

# **Issue Docket**

**Conference Committee on House Bill 1**

## **2016-17 General Appropriations Bill**

**Article IV - The Judiciary**

ARTICLE IV - THE JUDICIARY  
**ISSUE DOCKET**  
Conference Committee on General Appropriations Bill

Agency/Item	<u>House</u>		<u>Senate</u>		Biennial Difference	Explanation
	2016	2017	2016	2017		
<b><u>201 SUPREME COURT OF TEXAS</u></b>						
		IV-1		IV-1		
A.1.1, APPELLATE COURT OPERATIONS	\$ 6,307,923	\$ 6,187,024	\$ 6,243,923	\$ 6,132,024	\$ 119,000	House provides \$119,000 out of General Revenue Fund for: a. Justice home security (\$9,000) b. Supreme Court committee travel (\$60,000) c. Court reporter for court advisory committee (\$50,000)
B.1.1, BASIC CIVIL LEGAL SERVICES	\$ 35,703,622	\$ 25,703,623	\$ 25,452,469	\$ 25,492,552	\$ 10,462,224	House provides: a. \$10,000,000 in General Revenue–Dedicated Sexual Assault Program No. 5010 funding for basic civil legal services to victims of sexual assault. b. \$462,224 through an interagency contract with the Office of Attorney General (OAG) for basic civil legal services to align with corresponding amounts in the OAG's appropriations.

Agency/Item	<u>House</u>		<u>Senate</u>		Biennial Difference	Explanation
	2016	2017	2016	2017		
Basic Civil Legal Services for Veterans / Interagency Contract with Texas Veterans' Commission	IV-3, Rider #9 Rider Packet, page IV-1		IV-3, Rider #9 Rider Packet, page IV-1			Senate provides same level of funding as the House for basic civil legal services for the OAG, but does not include the corresponding interagency contract amount in the funding for the Supreme Court.  House requires \$1.0 million each fiscal year to be used to provide basic civil legal services to veterans and their families and \$500,000 each fiscal year to be used for Veterans Treatment Court Programs by the Texas Veterans Commission.
See also Article XI	See also Article XI, House page XI-15					Senate requires \$1.5 million each fiscal year to be used for Veterans Treatment Court Programs by the Texas Veterans Commission.

Agency/Item	House		Senate		Biennial Difference	Explanation
	2016	2017	2016	2017		
<b><u>211 COURT OF CRIMINAL APPEALS</u></b>						
		IV-3		IV-3		
Number of Full-Time-Equivalents (FTEs)	71.0	71.0	69.0	69.0		See Strategy A.1.1, Appellate Court Operations, below
A.1.1, APPELLATE COURT OPERATIONS	\$ 6,317,264	\$ 6,313,725	\$ 5,754,129	\$ 5,755,681	\$ 1,121,179	House provides \$1,121,179 in General Revenue Funds for the following: a. Legal staff salary increases to achieve legal staff salary parity with the Supreme Court (\$766,775) b. Non-legal staff salary increases (\$69,000) c. Additional staff attorney and deputy clerk (\$280,314 and 2.0 FTEs) with computer and operating expenses (\$5,090)
B.1.1, JUDICIAL EDUCATION	\$ 9,903,530	\$ 9,902,255	\$ 9,703,530	\$ 9,902,255	\$ 200,000	House provides \$200,000 in General Revenue–Dedicated Judicial Education Fund No. 540 for unexpended balance authority across biennia for the judicial education administrative allocation funds.
Judicial Education		IV-5, Rider #2 Rider Packet, page IV-2		IV-4, Rider #2 Rider Packet, page IV-2		House provides:

Agency/Item	<u>House</u>		<u>Senate</u>		Biennial Difference	Explanation
	2016	2017	2016	2017		
Judicial Education: Appropriations for Certain Types of Legal Education	IV-5, Rider #3		IV-5, Rider #3			<p>a. unexpended balance authority across biennia in an amount not to exceed \$200,000.</p> <p>b. unexpended balance authority within the biennium for amounts carried forward from the previous biennium.</p> <p>Technical Correction: Amend rider text that is identical in both bills to include the staff of criminal defense attorneys representing indigent defendants in criminal matters as eligible recipients for continuing legal education courses, programs, and technical assistance projects in subsection (3) to conform with current law.</p>
See also Article XI	See also Article XI, House page XI-15					

Agency/Item	<u>House</u>		<u>Senate</u>		Biennial Difference	Explanation
	2016	2017	2016	2017		
<b><u>14 COURTS OF APPEALS</u></b>						
230 Tenth Court of Appeals District, Waco						
		IV-16		IV-16		
A.1.1, APPELLATE COURT OPERATIONS	\$ 1,742,120	\$ 1,642,120	\$ 1,692,120	\$ 1,592,120	\$ 100,000	House provides \$100,000 in General Revenue for unexpended balance authority across biennia.
Unexpended Balance Authority		IV-17, Rider #2 Rider Packet, page IV-4				House provides:  a. unexpended balance authority across biennia for an amount not to exceed \$100,000 for court facilities. b. unexpended balance authority within the biennium for the funds carried forward from the prior biennium.
Contingency for Court Relocation			IV-17, Rider #2 Rider Packet, page IV-4			Senate provides a rider making \$100,000 for court relocation costs contingent on the enactment of legislation relating to court facilities.

