselves or others, and those who are not physically or mentally capable of effectively operating a firearm. Simply stated, these measures keep Texans safe.

House Bill (HB) 1927 would eliminate these provisions and allow Texans to purchase and carry a handgun without a permit. It would authorize legally firing a weapon without having undergone training, and make it easier for persons with a criminal record to obtain one. What's more, the bill would make it difficult for law enforcement officers to distinguish whether a person is carrying a gun legally or illegally or is a good or a bad actor, thereby putting them and the public at greater risk. In 2020 the Texas Department of Public Safety (DPS) denied 2,269 LTC permits, including 926 because of past felony convictions; 136 because of family violence convictions; and 56 because of pending felony charges. Their efforts to prevent abusers and criminals from procuring a deadly weapon are admirable. HB 1927, however, would undercut them by removing these guardrails.

This bill enables dangerous persons, including domestic abusers, to purchase a firearm without any vetting or oversight. This is particularly worrisome because 59 percent of women murdered by their partners were killed with a firearm. How many more women would die at the hand of their abusers if DPS were unable to intercept unfit applicants?

LTC permits allow us to ask critical questions before giving someone a deadly weapon. Removing these requirements would prevent us from doing so until after a tragedy occurred.

For these reasons, I voted "no" on HB 1927.

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**COMMITTEE SUBSTITUTE  
SENATE BILL 1365 ON THIRD READING**

Senator Bettencourt moved to suspend the regular order of business to take up for consideration **CSSB 1365** at this time on its third reading and final passage:

**CSSB 1365**, Relating to public school organization, accountability, and fiscal management.

The motion prevailed by the following vote: Yeas 20, Nays 11.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Hinojosa, Huffman, Hughes, Kolkhorst, Lucio, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Johnson, Menéndez, Miles, Powell, West, Whitmire, Zaffirini.

The bill was read third time and was passed by the following vote: Yeas 20, Nays 11. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
SENATE BILL 41 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 41** at this time on its second reading:

**CSSB 41**, Relating to the consolidation and allocation of state civil court costs; increasing certain civil court costs; authorizing fees.

The bill was read second time.

Senator Zaffirini offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 41** (senate committee printing) by striking all below the enacting clause and substituting the following:

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;~~

~~(3) [(7)] fees collected under Section 118.015;~~

~~(4) [(8)] marriage license fees for the family trust fund collected under Section 118.018; and~~

~~(5) [(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. Section 133.151, Local Government Code, is amended to read as follows:

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

~~(1) a fee in the amount of \$137 [the following fees] on the filing of any civil case; and~~

~~(2) a fee in the amount of \$45 on any subsequent filing, including an appeal and any counterclaim, cross-action, intervention, contempt action, interpleader, motion for new trial, or third-party action [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 case and on any subsequent filing, including an appeal and any counterclaim, cross-action, intervention, contempt action, interpleader, motion for new trial, or third-party action.~~

~~(b) The fees under this section [Subsection (a)] shall be collected and remitted to the comptroller either:~~

~~(1) directly for fees paid using the electronic filing system established under Section 72.031, Government Code; or~~

~~(2) in the manner provided by Subchapter B for fees paid to an officer of a court.~~

~~(c) The comptroller shall allocate the fees received under Subsection (a)(1) [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 fund 21.8978 percent; and

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

(d) The comptroller shall 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 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 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) 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 1.03. 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 cases 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) "County treasurer" means the custodian of money in a county treasury.

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 CIVIL FEES

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

(b) 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.



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

Sec. 135.052. ALLOCATION OF DEPOSITED FEES. (a) Money collected under Subchapter C as civil fees imposed on or after January 1, 2022, 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, 2022, shall 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. This subsection expires September 1, 2025.

#### 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 in a district court, statutory county court, or county court in addition to all other fee and court costs a local consolidated filing fee of:

(1) \$208 on filing any civil case; and

(2) \$35 on any subsequent filing, including an appeal and any counterclaim, cross-action, intervention, contempt action, interpleader, motion for new trial, or third-party action.

(b) The treasurer 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 appellate judicial system fund 2.4039 percent;

(2) the court facility fee fund 7.2115 percent;

(3) the clerk of the court account 24.0385 percent;

(4) the county records management and preservation account 14.4231 percent;

(5) the court reporter service fund 12.0192 percent;

(6) the county law library fund 16.8269 percent;

(7) the courthouse security fund 9.6154 percent;

(8) the language access fund 1.4423 percent;

(9) the county jury fund 4.8077 percent; and

(10) the county dispute resolution fund 7.2115 percent.

