

SUBJECT: Court fees and continuing education requirements for court clerks

COMMITTEE: Judicial Affairs — favorable, with amendments

VOTE: 6 ayes — Thompson, Hartnett, Clark, Shields, Solis, Zbranek

0 nays

3 absent — Crabb, Garcia, Luna

WITNESSES: For — Cindy Groomer and Linda Uecker, County and District Clerks Association

Against — None

DIGEST: HB 2273, as amended, would change the fees required for certain court filings, allow clerks to impose fees for documents related to license suspension or revocation in child support enforcement cases, and double the continuing education requirement for district and county clerks, from 20 hours every two years to 20 hours each calendar year.

The bill would add counterclaims to the list of items assessed a \$15 filing fee, set all fees for issuing subpoenas at \$8, and raise the civil jury fee from \$20 to \$30 in district courts and from \$17 to \$22 in county courts. Clerks no longer could charge a fee for issuing a citation but could charge for signing their names and affixing the seal to a citation prepared by plaintiffs or their attorneys.

Court clerks could collect a \$15 fee for filing petitions for license suspension and motions to revoke a stay of license suspension. The bill would clarify that the clerk of the court or the child support collection agency would be required to forward a final order suspending a license to the appropriate licensing authority. The clerk could collect a \$5 fee from the child support obligor for each order mailed.

The bill also would clarify that the child support collection agency or the clerk of the court, rather than the court, must promptly deliver an order vacating or staying an order suspending license to the appropriate licensing

authority. The clerk could collect a \$5 fee from the child support obligor for each order mailed.

HB 2273 would take effect September 1, 1997, and would apply to fees collected on or after that date, except for the provision on jury fees, which would take effect January 1, 1998, and apply to fees collected on or after that date.

**SUPPORTERS
SAY:**

HB 2273 would implement several court fee changes recommended during recent conferences by the Texas County and District Clerks Association. Currently, there is confusion about whether a motion to suspend a license for failure to pay child support is a new action or a sanction on a motion to enforce the child support, and no fees are allowed to cover costs of giving notice of license suspension motions or orders. The bill would clarify that petitions for license suspension and motions to revoke a stay of license suspension are actions for which the court clerk may collect a \$15 filing fee. In addition, the bill would allow the court clerk to collect a \$5 fee from an obligor for each order suspending license or vacating or staying license suspension that is mailed. These fees are necessary to cover administrative and postage costs incurred by the court clerk.

The bill would consolidate existing jury fees on the request of the Texas Supreme Court Rules Advisory Committee in order to have these fees set by legislative act, rather than by Supreme Court rule.

The new fees allowed courts would help implement the new continuing education requirements for court clerks. The current level of 20 hours every two years is not sufficient to meet current needs. Court clerks need on-going legal updates on an annual basis. These requirements would not be a burden on courts, but would improve their efficiency.

**OPPONENTS
SAY:**

The new fees proposed by HB 2273 would not generate enough revenue to pay the additional continuing education requirements it would impose on court clerks. While the clerks may be in favor of additional free training, the courts would be the ones that have to pay the bill. Doubling the training requirements overnight would impose a considerable burden on courts, and constitute an unfunded mandate from the state.

HB 2273
House Research Organization
page 3

NOTES: The committee amendments would increased the jury fees and eliminate fees for issuance of a citation.