

- SUBJECT:** Statutory county court judicial compensation and raising filing fees
- COMMITTEE:** Judiciary — favorable, without amendment
- VOTE:** 8 ayes — Hartnett, Homer, Hopson, Alonzo, R. Cook, Gonzales, Goolsby, Hughes
0 nays
1 absent — Krusee
- SENATE VOTE:** On final passage, March 28 — 30-0, on Local and Uncontested Calendar
- WITNESSES:** For — Linda Thomas, Judicial Section of the State Bar of Texas;
(*Registered, but not testifying:* Lynn Nabers, Alliance for Judicial Funding, Inc.)
Against — None
- BACKGROUND:** Texas has 218 statutory county courts. Under Government Code, sec. 25.0005(a)-(b), a statutory county court judge who does not engage in private practice and whose county collects a special fee for the support of the judiciary shall be paid a total annual salary set by the commissioners court that is at least \$1,000 less than the total annual salary received by a district court judge in the county on August 31, 1999.
- Government Code, sec. 51.702(a) requires court clerks to collect a \$40 filing fee in each civil case filed in the court to be used for court-related purposes for the support of the judiciary, if the commissioners court resolves annually to collect this fee. A district judge's or statutory county court judge's total annual salary includes contributions and supplements, paid by the state or the county, other than contributions received as compensation under the special \$40 filing fee collected in civil cases under sec. 51.702. The state pays \$35,000 per statutory county court judge to each county that collects the sec. 51.702 filing fee.
- Local Government Code, sec. 133.154(a) directs the clerk of a district court, statutory county court, or county court to collect a \$37 fee on the

filing of any civil suit to be used for court-related purposes for the support of the judiciary. Sec. 133.105(a) directs clerks to charge a \$4 fee to a person convicted of any offense, other than a pedestrian or parking infraction, to be used for court-related purposes for the support of the judiciary.

DIGEST:

SB 600 would amend Government Code, sec. 25.0005 to require that statutory county court judges who did not engage in private practice be paid not less than \$1,000 less than the total annual salary currently received by a district judge in the same county.

The bill would require the state to compensate each county an amount equal to 60 percent of the state salary of a district court judge in a county for each statutory county court judge in the county. (According to the fiscal note, this would increase the annual salary supplement from the state from \$35,000 to \$75,000.)

Sec. 101.081 would be amended to remove the requirement that a county commissioners court annually authorize the \$40 filing fee on civil cases under sec. 51.702. The clerks of all statutory county courts would be required to collect the fee.

SB 600 would amend sections of the Local Government Code and Government Code to increase from \$37 to \$42 the filing fee of any civil suit filed in a district court, statutory county court, or county court, to be used for court-related purposes for the support of the judiciary.

The bill also would increase from \$4 to \$6 the fee for a person convicted of any offense, other than a pedestrian or parking infraction, to be used for court-related purposes for the support of the judiciary.

SB 600 would repeal in the Government Code:

- subsecs. (e), (f), and (g) from sec. 25.0005, which provide circumstances under which a county is not required to meet the salary requirements of statutory county court judges;
- subsecs. (b) and (c) from sec. 25.0015. Sec. 25.0015 determines the amount the state must compensate counties that collect the additional fees and costs under sec. 51.702. Subsecs. (b) and (c) reference counties that have decided to collect the additional fees and costs under sec. 51.702;

- sec. 25.0016, which directs the state to provide refunds for excess contributions to counties that collected additional fees and costs under sec. 51.702;
- subsec. (e), sec. 25.0362, which directs the clerk of a county court in Cass County to collect the additional fees and costs under sec. 51.702.
- subsec. (f) through (m), sec. 51.702, which address the effects of optional collection and non-collection by counties of the additional fees and costs under that section.

The bill would take effect on September 1, 2007, and would apply only to fines, fees, and costs collected on offenses committed on or after the effective date.

**SUPPORTERS
SAY:**

SB 600 would increase the amount of a statutory county court judge's salary that the state would pay, help to equalize the pay of statutory county court judges, and raise fees to help pay for the increase in the state's share. Statutory county courts provide needed relief to the district courts in Texas because they perform work that district courts otherwise would have to do. Statutory county courts often hear juvenile or family law cases that otherwise would take up room on the dockets of district courts. Statutory county court judges must have the same judicial qualifications and ongoing training that district court judges have. Granting statutory county court judges the salary increase that was given to other judges by the 79th Legislature would be only fair and a good investment in the state's judiciary.

According to the comptroller's Judiciary Section, of the 218 statutory county courts, only 22 do not participate in the state salary supplement program. While SB 600 would require all counties with statutory county courts to participate and charge the fees and court costs to pay for the salary supplements, the fees and court costs would cover the cost of the program and would not require the counties to pay any additional amount.

**OPPONENTS
SAY:**

SB 600 is part of the inexorable tide of fees pricing justice beyond the reach of the populace. While there are exceptions for the indigent, the requirements for indigent status are so low that only the very poor qualify. Those who are only slightly better off continue to lose access to the civil court system. One of the tenets of the rule of law is that everyone should be able to seek redress from the courts. As the Legislature continues to

pass small increases in the filing fees, more people will find it necessary to suffer a wrong because it would not make economic sense to fight it.

NOTES:

According to the fiscal note, SB 600 would repeal the existing requirement that the general revenue fund pay \$5,000 of each salary supplement. This would result in a positive impact to general revenue of \$1,580,000 in fiscal 2008-09. The Judicial Fund would see an increasing surplus as well through the collection of higher fees and through the requirement that all counties containing statutory county courts collect the fees under Government Code, sec. 57.702. The bill also would repeal a provision that refunds to the counties excess contributions to the Judicial Fund.