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Opinion Committee

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Opinions Committee
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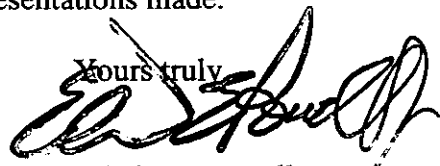
RE: County Court at Law Judges Salary

Dear Gentlemen:

I present the following question at the request of the statutory County Court at Law Judge of Coryell County. Are all excess funds over and above thirty thousand dollars that are collected by any county who elects to collect certain fees pursuant to Section 51.702, Texas Government Code, required to be split, with at least fifty percent of said sum going to the statutory County Court at Law Judge, and the remaining fifty percent of said excess going to the County General Fund?

In Section 25.0005 of the Government Code the Legislature divided statutory county court at law judges into three categories. The pertinent category of my query is group number two, e.g., those counties who elected to collect certain fees under Section 51.702 of the Government Code. Section 25.00015 of the Government Code requires that the State of Texas shall annually compensate those counties that collect the fees under Section 51.702 in an amount equal to thirty thousand dollars for each statutory county court judge in that county. Section 25.00016 (a) and (b) states that, if the amount the counties pay to the State of Texas pursuant to Section 51.702 exceeds the amount that the State of Texas pays back, or remits to said counties under Section 25.0015, then in such event, the State of Texas shall pay the excess to each county general fund for court related purposes for the support of the judiciary. Statutes go further and state in Section 25.0005 (e) (V) that a county is not required to meet the salary requirements of 25.005 (a) if the county uses at least fifty percent of the amount the county receives each states fiscal year under Section 25.0016 "for salaries for the statutory county court judges." The question then becomes was it the legislative intent of the State of Texas to require that the excess funds over and above the thirty thousand dollars that Coryell County collects under the provisions of Section 51.702 to be split on a 50/50 basis with the statutory county court at law judge, or is that excess funding simply to go back to the county to be used for "court related purposes for the support of the judiciary", and be deposited in the general fund?

I have no information available to me as to the legislative history of these statutory changes by the legislature. There appears to be no court action under the annotations of each statute that seeks to explain the position of the legislature, the comptroller, and the state in applying these laws to the salary structure and fee collection structure of counties and their relationships with their statutory county court at law judges. I request that you issue an opinion based upon the presentations made.

Yours truly

Edwin E. Powell
Coryell County Attorney

EEP, Jr./mh

cc. Mr. Ben Roberts
County Auditor

Ms. Susan Stephens
County Court at Law Judge