

TOM GREEN COUNTY
RUNKELS COUNTY
CONCHO COUNTY



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RQ-0095-JC

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Honorable John Comyn
Texas Attorney General
P. O. Box 12548
Austin, TX 78711-2548

FILE # ML-40929-99 Opinion Committee
I.D. # 40929

Dear Mr. Comyn:

I would like to request an opinion regarding the interpretation of Government Code Sec. 25.0005(e), a copy of which is set out in Attachment A. The information in Attachment B details the receipt and disbursement of the supplement set out in this statute for statutory court-at-law judges. Neither judge in Tom Green County maintains a private practice and both courts collect the court costs and fees set out in GC 51.702. No amounts are paid as compensation to these judges other than the components listed. According to our auditor, the excess contributions made by the state in FY97 and FY 98 were not distributed to the court-at-law judges as additional compensation.

Based on the information above it can be concluded that all requirements were met except for GC 25.0005(e). Therefore, was the county required to pay the court-at-law judges in FY97 and FY98 at least \$4,000 less than a district judge since at least 50% of the excess contribution was not included as additional compensation for these judges? Would the remedy be to allow the county to go back and distribute at least 50% of the excess contribution in order to comply with the statute? If the salaries should have been at least \$4,000 less than a district judge, may the county now choose to distribute at least 50% of the excess contribution and avoid paying the minimum salary amount in 1999?

My opinion is that since the fees were collected, the county has, in effect, elected to - but not complied with - pay the County Court-at-Law Judges the \$4,000 less than the District Judges.

Thank you,

STEPHEN H. SMITH
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