(c) The treasurer shall 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 may not receive 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 CONSOLIDATED CIVIL FEE FOR JUSTICE COURT.

(a) In addition to all other fee and court costs, a person shall pay a local consolidated filing fee of \$33 on filing of any civil case in a justice court and on any subsequent filing, including an appeal and any counterclaim, cross-action, intervention, contempt action, interpleader, motion for new trial, or third-party action.

(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 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) 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, including automation, performed by the court clerk on approval by the commissioners court of a budget as provided by Chapter 111. An expenditure from the fund must comply with Subchapter C, Chapter 262.

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 be used by a county only to establish and maintain an alternative dispute resolution system in accordance with Chapter 152, Civil Practice and Remedies Code. The fund shall be administered by the commissioners court and may be used by the county only to establish and maintain the system. The system shall be operated at one or more convenient and accessible places in the county.

(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 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 1.04. 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. Subchapter C, Chapter 22, Government Code, is amended by adding Section 22.229 to read as follows:

Sec. 22.229. APPELLATE JUDICIAL SYSTEM FUND. (a) 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) To fund the appellate judicial system:

(1) each county treasurer shall allocate to the fund the portion of the local consolidated filing fee set by Section 135.101(b)(1), Local Government Code; and

(2) the clerk of each statutory probate court in the county shall collect a \$5 fee in each civil case filed in the court.

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

(d) The county treasurer shall 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. The court of appeals may spend money in the fund for the purposes described by Subsection (a). Money in the fund may not be used for any other purpose.

(e) 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.

SECTION 2.02. Section 25.0172(u), Government Code, is amended to read as follows:

(u) The official court reporter of a county court at law is entitled to receive an annual salary set by the judge and approved by the commissioners court at an amount not less than \$35,256. ~~[The official court reporter's fee shall be taxed as costs in civil actions in 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. In 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 2.03. Section 25.1102(f), Government Code, is amended to read as follows:

(f) The official court reporter of a county court at law is entitled to receive a salary set by the judge of the county court at law as provided by law for district court reporters. The salary shall be paid monthly by the commissioners court out of funds available for that purpose. ~~[The clerk of the court shall 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. The clerk collects the fees and pays them in to the county's general fund.]~~

SECTION 2.04. Section 25.1572(h), Government Code, is amended to read as follows:

(h) An official court reporter is not required to take testimony in a case unless the judge or a party demands that testimony be taken. ~~[In civil and probate cases in which the court reporter is required to take testimony, the clerk shall assess a \$3 fee as costs in the case. The clerk shall collect the fee and deposit it in the county treasury.]~~ The court reporter shall be available for matters being considered in the county court if the parties before the court request a court reporter and the request is approved by the judge of a county court at law.

SECTION 2.05. Section 25.2702(d), Government Code, is amended to read as follows:

(d) The judge of the county court at law shall appoint an official court reporter. The judge may appoint a court administrator to aid the judge in the performance of the judge's duties. The official court reporter and the court administrator of the county court at law are entitled to receive a salary set by the commissioners courts in the counties the reporter or administrator serves to be paid out of the county treasuries, either by salary or by contract as set by the commissioners courts. ~~[The clerk of the court shall 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. The fee shall be paid in the same manner as other costs in the case. The clerk collects the fee and pays it into the general funds of the counties.]~~

SECTION 2.06. Section 51.207(g), Government Code, is amended to read as follows:

(g) The ~~[One half of the]~~ fees collected under this section shall be deposited to the credit of the judicial fund.

SECTION 2.07. Section 51.302(e), Government Code, is amended to read as follows:

(e) The commissioners court may establish a contingency fund to provide the coverage required by Subsection (c) or (d) if it is determined by the district clerk that insurance coverage is unavailable at a reasonable cost. ~~The commissioners court may set an additional filing fee in an amount not to exceed \$5 for each suit filed to be collected by the district clerk. The fee shall be paid into the fund. When the contingency fund reaches an amount equal to that required by Subsection (e) or (d), the clerk shall stop collecting the additional fee.~~

SECTION 2.08. Sections 51.318(a) and (b), Government Code, are amended to read as follows:

(a) ~~The [In addition to a fee under Section 51.317 the]~~ district clerk shall collect 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.

