

By: Hartnett

H.B. No. 1945

A BILL TO BE ENTITLED

AN ACT

1
2 relating to certain fees collected by clerks of county courts and
3 statutory county courts.

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

5 SECTION 1. Sections 25.0005(a), (b), (e), and (f),
6 Government Code, are amended to read as follows:

7 (a) A statutory county court judge, other than a statutory
8 county court judge who engages in the private practice of law [~~or a~~
9 ~~judge in whose court fees and costs under Section 51.702 are not~~
10 ~~collected~~], shall be paid a total annual salary set by the
11 commissioners court at an amount that is at least equal to the
12 amount that is \$1,000 less than the total annual salary received by
13 a district judge in the county on August 31, 1999. A district
14 judge's or statutory county court judge's total annual salary
15 includes contributions and supplements, paid by the state or a
16 county, other than contributions received as compensation under
17 Section 74.051.

18 (b) Subject to any salary requirements otherwise imposed by
19 this chapter for a particular court or county, the commissioners
20 court sets the salary of each statutory county court judge who
21 engages in the private practice of law [~~or in whose court fees and~~
22 ~~costs under Section 51.702 are not collected~~].

23 (e) A county is not required to meet the salary requirements
24 of Subsection (a) for a particular court if:

1 (1) [~~not later than September 1 of the year in which~~
2 ~~the county initially begins collecting fees and costs under Section~~
3 ~~51.702,~~] the county increases the salary of each statutory county
4 court judge in the county to an amount that is at least \$28,000 more
5 than the salary the judge was entitled to on May 1 of the year the
6 county initially begins collecting fees and costs under Section
7 51.702;

8 (2) the county pays at least the salary required by
9 Subdivision (1);

10 (3) [~~the county collects the fees and costs as~~
11 ~~provided by Section 51.702,~~

12 [~~(4)~~] the court has at least the jurisdiction provided
13 by Section 25.0003; and

14 (4) [~~(5)~~] except as provided by Subsection (f), the
15 county uses at least 50 percent of the amount the county receives
16 each state fiscal year under Section 25.0016 for salaries for the
17 statutory county court judges.

18 (f) Subsection (e)(4) [~~(e)(5)~~] does not require a county to
19 pay a salary that exceeds the minimum salary under Subsection (a).

20 SECTION 2. Section 25.0015(a), Government Code, is amended
21 to read as follows:

22 (a) Beginning on the first day of the state fiscal year, the
23 state shall annually compensate each county [~~that collects the~~
24 ~~additional fees and costs under Section 51.702]~~ in an amount equal
25 to \$35,000 for each statutory county court judge in the county who:

26 (1) does not engage in the private practice of law;

27 (2) presides over a court with at least the

1 jurisdiction provided by Section 25.0003; and

2 (3) except as provided by Section 25.0005(d), is not
3 excluded from the application of Section 25.0003 or Section
4 25.0005.

5 SECTION 3. The heading to Section 51.702, Government Code,
6 is amended to read as follows:

7 Sec. 51.702. ADDITIONAL FEES AND COSTS IN [~~CERTAIN~~]
8 STATUTORY COUNTY COURTS.

9 SECTION 4. Section 51.702(a), Government Code, is amended
10 to read as follows:

11 (a) In [~~Except as provided by Subsection (g), in~~] addition
12 to all other fees authorized or required by other law, the clerk of
13 a statutory county court shall collect a \$40 filing fee in each
14 civil case filed in the court to be used for court-related purposes
15 for the support of the judiciary.

16 SECTION 5. The heading to Section 51.703, Government Code,
17 is amended to read as follows:

18 Sec. 51.703. ADDITIONAL FEES AND COSTS IN [~~CERTAIN~~] COUNTY
19 COURTS.

20 SECTION 6. Section 51.703, Government Code, is amended by
21 amending Subsection (a) and adding Subsection (f) to read as
22 follows:

23 (a) In addition to all other fees authorized or required by
24 other law, the clerk of a county court [~~with a judge who is entitled~~
25 ~~to an annual salary supplement from the state under Section 26.006~~]
26 shall collect a \$40 filing fee in each civil case filed in the court
27 to be used for court-related purposes for the support of the

1 judiciary.

2 (f) A clerk may not collect a fee under this section and
3 under Section 51.702.

4 SECTION 7. Sections 51.702(f), (g), (h), (i), and (k),
5 Government Code, are repealed.

6 SECTION 8. The change in law made by this Act applies only
7 to a civil case filed or court costs imposed on conviction of an
8 offense committed on or after the effective date of this Act. For
9 purposes of this section, an offense is committed before the
10 effective date of this Act if any element of the offense occurs
11 before that date. A civil case filed or court costs imposed on
12 conviction of an offense committed before the effective date of
13 this Act are governed by the law in effect on the date the case was
14 filed or the offense was committed, and the former law is continued
15 in effect for that purpose.

16 SECTION 9. This Act takes effect September 1, 2003.