

Rider Comparison Packet

Conference Committee on House Bill 1

2012-13 General Appropriations Bill

Article 4 - Judiciary

**ARTICLE IV - THE JUDICIARY
201 Supreme Court of Texas
DIFFERENCES ONLY**

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2. **Appropriation: Basic Civil Legal Services.** All fees deposited into the Basic Civil Legal Services Account of the Judicial Fund are appropriated above in Strategy B.1.1, Basic Civil Legal Services. Any fees deposited in excess of \$18,591,050 in fiscal year 2012 and \$18,591,050 in fiscal year 2013 are hereby appropriated to the Supreme Court for the same purpose (estimated to be \$0). Any unexpended balances in the Basic Civil Legal Services Account at the end of fiscal year 2011 are hereby appropriated to the Supreme Court in fiscal year 2012 for the same purpose (estimated to be \$0 and included in amounts appropriated above).

The Supreme Court of Texas shall file a report with the Legislative Budget Board and the Governor within 90 days following February 28 and August 31 of each fiscal year showing disbursements from all funding sources for Basic Civil Legal Services, the purpose for each disbursement, and compliance with grant conditions.

9. **Legal Reference Materials.** Included in amounts appropriated above in Strategy A.1.1, Appellate Court Operations, out of the General Revenue Fund is \$55,269 in fiscal year 2012 and \$55,269 in fiscal year 2013 for the sole purpose of purchasing legal reference materials.

2. **Appropriation: Basic Civil Legal Services.** All fees deposited into the Basic Civil Legal Services Account of the Judicial Fund are appropriated above in Strategy B.1.1, Basic Civil Legal Services. Any fees deposited in excess of \$11,363,475 in fiscal year 2012 and \$11,363,475 in fiscal year 2013 are hereby appropriated to the Supreme Court for the same purpose (estimated to be \$0). Any unexpended balances in the Basic Civil Legal Services Account at the end of fiscal year 2011 are hereby appropriated to the Supreme Court in fiscal year 2012 for the same purpose (estimated to be \$0 and included in amounts appropriated above).

The Supreme Court of Texas shall file a report with the Legislative Budget Board and the Governor within 90 days following February 28 and August 31 of each fiscal year showing disbursements from all funding sources for Basic Civil Legal Services, the purpose for each disbursement, and compliance with grant conditions.

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- 11. Legal Reference Materials.** Included in amounts appropriated above in Strategy A.1.1, Appellate Court Operations out of the General Revenue Fund, is \$40,803 in fiscal year 2012 and \$40,803 in fiscal year 2013 for the sole purpose of purchasing legal reference materials.
- 11. Judicial and Court Personnel Training Fund No. 540 Reclassification.** Contingent on the enactment of legislation relating to the dedication of funds or the dedication of the Judicial and Court Personnel Training Fund No. 540, the Comptroller, on approval of the Legislative Budget Board, may change the name of the Judicial and Court Personnel Training Fund No. 540 as provided elsewhere in this Act, to reflect changes made by the other legislation that affects the status of Judicial and Court Personnel Training Fund No. 540. The amount of the appropriation from Judicial and Court Personnel Training Fund No. 540 would not be affected by this change.

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- 3. Information Regarding Allocation of Full-Time-Equivalent Positions.** The following data regarding allocation of the "Number of Full-Time-Equivalent Positions (FTE)" is provided for informational purposes only, and should not be construed as a cap on the number of FTEs in any one strategy: Strategy A.1.1, Court Administration (31.5 FTEs); Strategy A.1.2, Information Technology (24.6); Strategy A.2.1, Indigent Defense (11.0 FTEs); Strategy B.1.1, Child Support Courts Program (86.5 FTEs); Strategy B.1.2, Child Protection Courts Program (31.0 FTEs); Strategy C.1.1, Court Reporters Certification Board (3.0 FTEs); and, Strategy C.1.3, Guardians and Process Servers (2.0).
- 15. Contingency Appropriation for Legislation Relating to Certain License Fees.** Contingent upon the enactment of legislation relating to license fees for process servers and guardians by the Eighty-second Legislature, Regular Session, the Office of Court Administration is appropriated \$107,354 in fiscal year 2012 and \$107,464 in fiscal year 2013 to implement the provisions of the legislation. The number of "Full-Time-Equivalent Positions" indicated in the agency's bill pattern is increased by 2.0 each fiscal year. Fees, fines and other miscellaneous revenues as authorized by the Process Servers Review Board and the Guardianship Certification Board shall cover, at a minimum, the cost of appropriations made in this provision, as well as an amount sufficient to cover "Other Direct and Indirect Costs Appropriated Elsewhere in this Act" (estimated to be \$27,353 in fiscal year 2012 and \$27,354 in fiscal year 2013). In the event that actual and/or projected revenues are insufficient to offset the costs identified by this provision, the Legislative Budget Board may direct that the Comptroller of Public Accounts to reduce the appropriation authority provided above to be within the amount of revenue expected to be available.

