

**SUBJECT:** Increasing the salaries of statutory county court-at-law judges

**COMMITTEE:** Judicial Affairs — committee substitute recommended

**VOTE:** 8 ayes — Thompson, Hartnett, Deshotel, Garcia, Hinojosa, Shields, Jim Solis, Uresti

0 nays

1 absent — Capelo

**WITNESSES:** For — Judge David Hodges, Judicial Section, State Bar of Texas; Judge James Klager

Against — None

On — Jim Allison, County Judges and Commissioners Association of Texas

**BACKGROUND:** Statutory county courts at law have legislatively determined jurisdiction over varied civil and criminal matters. These courts are tailored to meet the particular needs of a county.

Under Government Code, sec. 25.0005(a), a statutory county court judge must be paid a total annual salary set by the county commissioners court at an amount that is at least equal to the amount that is \$4,000 less than the salary of a district judge in the county. Under sec. 25.0005(e), a county does not have to meet these salary requirements for a particular court if, by September 1 of the year in which a county court begins collecting filing fees used for court costs, the county increases the salary of these judges by at least \$20,000 above what the judge was entitled to on May 1 of that year, if fee collection began before January 1, 1998, or by at least \$24,000, if fee collection began after January 1, 1998.

Under sec. 51.702, counties may choose to collect an additional \$40 filing fee for each civil case filed and \$15 for court costs from each person convicted of a criminal offense. These fees are forwarded monthly to the comptroller for deposit in the judicial fund, to be used for court-related purposes.

As a partial salary supplement for statutory county judges, the state provides compensation in the amount of \$30,000 annually to each county that collects the additional fees for the judicial fund. These payments now supplement the salaries of 149 statutory county judges.

**DIGEST:** CSHB 1123 would increase to \$24,000 and \$28,000 the salary raises for statutory county judges necessary to exempt a county from paying the statutory base salary, depending on when the county began collecting additional fees.

The bill also would increase the state's contribution toward the salaries of county judges to \$35,000 from the current \$30,000. The bill would require that \$30,000 of the higher state contribution be paid from funds appropriated from the judicial fund and \$5,000 be paid from funds appropriated from general revenue.

CSHB 1123 would take effect October 1, 1999, and would apply only to a salary payment made on or after that date.

**SUPPORTERS SAY:** CSHB 1123 would put statutory county court-at-law judges' salaries into line with those of state district court judges. With many statutory courts of law having concurrent jurisdiction over civil cases, and some sharing jurisdiction over lower-degree felonies, it makes sense that statutory county courts-at-law judges be paid nearly the same as district judges.

For most statutory court judges who now receive the minimum salary, the salary increase would amount to an average \$4,000 per year. This would help recruit and retain the best judges by providing a competitive salary.

Because of their jurisdiction over misdemeanors, statutory county courts at law have generated monies through fines and other fees for the county and the state. Some of this money should be used to compensate these judges, who work as hard and deal with the same type of issues as state district court judges consider.

**OPPONENTS SAY:** According to the fiscal note, this bill would cost the state \$1.4 million in general revenue-related funds during fiscal 2000-01 and \$1.5 million in succeeding biennia to grant a substantial pay raise to one class of judges.

NOTES:

The committee substitute would take a different approach to raising the salaries of statutory county court judges than the original bill would have taken. The original bill would have provided for the salary increases to be financed by requiring all statutory county courts to collect the \$40 filing fee and \$15 cost for criminal cases. Fees and costs would not have increased in counties that already collected the fees and costs. The original version would have allowed counties to retain all monies collected through these fees rather than sending them to the comptroller for deposit in the judicial fund. The fiscal note for the original bill would have been \$32.2 million in general revenue-related funds each biennium.