

**SUBJECT:** Consolidation and standardization of court fees

**COMMITTEE:** Judicial Affairs — favorable, without amendment

**VOTE:** 7 ayes — Thompson, Hartnett, Deshotel, Hinojosa, Solis, Talton, Uresti  
0 nays  
2 absent — Capelo, Garcia

**SENATE VOTE:** On final passage, May 1 — 30-0

**WITNESSES:** No public hearing

**BACKGROUND:** In both civil and criminal cases, court costs are collected by a number of different entities, including municipal, county, and district courts, justice courts, and corrections programs. In 1997, the 75th Legislature consolidated 10 court fees that provide funds for various programs into a single fee to be remitted to the comptroller for allocation to the relevant funds or programs. The comptroller had recommended consolidating the fees to reduce the administrative burden on cities and counties that must collect, report, and remit the fees to the state. However, the 75th Legislature also created four new court fees, and more have been authorized since then.

SCR 12 by Ellis, adopted by the 76th Legislature, directed the comptroller to “develop strategies for increasing the efficiency and reducing the complexity of fee collection and dispersal by county and municipal clerks” and to submit recommendations to the Legislature by January 1, 2001. The comptroller’s report in March 2000 recommended consolidating all criminal court costs and fees into a single fee, consolidating all civil court costs and fees into a single fee, and requiring uniform quarterly reporting and remittance of such fees to the comptroller.

**DIGEST:** SJR 49 would propose amending Art. 3 of the Texas Constitution to add sec. 46, which would invalidate a court fee in a criminal and civil matter that was required to be collected by local government personnel and remitted to the comptroller unless the requirements for collecting, depositing, reporting, and

remitting that fee conformed to a program enacted by the Legislature to govern those activities. This requirement would apply only to fees imposed by the Legislature after the enactment of such a program.

The proposal would be presented to voters at an election on November 6, 2001. The ballot proposal would read: "The constitutional amendment to promote uniformity in the collection, deposit, reporting, and remitting of civil and criminal fees."

**SUPPORTERS  
SAY:**

SJR 49 is necessary to ease the administrative burden on local governments imposed by requirements to collect and remit court fees for the state. The comptroller's report in response to SCR 12 found that cities must collect up to 20 fees for the state and that counties collect up to 33 such fees. These fees do not have uniform dates for reporting and remittance to the comptroller, and cases filed in different years are subject to different sets of fees. As expressed by SCR 12, simplifying the fee-collection process would enable smaller jurisdictions to use a smaller portion of their limited resources in identifying, collecting, and remitting fees.

Voter approval of this amendment would help to end this wasteful burden on local governments and courts by establishing that, to be valid, any fee created in the future would have to be rolled into a consolidated fee for collection, reporting, and remittance to the comptroller.

The amendment would have no effect unless the Legislature enacted a program for that consolidation. SB 1378 by Armbrister, which passed the Senate on May 3 and has been set on the House General State Calendar for May 22, would create that program.

**OPPONENTS  
SAY:**

The amendment that SJR 49 would propose would be too inflexible and would tie the hands of future legislatures by invalidating a fee that did not follow the program enacted for reporting and collecting such fees. A future legislature might find it necessary at times to remove a court fee from the standardized and consolidated collection, reporting, and remittance system.

NOTES:

The House sponsor plans to offer a floor amendment that would allow the Legislature by two-thirds vote of both houses to opt a new fee out of the consolidation program and allow it to be collected and reported independently.

SB 1378 by Armbrister, the enabling bill for SJR 49, has been set on the House General State Calendar for May 22. Two other related bills, SB 1377 and SB 1379, both by Armbrister, are on today's House calendar. SB 1377 would direct the state auditor to review biennially all funds and accounts into which court fees are deposited and report the findings to the Legislature. SB 1379 would require after each legislative session that the comptroller identify all laws imposing a court cost or fee collected by a municipal, justice, county, or district court in a criminal case.