

## **BILL ANALYSIS**

S.B. 821  
By: Wentworth  
Judiciary  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Current law authorizes clerks for statutory probate courts to collect a \$40 filing fee in certain types of cases filed in the court to be deposited in the court's contribution fund and used for the support of the judiciary. However, some confusion exists among counties as to whether the salaries of associate probate court judges is to be paid from this fund. Statutory change providing specific authority for the payment of these judges may eliminate the confusion.

S.B. 821 authorizes the payment of associate probate judges from the excess contributions remitted to the contributions fund upon the recommendation of the statutory probate court judges and subject to approval from the county commissioners court.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

SECTION 1. Amends Section 25.00213(b), Government Code, to include compensation of a statutory probate court associate judge in accordance with Section 54.605 (Compensation), Government Code, among the authorized uses of money of the contribution fund (contribution fund) created under this section.

SECTION 2. Amends Section 54.605, Government Code, by amending Subsection (b) and adding Subsection (c), as follows:

(b) Requires the compensation of an associate judge to be paid by the county from the county general fund, except as provided by Subsection (c). Requires that compensation to be paid in the same manner that the appointing judge's salary is paid.

(c) Authorizes the county, on recommendation of the statutory probate court judges in the county, to pay all or part of the compensation of the associate judge from the excess contributions remitted to the county under Section 25.00212 (Excess Contributions), Government Code, that is deposited in the contribution fund, subject to the approval of the county commissioners court.

### **EFFECTIVE DATE**

Immediately on receipt of required vote; otherwise September 1, 2007.