- 3. Information Regarding Allocation of Full-Time-Equivalent Positions.** The following data regarding allocation of the "Number of Full-Time-Equivalent Positions (FTE)" is provided for informational purposes only, and should not be construed as a cap on the number of FTEs in any one strategy: Strategy A.1.1, Court Administration (31.5 FTEs); Strategy A.1.2, Information Technology (24.6 FTEs); Strategy A.1.4, Assistance to Administrative Judicial Regions (2.0 FTEs); Strategy A.2.1, Indigent Defense (11.0 FTEs); Strategy B.1.1, Child Support Courts Program (86.5 FTEs); Strategy B.1.2, Child Protection Courts Program (31.0 FTEs); Strategy C.1.1, Court Reporters Certification Board (3.0 FTEs); Strategy C.1.3, Guardians and Process Servers (2.0); and Strategy D.1.1, Representation of the State before the Court of Criminal Appeals (4.0 FTEs).
- 15. Contingency Appropriation for Legislation Relating to Certain License Fees.** Contingent upon the enactment of legislation relating to license fees and the allowable use of such fees for process servers, guardians, and court reporters by the Eighty-second Legislature, Regular Session, the Office of Court Administration is appropriated \$119,603 in fiscal year 2012 and \$119,714 in fiscal year 2013 to implement the provisions of the legislation. The number of "Full-Time-Equivalent Positions" indicated in the agency's bill pattern is increased by 2.0 each fiscal year. Fees, fines and other miscellaneous revenues as authorized by the Process Servers Review Board, the Guardianship Certification Board, and the Court Reporters Certification Board shall cover, at a minimum, the cost of appropriations made in this provision, as well as an amount sufficient to cover "Other Direct and Indirect Costs Appropriated Elsewhere in this Act" (estimated to be \$26,883 in fiscal year 2012 and \$26,877 in fiscal year 2013). In the event that actual and/or projected revenues are insufficient to offset the costs identified by this provision, the Legislative Budget Board may direct that the Comptroller of Public Accounts to reduce the appropriation authority provided above to be within the amount of revenue expected to be available.
- 16. Administrative Consolidation with the Office of Court Administration.** Included in funds appropriated above in Strategy D.1.1, Representation of the State Before the Court of Criminal

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Appeals are appropriations to the Office of the State Prosecuting Attorney for fiscal years 2012-13, including 4.0 FTEs each fiscal year. The Office of Court Administration shall:

- (a) provide administrative assistance and services to the Office, including budget, planning and purchasing;
- (b) accept, deposit, and disburse money made available to the Office of the State Prosecuting Attorney;
- (c) pay the salaries and benefits of the State Prosecuting Attorney and employees of the Office; and,
- (d) provide the State Prosecuting Attorney with adequate computer equipment and support.

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2. **Appropriation of Receipts: Fees and Service Charges.** Appropriations above in Strategy A.1.1, Administration and Operations, include \$37,500 in fiscal year 2012 and \$37,500 in fiscal year 2013 from collection of fees and service charges. All receipts collected by the State Law Library as fees and service charges, as authorized pursuant to Government Code § 91.011, in excess of such amounts appropriated above, are hereby appropriated to the State Law Library for the biennium beginning September 1, 2011.