(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) that is a paper document converted to electronic format, for each page or part of a page . . . . . \$1; or
  - (C) that is an electronic copy of an electronic document:
    - (i) for each document up to 10 pages in length . . . . . \$1; and
    - (ii) for each page or part of a page over 10 pages . . . . . \$0.10.

SECTION 2.09. Sections 51.851(b) and (g), Government Code, are 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.

(g) The clerk of [~~a district court, a county court, a statutory county court,~~] a statutory probate court[~~, or a justice court~~] shall deposit the fees collected under this section in the appropriate local treasury and remit the fees to the comptroller in the manner provided by Subchapter B, Chapter 133, Local Government Code.

SECTION 2.10. 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 case [~~petition~~].

SECTION 2.11. The heading to Section 411.077, Government Code, is amended to read as follows:

Sec. 411.077. [~~DISPOSITION OF FEE;~~] DEPARTMENT OF PUBLIC SAFETY REPORT.

### ARTICLE 3. LOCAL GOVERNMENT CODE

SECTION 3.01. Section 82.003(c), Local Government Code, is amended to read as follows:

(c) The commissioners court may establish a contingency fund to provide the coverage required by this section if it is determined by the county clerk that insurance coverage is unavailable at a reasonable cost. [~~The commissioners court may set an additional filing fee in an amount not to exceed \$5 for each suit filed to be collected by the county clerk. The fee shall be paid into the fund. When the contingency fund reaches an amount equal to that required by this section, the clerk shall stop collecting the additional fee.~~]

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 appraisal 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 appraisal 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 copy of an electronic document:

(i) for each document up to 10 pages in length . . . \$ 1.00; and

(ii) 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 county 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 118.055(a), Local Government Code, is amended to read as follows:

(a) The fee for "Probate Original Action" under Section 118.052(2)(A) is for all clerical duties in connection with an original action in a statutory probate 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 county 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 133.051, Local Government Code, is amended to read as follows:

Sec. 133.051. COLLECTION AND REMITTANCE OF FEES. (a) Subject to Subsection (b), a [A] municipality or county shall collect, record, account for, and remit to the comptroller all fees in the manner provided by this subchapter.

(b) Fees paid under Section 133.151, 135.101, or 135.102 using the electronic filing system established under Section 72.031, Government Code, shall be remitted directly to the comptroller for disbursement and deposit as provided by those sections. The county shall submit to the Office of Court Administration of the Texas Judicial System a report of the fees remitted directly to the comptroller.

(c) On the last day of the month following a calendar quarter, the Office of Court Administration of the Texas Judicial System shall submit to the comptroller a report of the fees paid as described by Subsection (b) for the preceding calendar quarter.

SECTION 3.09. Section 133.055(a), Local Government Code, is amended to read as follows:

(a) For fees paid to an officer of a court and not using the electronic filing system established under Section 72.031, Government Code, on [On] or before the last day of the month following each calendar quarter, the treasurer shall:

(1) remit to the comptroller the money from all fees collected during the preceding quarter, except as provided by Section 133.058; and

(2) submit to the comptroller the report required under Section 133.056 for criminal fees and Section 133.057 for civil fees.

SECTION 3.10. 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;

(3) under Section 51.851, Government Code; or

(4) for any state consolidated filing fee under Section 133.151 [51.971, Government Code].

SECTION 3.11. 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 135.101, ~~[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 3.12. The heading to Section 291.008, Local Government Code, is amended to read as follows:

Sec. 291.008. DOCUMENT FILING FEE ~~[FOR SECURITY]~~.

SECTION 3.13. Section 291.008(d), Local Government Code, is amended to read as follows:

(d) ~~The~~ [If a commissioners court sets a security fee under Subsection (a) of this section, the] county and district clerks shall collect a fee of \$1 for filing any document ~~[not subject to the security fee]~~. The county is not liable for the costs. The county or district clerk, as appropriate, shall collect this fee.

SECTION 3.14. 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 county 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 case ~~[\$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. Article 102.017(a), Code of Criminal Procedure, is amended to read as follows:

(a) The courthouse security fund is a fund in the county treasury, and the municipal court building security fund is a fund in the municipal treasury. The funds consist of money allocated to the funds under Sections 134.101, 134.102, ~~and~~ 134.103, and 135.101, Local Government Code.

