

performed and avoid a multitude of **fees** for each specific task performed. Not all of these **fee** statutes were found in title 61 of the civil statutes. The **fee** statutes are scattered throughout the civil statutes and codes. For the most part, the **fee** statutes are not noteworthy and a discussion of the statutes for each office is beyond the scope of this section. However, a few of the more unusual provisions warrant mention.

Contrary to the general practice of setting a specific **fee** for a certain service, the statutes pertaining to the district **clerk** and **county clerk** permit these officials to determine and collect a "reasonable **fee**" for those services for which the legislature has not prescribed a **fee**.<sup>17</sup>

In an opinion addressed to the state Office of Court Administration regarding various specified court costs and **fees** in **criminal** cases, the attorney general conceded that the Legislature has enacted statutes in proposing court costs and **fees** throughout various codes, and the language in each statute is unique, making it impossible in many instances to make blanket statements about the assessment and distribution of court costs and **fees**.<sup>17 50</sup>

Another provision of note is Local Government Code § 118.131, which alters the long-standing practice of setting **fees** by statute. This 1981 law permits the commissioners court of each **county** to set the **fees** to be collected by the **county** sheriff and constables notwithstanding the constitutional requirement that these **fees**, at least for the sheriff, be "prescribed" by the state legislature.<sup>18</sup> A 1987 amendment to this statute requires that the commissioners court set these **fees** once annually and notify the other **counties**, the State Bar, and others of these **fees**, which may vary from **county** to **county**. An amendment in 1993 requires the commissioners court to notify the comptroller of **fees** set for the sheriff and constable offices.<sup>19</sup> The comptroller then compiles the information and forwards it to every commissioners court, the State Bar, and others.

Despite the constitutional requirement that **fees** collected by **county** officials be placed in the **county** treasury, there are various **fees** collected by **county** officials for the benefit of the state. In addition to motor vehicle **fees**, which are discussed in the chapter on the tax collector, the three state **fees** which are of the most interest and concern are the Crime Victims' Compensation Fund established by court costs assessed in **criminal** cases,<sup>20</sup> the **Criminal Justice Planning Fund** (also collected in **criminal** cases),<sup>21</sup> and the Law Enforcement Officer Standards and Education Fund (again assessed in **criminal** cases).<sup>22</sup> The **county** is not generally liable for the failure of **county** officials to collect and remit to the state court costs required to be collected for the benefit of the state.<sup>23</sup>

Neither the commissioners court nor a **county** court may appoint the **county** treasurer or another **clerk** for the collection of **criminal fines** and **fees**, which is a responsibility of the **county clerk**.<sup>23 50</sup>

Various financial reporting requirements are imposed on **county** officials although these statutes served a more definitive purpose in former years when officials were authorized to retain a portion, if not all, of the **fees** of office collected. Nevertheless, the statutes do require these reports, which today serve the purpose of assuring that all **fees** collected have been turned over to the **county**. Compliance with these reporting statutes by the various **county** officials in Texas appears to be varied.<sup>24</sup>

**County** officials are required to make certain financial reports; the frequency and form of these reports are largely the prerogative of the **county** auditor. At one time all **county** officials were also required to file financial reports with the state. Pursuant to 1930s legislation, district, **county**, and precinct officials were required to annually file copies of sworn statements of all **fees** earned with the district court and the state auditor; failure to do so was subject to a twenty-five dollar **fine** and removal from office.<sup>25</sup> The 1935 **fee** bill also required such reports.<sup>26</sup> These reporting requirements were repealed in 1965 in those **counties** where officials are on a salary compensation basis because the statutes had become "antiquated and meaningless" and because "thousands of dollars [were] expended in preparing these needless reports which are not used by the State Auditor."<sup>27</sup> Thus, there is today no general requirement that **county** officials file financial reports with the state.