4. **Fee Schedule, Duplication Services.** The State Law Library shall set a fee schedule for duplication services to the inmates of the Texas Department of Criminal Justice at the same amount per page as charged to the general public.

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242 State Commission on Judicial Conduct
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3. **Formal Proceedings and Appeals.** Out of the amounts appropriated above in Strategy A.1.1, Administration and Enforcement, \$21,375 in fiscal year 2012 and \$21,375 in fiscal year 2013 is authorized for the expenses of formal proceedings and appeals initiated under the *Procedural Rules for the Removal or Retirement of Judges* promulgated under Texas Constitution, Article V, Section 1-a, notwithstanding other funds expended by the Commission for that purpose. Any unexpended balance of funds authorized under this provision on August 31, 2012 may be allocated for the same purpose and for purposes other than formal proceedings and appeals for the fiscal year beginning September 1, 2012. Of the above amounts, the State Commission on Judicial Conduct may use an amount not to exceed \$20,000 for the one-time purchase of Case Management Software on or before September 1, 2012.

3. **Formal Proceedings and Appeals.** Out of the amounts appropriated above in Strategy A.1.1, Administration and Enforcement, \$21,375 in fiscal year 2012 and \$21,375 in fiscal year 2013 is authorized for the expenses of formal proceedings and appeals initiated under the *Procedural Rules for the Removal or Retirement of Judges* promulgated under Texas Constitution, Article V, Section 1-a, notwithstanding other funds expended by the Commission for that purpose. Any unexpended balance of funds authorized under this provision on August 31, 2012 may be allocated for the same purpose and for purposes other than formal proceedings and appeals for the fiscal year beginning September 1, 2012.

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3. **Public Integrity Unit: Appropriation Source, Unexpended Balances, and Performance Reporting.** Out of the funds appropriated above in Strategy D.1.4, Public Integrity Unit, Travis County, the following amounts are appropriated specifically to the Public Integrity Unit for the following purposes:

	For the Years Ending	
	August 31, 2012	August 31, 2013
	<u> </u>	<u> </u>
Motor Fuel Tax Fraud Investigations	\$ 987,418	\$ 987,418 & UB
Method of Financing, State Highway Fund No. 006		
Insurance Fraud Investigations	1,089,794	\$ 1,089,794 & UB
Method of Financing, General Revenue Fund - Insurance Companies Maintenance Tax and Insurance Department Fees		
General State Government Investigations	1,291,472	1,291,472 & UB
Method of Financing, General Revenue Fund		
Total, Method of Financing	\$ 3,368,684	\$ 3,368,684 & UB

In no event shall the funds granted to the Public Integrity Unit exceed the amounts specified, nor shall funds appropriated be expended to pay Travis County for costs of housing the Public Integrity Unit in a county-owned building. In no event shall any funds appropriated above out of Judicial Fund No. 573 be allocated to the Public Integrity Unit. Included in amounts

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	For the Years Ending	
	August 31, 2012	August 31, 2013
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Motor Fuel Tax Fraud Investigations	\$ 987,418	\$ 987,418 & UB
Method of Financing, State Highway Fund No. 006		
Insurance Fraud Investigations	1,089,794	\$ 1,158,418 & UB
Method of Financing, General Revenue Fund - Insurance Companies Maintenance Tax and Insurance Department Fees		
General State Government Investigations	1,291,472	1,377,513 & UB
Method of Financing, General Revenue Fund		
Total, Method of Financing	\$ 3,368,684	\$ 3,523,349 & UB

In no event shall the funds granted to the Public Integrity Unit exceed the amounts specified, nor shall funds appropriated be expended to pay Travis County for costs of housing the Public Integrity Unit in a county-owned building. In no event shall any funds appropriated above out of Judicial Fund No. 573 be allocated to the Public Integrity Unit. Included in amounts

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appropriated above is \$5,616 each fiscal year authorized under Government Code §43.132 from the General Revenue Fund (\$2,149) the General Revenue - Insurance Companies Maintenance Tax and Insurance Department Fees (\$1,824) and the State Highway Fund No. 6 (\$1,643) to pay two annual salary supplements to Travis County Assistant District Attorneys employed by the Public Integrity Unit at \$2,808 each. Any unexpended balances from appropriations made to the Public Integrity Unit for fiscal year 2012 are appropriated to the Public Integrity Unit for fiscal year 2013 for the same purposes.