SECTION 4.03. 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 4.04. 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 4.05. 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 *caapias*;

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

(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 4.06. 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 4.07. 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 4.08. 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; and

(3) Sections 152.004 and 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) Sections 108.006(b) and (c).
- (c) The following provisions of the Government Code are repealed:
- (1) Sections 22.2021, 22.2031, 22.2041, 22.2051, 22.2061, 22.2071, 22.2081, 22.2091, 22.2101, 22.2121, 22.2131, and 22.2141;
  - (2) Section 25.0862(i);
  - (3) Section 25.1862(l);
  - (4) Sections 26.007 and 26.008;
  - (5) Section 51.305;
  - (6) Section 51.317;
  - (7) Sections 51.601(a), (a-1), (b), and (e);
  - (8) Section 51.604;
  - (9) Sections 51.702 and 51.703;
  - (10) Section 51.704(i);
  - (11) Sections 51.705, 51.706, 51.707, and 51.708;
  - (12) Sections 51.709, 51.710, 51.711, and 51.713;
  - (13) Section 51.851(c);
  - (14) Subchapter M, Chapter 51;
  - (15) Subchapter N, Chapter 51;
  - (16) Section 54A.110(d); and
  - (17) Section 411.077(a).
- (d) Subtitle I, Title 2, Government Code, is repealed as duplicative of the substantive provisions referenced in the subtitle.
- (e) Section 194.002(e), 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), (d), and (e);
  - (5) Section 152.1844; and
  - (6) Sections 152.1873, 152.1874, 152.2183, and 152.2496.
- (g) The following provisions of the Local Government Code are repealed:
- (1) Sections 118.053 and 118.069;
  - (2) Sections 118.054, 118.0546, and 118.122;
  - (3) Section 133.058(c);
  - (4) Sections 133.152, 133.153, and 133.154;
  - (5) Sections 291.008(a), (b), (c), and (e); and
  - (6) Section 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, Vernon's Texas Civil Statutes, is repealed.

#### ARTICLE 6. EFFECTIVE DATE

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

The amendment to **CSSB 41** was read.

Senator Hinojosa offered the following amendment to Floor Amendment No. 1:

**Floor Amendment No. 2**

Amend Amendment No. 1 by Sen. Hinojosa (87R22788) to **CSSB 41** (senate committee printing) as follows:

(1) In SECTION 1.03 of the amendment, adding Section 135.101(a)(1), Local Government Code (page 5, line 24), strike "\$208" and substitute "\$213".

(2) In SECTION 1.03 of the amendment, strike added Subdivisions 135.101(b)(1) through (10), Local Government Code (page 6, lines 4 through 15) and substitute the following:

(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.

(3) In SECTION 3.08 of the amendment, adding Section 133.051(b), Local Government Code (page 19, lines 28 through 30), strike the last sentence of the subsection.

(4) In SECTION 3.08 of the amendment, strike added Section 133.051(c), Local Government Code (page 19, line 31 through page 20, line 3) and substitute the following:

(c) Each day funds are remitted to the comptroller, the Office of Court Administration of the Texas Judicial System shall submit to the comptroller a report of the fees remitted as described by Subsection (b).

(5) In SECTION 3.13 of the amendment, strike amended Section 291.008(d), Local Government Code (page 21, line 29 through page 22, line 2), and substitute the following:

(d) The [If a commissioner's court sets a security fee under Subsection (a) of this section, the] county and district clerks shall collect a fee of \$1 for filing any document not subject to a filing fee under Section 118.052(2) or 135.101 [the security fee]. The county is not liable for the costs. The county or district clerk, as appropriate, shall collect this fee.

The amendment to Floor Amendment No. 1 to **CSSB 41** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2.

Question recurring on the adoption of Floor Amendment No. 1 to **CSSB 41**, the amendment as amended was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

**CSSB 41** as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE  
SENATE BILL 41 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 41** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**(President Pro Tempore Birdwell in Chair)**

**COMMITTEE SUBSTITUTE  
SENATE BILL 1876 ON SECOND READING**

On motion of Senator Miles and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1876** at this time on its second reading:

**CSSB 1876**, Relating to emergency planning for the continued treatment and safety of end stage renal disease facility patients.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1876 ON THIRD READING**

Senator Miles moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1876** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1538 ON SECOND READING**

On motion of Senator Menéndez and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1538** at this time on its second reading:

**CSSB 1538**, Relating to insurer restrictions and duties regarding repair of a motor vehicle covered under an insurance policy.

The bill was read second time and was passed to engrossment by the following vote: Yeas 26, Nays 5.



Yeas: Alvarado, Bettencourt, Birdwell, Blanco, Campbell, Creighton, Eckhardt, Gutierrez, Hancock, Hinojosa, Huffman, Johnson, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Powell, Schwertner, Seliger, Springer, Taylor, West, Whitmire, Zaffirini.

