

SUBJECT: Increasing filing fees and judge salaries in certain statutory county courts

COMMITTEE: Judicial Affairs — committee substitute recommended

VOTE: 5 ayes — Thompson, Hartnett, Clark, Luna, Shields

2 nays — Crabb, Zbranek

2 absent — Garcia, Solis

WITNESSES: None

BACKGROUND : Counties may opt into a state funding system for statutory county courts by collecting \$30 filing fees and remitting them to the comptroller to be deposited into the judicial fund. District clerks also must collect a \$40 filing fee for deposit into the judicial fund. The district clerk must report to the comptroller the amount of those fees that are collected for cases assigned to a statutory county court.

The state must use the judicial fund to annually compensate each county that collects the \$30 filing fee in an amount equal to \$25,000 for each statutory county court judge in the county who does not engage in the private practice of law and presides over a court that meets certain jurisdiction requirements. At the end of each fiscal year, if the amounts deposited by counties exceed the amounts paid to counties, the state must pay the excess to the counties proportionately based on the percentage of the total paid by each county. In determining the amount deposited in the judicial fund for a county, the comptroller must also count \$30 of each fee reported by a district clerk as being collected for cases assigned to a statutory county court in that county.

A statutory county court judge who does not engage in the private practice of law and whose court does not participate in the state funding system and collect the \$30 filing fee must be paid a total annual salary set by the commissioners court at an amount that is at least equal to \$1,000 less than the total annual salary received by a district judge in the county. However, a county does not have to meet this salary requirement if the county begins collecting the \$30 filing fee and increases the salary of each statutory county

court judge in the county to an amount that is at least \$20,000 more than the salary to which the judge was previously entitled.

**DIGEST:**

CSHB 2837 would increase to \$40 the \$30 filing fee that may be collected by statutory county courts. The bill would also increase the amount of district court filing fees that would be credited to a county for cases assigned to statutory county courts from \$30 to \$40 per case. The amount the state would be required to compensate counties that collect these fees would be increased from \$25,000 to \$30,000 for each of the county's eligible statutory county court judges. A county would not have to meet the statutory salary requirement if the county began collecting the fee and increased the salary of each statutory county court judge to at least \$24,000 more than the salary to which the judge was previously entitled.

CSHB 2837 would take effect September 1, 1997.

**SUPPORTERS  
SAY:**

CSHB 2837 would help equalize the salaries of statutory county court judges and raise fees to offset the impending increases in all statutory county court judge salaries. The state is in the process of giving district judges a substantial raise, so statutory county court judges whose salaries are tied to district court judges also would receive a substantial raise. The bill would provide a similar raise for statutory county court judges whose salaries were not tied to district judge salaries by mandating an additional \$4,000 in salary per year. The bill would provide counties with funding to pay these increased salaries by raising both the statutory county court filing fee to match the district court filing fee and the counties' share of district court fees paid for cases assigned to statutory county courts. With the extra fees, the state would be required to increase its payment to counties out of the judicial fund by \$5,000 per eligible statutory county court judge.

**OPPONENTS  
SAY:**

The proposed raise for district court judges has not yet been approved by the Legislature, but this bill would mandate a complementary salary increase for certain statutory county court judges anyway. It would be premature to approve this bill before HB 1, the general appropriations bill, is finally approved.

OTHER  
OPPONENTS  
SAY:

Litigation is already too expensive for many Texans who must go to court to seek redress for harms they have suffered. CSHB 2837 would exacerbate this problem by raising filing fees in some statutory county courts.

NOTES:

The committee substitute added the amounts of the increased filing fee and the portion of district filing fees to be credited to counties for cases assigned to statutory county courts; added provisions addressing salary requirements for statutory county court judges whose salaries are not tied to district court judge salaries and the amount the state must pay counties out of the judicial fund; and deleted provisions addressing court costs for criminal convictions in statutory county courts and the salaries of statutory county court judges that are tied to the salaries of district court judges.

Rep. Thompson plans to offer a floor amendment to make the provisions of CSHB 2837 contingent upon enactment of SB 310, by Brown et al., which would raise the salary for Supreme Court justices and thus also the salaries of court of appeals justices and district judges. SB 310 passed the Senate on April 24 and was reported favorably, without amendment, by the House Judicial Affairs Committee on May 8.