The Public Integrity Unit shall submit a report each January 1 to the Legislative Budget Board and the Governor for the preceding fiscal year ending August 31. The report must be in a format prescribed by the Legislative Budget Board and the Governor and must include annual statistical information on fraud investigations of the Public Integrity Unit.

In Strategy D.1.4, Public Integrity Unit, Judiciary Section, Comptroller's Department, warrants shall be drawn as necessary to reimburse the District Attorney of the 53rd Judicial District for salary and expenses previously incurred. The District Attorney shall submit a voucher containing an itemized statement of expenses to substantiate each claim. This appropriation shall be allocated in three equal installments over the fiscal year. Any unencumbered, unexpended balance existing in a previous allocation period may be used in a subsequent period provided that period occurs within the same biennium.

6. **Felony Prosecutors: Expenses.** For the payment of salaries of assistant district attorneys, investigators and/or secretarial help and expenses, including travel for these personnel as determined by the prosecutors designated in Strategies B.1.1, B.1.2, B.1.3, and B.1.4. Reimbursement shall be limited to expenses for supplies or items that would normally be consumed or utilized within the fiscal year for which the funds in this item are designated. Payments shall not exceed \$11,803 per year in single-county districts with populations over 50,000 in Strategy B.1.4; \$22,500 per year in districts with populations over 50,000; or, \$27,500 per year in districts with populations under 50,000 for those district attorneys, criminal district attorneys and county attorneys performing the duties of a district attorney both

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prohibited and not prohibited from the private practice of law per Government Code, Chapter 46; and shall be made available in three equal installments issued on the first day of September, January and May of each fiscal year. These payments shall be made directly to the district attorney, criminal district attorney, or county attorney for the purposes of disbursement as required by the attorney. The attorney receiving these payments shall be responsible to the Comptroller for accounting for all expenditures of these funds.

8. **Interagency Contract for Sex Offender Treatment and Supervision.** Out of amounts appropriated above to Strategy D.1.9, Sex Offender Treatment and Supervision, the Judiciary Section, Comptroller's Department shall enter into a contract in the amounts of \$3,945,884 in fiscal year 2012 and \$3,945,884 in fiscal year 2013 with the Council on Sex Offender Treatment for persons under civil commitment as sex offenders requiring continued treatment and supervision.

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January and May of each fiscal year. These payments shall be made directly to the district attorney, criminal district attorney, or county attorney for the purposes of disbursement as required by the attorney. The attorney receiving these payments shall be responsible to the Comptroller for accounting for all expenditures of these funds.

8. **Interagency Contract for Sex Offender Treatment and Supervision.** Out of amounts appropriated above to Strategy D.1.9, Sex Offender Treatment and Supervision, the Judiciary Section, Comptroller's Department shall enter into a contract in the amounts of \$4,037,686 in fiscal year 2012 and \$4,766,511 in fiscal year 2013 with the Department of State Health Services for persons under civil commitment as sex offenders requiring continued treatment and supervision.

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S04 Special Provisions - Judiciary
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Sec. 11. Tax Amnesty Program. It is the intent of the Legislature that the Comptroller of Public Accounts establish, for a limited duration, a tax amnesty program under the authority of Tax Code Section 111.103, designed to encourage a voluntary reporting by delinquent taxpayers who do not hold a permit, or are otherwise not registered for a tax or fee administered by the Comptroller, or those permitted taxpayers that may have underreported or owe additional taxes or fees. Such a program should provide for the waiver of penalty or interest, or both, but shall not apply to an established tax liability or taxpayers currently under audit review. The amnesty would include tax due from purchases as defined under current state tax statutes. It is the intent of the legislature that this effort increase General Revenue Funds by at least \$75,000,000 over the Comptroller's January 2011 Biennial Revenue Estimate.