Nays: Buckingham, Hall, Hughes, Kolkhorst, Perry.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1538 ON THIRD READING**

Senator Menéndez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1538** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 5.

Yeas: Alvarado, Bettencourt, Birdwell, Blanco, Campbell, Creighton, Eckhardt, Gutierrez, Hancock, Hinojosa, Huffman, Johnson, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Powell, Schwertner, Seliger, Springer, Taylor, West, Whitmire, Zaffirini.

Nays: Buckingham, Hall, Hughes, Kolkhorst, Perry.

**CO-AUTHORS OF SENATE BILL 41**

On motion of Senator Zaffirini, Senators Johnson, Hinojosa, Huffman, and Hughes will be shown as Co-authors of **SB 41**.

**CO-AUTHOR OF SENATE BILL 123**

On motion of Senator Johnson, Senator Zaffirini will be shown as Co-author of **SB 123**.

**CO-AUTHORS OF SENATE BILL 1365**

On motion of Senator Bettencourt, Senators Campbell and Taylor will be shown as Co-authors of **SB 1365**.

**CO-AUTHOR OF SENATE BILL 1538**

On motion of Senator Menéndez, Senator Alvarado will be shown as Co-author of **SB 1538**.

**CO-AUTHOR OF SENATE BILL 1792**

On motion of Senator West, Senator Zaffirini will be shown as Co-author of **SB 1792**.

**CO-AUTHOR OF SENATE BILL 2222**

On motion of Senator Nelson, Senator Zaffirini will be shown as Co-author of **SB 2222**.

**CO-AUTHOR OF SENATE BILL 2223**

On motion of Senator Menéndez, Senator Taylor will be shown as Co-author of **SB 2223**.

**CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 48**

On motion of Senator West, Senator Blanco will be shown as Co-author of **SCR 48**.

**CO-SPONSORS OF HOUSE BILL 797**

On motion of Senator Buckingham, Senators Powell and Zaffirini will be shown as Co-sponsors of **HB 797**.

**CO-SPONSOR OF HOUSE BILL 1698**

On motion of Senator Schwertner, Senator Lucio will be shown as Co-sponsor of **HB 1698**.

**CO-SPONSORS OF HOUSE BILL 1927**

On motion of Senator Schwertner, Senators Campbell and Hughes will be shown as Co-sponsors of **HB 1927**.

**ADJOURNMENT**

On motion of Senator Whitmire, the Senate at 6:54 p.m. adjourned until 10:00 a.m. tomorrow.

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**APPENDIX**

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**COMMITTEE REPORTS**

The following committee reports were received by the Secretary of the Senate in the order listed:

May 5, 2021

STATE AFFAIRS — **CSHB 574**

LOCAL GOVERNMENT — **HB 533, HB 977, CSHB 2723**

HEALTH AND HUMAN SERVICES — **SB 970**

TRANSPORTATION — **HB 1257, HB 1759, HB 2167, HB 2223, HB 2431, HB 3067, HB 3390, HB 3395, HB 3401, SB 2243**

BUSINESS AND COMMERCE — **CSSB 1279, HB 317**

TRANSPORTATION — **HB 2749**

LOCAL GOVERNMENT — **HB 2494**

BUSINESS AND COMMERCE — **CSSB 2122, CSSB 2051, CSSB 1090**

NATURAL RESOURCES AND ECONOMIC DEVELOPMENT — **CSSB 1599**

STATE AFFAIRS — **CSSB 1572, CSSB 2232**

**BILLS ENGROSSED**

May 5, 2021

**SB 41, SB 123, SB 171, SB 318, SB 348, SB 403, SB 576, SB 704, SB 1071, SB 1082, SB 1167, SB 1169, SB 1171, SB 1227, SB 1365, SB 1421, SB 1465, SB 1467, SB 1538, SB 1575, SB 1854, SB 1876, SB 1919, SB 2046, SB 2163, SB 2166, SB 2172, SB 2174, SB 2205, SB 2207, SB 2208, SB 2216, SB 2217, SB 2219, SB 2222, SB 2233**

**BILLS AND RESOLUTIONS ENROLLED**

May 5, 2021

**SB 567, SB 721, SB 725, SB 1064, SB 1260, SB 1334, SB 1555, SB 1809, SB 1954, SR 343, SR 358, SR 360, SR 361, SR 362, SR 363, SR 364**

