

BILL ANALYSIS

Senate Research Center

H.B. 2837
By: Thompson (Ellis)
Jurisprudence
5-17-97
Engrossed

DIGEST

In Texas the statutory county courts have been used to lessen the backlog of cases in district courts. Many counties have created statutory county courts or increased the jurisdiction of existing courts in response. The 72nd Legislature passed H.B. 66 to establish a system to help fund statutory county courts throughout the state through the collection of fees and costs to help fund the state work being done by these county courts. Under the system created, counties are able to enter into the funding system by meeting certain conditions regarding court fees, costs, and salary levels. In return the county receives at least \$25,000 per court. H.B. 66 also tied the salaries of most statutory county court judges to \$1,000 less than the salary of a district judge in the same county. Because the state is currently in the process of giving the district judges a substantial raise, many counties are going to be required to increase the salaries of statutory county court judges.

This bill would increase the filing fees established in Section 25.0016, Government Code to match the district court filing fee and increase the counties' share of filing fees under Section 51.702(a), Government Code to \$40 to provide more than an additional \$5,000 per statutory county court to help offset the increase in the salaries of statutory county court judges.

PURPOSE

As proposed, H.B. 2837 increase certain statutory court filing fees to match the district court filing fee and increase the counties' share of filing fees to \$40 to provide more than an additional \$5,000 per statutory county court to help offset the increase in the salaries of statutory county court judges.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 25.005(a) and (e), Government Code, to require a statutory county court judge who engages in the private practice of law or a judge in whose court fees and costs under Section 51.702 are not collected, to be paid a total annual salary set by the commissioners court at an amount that is at least equal to the amount that is \$4,000, rather than \$1,000, less than the total annual salary received by a district judge in the county. Provides that a county is not required to meet the salary requirements of Subsection (a) for a particular court under certain conditions.

SECTION 2. Amends Section 25.0015(a), Government Code, to require the state, beginning on the first day of the state annually compensate each county that collects the additional fees and costs under Section 51.702 in an amount equal to \$30,000, rather than \$25,000, for each statutory county court judge in the county who meets certain qualifications.

SECTION 3. Amends Section 25.0016(c), Government Code, to require the comptroller, in determining the amount deposited in the judicial fund under Section 51.702 for a county that collects fees and costs as provided by that section, to credit \$40, rather than \$30, of each fee deposited in the judicial fund under Section 51.701 by that county for cases assigned to a statutory county court as fees deposited under Section 51.702.

SECTION 4. Amends Section 51.702(a), Government Code, to require the clerk of a statutory

county court, except as provided by Subsection (g), and in addition to all other fees authorized or required by other law, to collect a \$40, rather than \$30, filing fee in each civil case filed in the court to be used for court-related purposes for the support of the judiciary.

SECTION 5. (a) Effective date: September 1, 1997, except as provided by Subsection (b) of this section. Makes application of this Act prospective.

(b) Effective date for SECTION 1 of this Act: January 1, 1998.

SECTION 6. Provides that this Act takes effect only if S.B. 310, Acts of the 75th Legislature, Regular Session, 1997, is enacted and becomes law. Provides that if S.B. 310 does not become law, this Act does not take effect.

SECTION 7. Emergency clause.
Effective date: upon passage.