Appropriated elsewhere in this Act are General Revenue amounts to the Supreme Court and judicial agencies out of General Revenue receipts generated due to implementation of the tax amnesty program described above by the Comptroller of Public Accounts. These General Revenue appropriations and appropriations out of Other Funds are as follows:

- a. \$92,500 in fiscal year 2012 to the Supreme Court of Texas in Strategy A.1.1, Appellate Court Operations for court security.
- b. \$469,817 in each fiscal year to the Office of Court Administration in Strategy A.1.2, Information Technology for case management (\$376,276 in each fiscal year, including 5.4 FTEs), disaster recovery (\$43,541 in each fiscal year, including 0.6 FTE), and equipment replacement (\$50,000 in each fiscal year).
- c. \$135,000 in each fiscal year to the Office of Court Administration in Strategy A.1.1, Court Administration, including 2.4 FTEs for core services in the Court Collection Improvement Program and administration.
- d. \$933,502 in General Revenue each fiscal year plus an additional \$37,500 in Appropriated Receipts and \$500 in Interagency Contracts each fiscal year to the State Law Library in Strategy A.1.1, Administration and Operations, including 13 FTEs for maintaining library services. Additionally,

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the Comptroller is authorized to transfer \$55,269 per year in General Revenue from Strategy A.1.1, Appellate Court Operations in the Supreme Court's bill pattern and \$40,803 per year in General Revenue from Strategy A.1.1, Appellate Court Operations in the Court of Criminal Appeals' bill pattern to the State Law Library, Strategy A.1.1, Administration and Operations, for the specific purpose of purchasing legal reference materials for the Supreme Court and Court of Criminal Appeals.

- e. \$419,303 in General Revenue each fiscal year to the Judiciary Section, Comptroller's Department in Strategy B.1.6, Felony Prosecutors: Expenses.
- f. \$500,000 in each fiscal year to the Judiciary Section, Comptroller's Department in Strategy D.1.9, Sex Offender Treatment and Supervision to be transferred through an interagency contract to the Council on Sex Offender Treatment to monitor the estimated 25 additional sex offenders each fiscal year that would be under the supervision of the program. Further, the FTE cap for the Council on Sex Offender Treatment is increased by 3.0 FTEs per fiscal year for the specific purpose of monitoring offenders under program supervision.
- g. \$218,722 in each fiscal year to the Judiciary Section, Comptroller's Department in Strategy D.1.1.1, Montgomery County 435th District Court Staff.

In the event that actual and/or projected revenue collections are insufficient to offset the costs identified by this provision, the Legislative Budget Board may direct the Comptroller of Public Accounts to reduce the appropriation authority provided above to be within the amount of revenue expected to be available.

Sec. 12. Contingency Appropriation for Senate Bill 726. Contingent on passage of Senate Bill 726, or similar legislation relating to the establishment of the judicial access and improvement account to provide funding for basic civil legal services, indigent defense, and judicial technical support through certain county service fees and court costs, by the Eighty-second Legislature, Regular Session, included in amounts appropriated elsewhere in Article IV and elsewhere in this Act, there is appropriated out of

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revenue generated due to implementation of provisions of the Senate Bill 726 the following:

- a. \$4,307,033 in each fiscal year to the Office of Court Administration in Strategy A.2.1, Indigent Defense from the General Revenue-Dedicated Fair Defense Account No. 5073 to restore grants to counties (\$4,219,983 each fiscal year) and grant administration (\$87,050 each fiscal year, including 1.0 FTE). This appropriation is contingent upon revenues being generated during the 2012-13 biennium that are sufficient to cover, at a minimum, program costs related to appropriations made in this subsection and "Other Direct and Indirect Costs" appropriated elsewhere in this Act, estimated to be \$14,627 in fiscal year 2012 and \$14,627 in fiscal year 2013.
- b. \$10,000,000 in each fiscal year to the Supreme Court of Texas in Strategy B.1.1, Basic Civil Legal Services from Judicial Fund No. 573.

In the event that actual and/or projected revenue collections are insufficient to offset the costs identified by this provision, the Legislative Budget Board may direct the Comptroller of Public Accounts to reduce the appropriation authority provided above to be within the amount of revenue expected to be available.