Agency/Item	House		Senate		Biennial Difference	Explanation
	2016	2017	2016	2017		
<b><u>212 OFFICE OF COURT ADMINISTRATION, TEXAS JUDICIAL COUNCIL</u></b>						
		IV-22		IV-22		
Number of Full-Time-Equivalents (FTEs)	232.6	232.6	245.6	245.6		See Strategies A.1.1, Court Administration and A.1.2, Information Technology, below
Schedule of Exempt Positions	\$ -	\$ -	\$ 105,151	\$ 105,151		The House removes \$105,151 each year in authority for the Executive Director of the Indigent Defense Commission salary; both funding and non-exempt position are retained.
Appropriations Made in Riders	\$ 150,000	\$ -	\$ 4,387,354	\$ 4,237,354	\$ 8,474,708	The Senate provides \$8,474,708 for the statewide electronic filing system: a. from General Revenue—Dedicated Statewide Electronic Filing System Account No. 5157 contingent upon the enactment of SB 1970 relating to increasing the electronic filing fee for certain courts of law (see also, Strategy A.1.2, Information Technology, for related House decision); or b. from General Revenue if SB 1970 is not enacted (see also, Senate Rider #17 below)
A.1.1, COURT ADMINISTRATION	\$ 3,271,050	\$ 3,297,050	\$ 4,166,783	\$ 4,178,088	\$ 1,776,771	The Senate provides \$1,776,771 in General Revenue for the following:

Agency/Item	<u>House</u>		<u>Senate</u>		Biennial Difference	Explanation
	2016	2017	2016	2017		
A.1.2, INFORMATION TECHNOLOGY	\$ 19,118,997	\$ 17,532,940	\$ 25,289,064	\$ 21,902,432	\$ 10,539,559	<p>a. \$369,705 for merit salary increases</p> <p>b. \$375,304 and additional authority for 3.0 FTEs for the following:</p> <p>1) 1.0 FTE for a researcher to support best practice dissemination to the courts (\$66,660 each year)</p> <p>2) 1.0 FTE for additional personnel to support accounting and budget monitoring functions (\$65,000 each year)</p> <p>3) 1.0 FTE for additional personnel to address judicial information workloads (\$55,992 each year)</p> <p>c. \$1,031,762 with additional authority for 6.0 FTEs for a Guardianship Compliance Project</p> <p>The House reduces General Revenue – Dedicated Statewide Electronic Filing System Account No. 5157 by \$4,119,000 each year to meet anticipated collections (\$8,238,000). Senate provides an additional \$8,474,708 from the same source of funds upon the enactment of SB 1970, or from General Revenue if SB 1970 is not enacted (see also, Appropriations Made in Riders above).</p> <p>The Senate provides \$2,301,559 in General Revenue for the following:</p>



Agency/Item	House		Senate		Biennial Difference	Explanation
	2016	2017	2016	2017		
A.1.4, ASSIST ADMIN JUDICIAL REGIONS	\$ 208,528	\$ 208,667	\$ 266,672	\$ 266,812	\$ 116,289	<p>a. \$1,600,000 and capital budget authority to replace aging security technology and a legacy data analysis system used to monitor the four judicial professions regulated by the Judicial Branch Certification Commission.</p> <p>b. \$78,722 and capital budget authority for increased Microsoft Enterprise Agreement costs.</p> <p>c. \$416,052 and additional authority for 3.0 FTEs to provide regional technology support staff for child support courts, child protection courts, intermediate appellate courts, administrative judicial regions, and regional agency staff.</p> <p>d. \$131,785 with additional authority for 1.0 FTE for a project manager to oversee agency technology projects.</p> <p>e. \$75,000 to support information technology-related expenses associated with the Guardianship Compliance Project.</p> <p>The Senate provides \$116,289 to provide the administrative judicial regions with additional funds for administrative staff salary supplements.</p>

Agency/Item	<u>House</u>		<u>Senate</u>		Biennial Difference	Explanation
	2016	2017	2016	2017		
B.1.1, CHILD SUPPORT COURTS PROGRAM	\$ 8,161,933	\$ 8,280,109	\$ 7,255,794	\$ 7,373,969	\$ 1,812,279	The House provides \$2,145,640 in All Funds (\$729,518 in General Revenue and \$1,416,122 in Interagency Contracts) to increase Associate Judge salaries to 90 percent of a district judge salary, or \$126,000. The Senate provides the following: a. \$100,000 in All Funds (\$34,000 in General Revenue and \$66,000 in Interagency Contracts) to provide professional development for child support court coordinators. b. \$233,361 in All Funds (\$77,787 in General Revenue and \$155,574 in Interagency Contracts) to increase court coordinator and court reporter salaries.
B.1.2, CHILD PROTECTION COURTS PROGRAM	\$ 4,501,153	\$ 4,502,053	\$ 4,138,816	\$ 4,139,716	\$ 724,674	The House provides \$841,402 in General Revenue to increase Associate Judge salaries to 90 percent of a district judge salary, or \$126,000. The Senate provides \$116,728 in General Revenue to increase court coordinator and court reporter salaries.
D.1.1, TX INDIGENT DEFENSE COMM	\$ 39,161,079	\$ 39,242,881	\$ 32,109,298	\$ 32,096,816	\$ 14,197,846	The House provides \$13,925,961 in All Funds for the following:

Agency/Item	<u>House</u>		<u>Senate</u>		Biennial Difference	Explanation
	2016	2017	2016	2017		
						<p>a. \$3,100,000 each year in General Revenue for a regional public defender office for capital cases (\$6,200,000)</p> <p>b. \$4,400,000 each year in General Revenue to defray the costs to counties for providing mandatory indigent defense services (\$8,800,000)</p> <p>c. A reduction of \$1,074,039 in General Revenue–Dedicated Fair Defense Account No. 5073 funds to compensate for funding decisions made for the Office of Capital Writs.</p> <p>The Senate reduces \$271,885 in General Revenue–Dedicated Fair Defense Account No. 5073 funds from this Strategy to compensate for funding decisions made for the Office of Capital Writs.</p>
Additional Child Protection Courts	IV-27, Rider #17 Rider Packet, page V-5					House provides a rider that requires \$912,854 in fiscal year 2016 and \$902,054 in fiscal year 2017 may be only be spent for establishing four new child protection courts and to provide support and assistance to child protection courts.
Contingency for SB 1970			IV-27, Rider #17 Rider Packet, page V-5			See Appropriations Made in Riders above.

Agency/Item	<u>House</u>		<u>Senate</u>		Biennial Difference	Explanation
	2016	2017	2016	2017		
Performance Reporting for the Guardianship Compliance Project			IV-27, Rider #18 Rider Packet, page V-5			Senate provides a rider that requires the agency to report on the performance of the Guardianship Compliance Project in a report to the 85th Legislature and specifies topics that the report must cover.
Regional Public Defender Office for Capital Cases	IV-27, Rider #18 Rider Packet, page V-6					House provides a rider that specifies that no more than \$1,000,000 in General Revenue shall be used by the Indigent Defense Commission as a grant to county for administration and operation of the Regional Public Defender for Capital Cases program with participation limited to a county with population fewer than \$300,000 or a Cameron and Hidalgo counties.
See also Article XI	See also Article XI, House page XI-15		See also Article XI, Senate page XI-9			

Agency/Item	House		Senate		Biennial Difference	Explanation
	2016	2017	2016	2017		
<b><u>215 OFFICE OF CAPITAL WRITS</u></b>						
		IV-28		IV-28		
Number of Full-Time-Equivalents (FTEs)	18.0	18.0	15.0	15.0		See Strategy A.1.1, Death Penalty Representation, below.
A.1.1, DEATH PENALTY REPRESENTATION	\$ 1,511,146	\$ 1,416,863	\$ 1,335,146	\$ 1,240,863	\$ 352,000	House provides \$352,000 in General Revenue-Dedicated Fair Defense Account No. 5073 for the following: a. \$65,000 each year for one attorney with authority for 1.0 FTE (\$130,000) b. \$52,000 each year for one investigator, with authority for 1.0 FTE (\$104,000) c. \$42,000 each year for one paralegal, with authority for 1.0 FTE (\$84,000) d. Legal staff salary increases to increase annual attorney salaries (\$34,000)

Agency/Item	<u>House</u>		<u>Senate</u>		Biennial Difference	Explanation
	2016	2017	2016	2017		
<b><u>213 OFFICE OF THE STATE PROSECUTING ATTORNEY</u></b>						
		IV-29		IV-29		
A.1.1, REPRESENTATION BEFORE COURT OF CRIMINAL APPEALS	\$ 418,646	\$ 419,407	\$ 413,778	\$ 414,540	\$ 9,735	House provides an additional \$9,735 in General Revenue to increase two staff attorney salaries to \$102,500 each.

Agency/Item	House		Senate		Biennial Difference	Explanation
	2016	2017	2016	2017		
<b><u>243 STATE LAW LIBRARY</u></b>						
		IV-30		IV-30		
Number of Full-Time-Equivalents (FTEs)	12.0	12.0	13.0	13.0		See Strategy A.1.1. Administration and Operations, below
Schedule of Exempt Positions	\$ 104,117	\$ 104,117	\$ 87,091	\$ 87,091		The House provides \$17,026 in additional authority for the Director's salary. Additional appropriations made for this purpose described below.
A.1.1, ADMINISTRATION AND OPERATIONS	\$ 1,042,427	\$ 1,042,426	\$ 1,191,170	\$ 1,191,170	\$ 297,487	The House provides \$8,513 in General Revenue to pay for a portion of the Executive Director's salary increase each year (See also, Schedule of Exempt Positions above).

Agency/Item	<u>House</u>		<u>Senate</u>		Biennial Difference	Explanation
	2016	2017	2016	2017		
See also Article XI						The Senate provides \$306,000 in General Revenue for the following: a. \$25,000 each year for staff librarian salary increases (\$50,000) b. \$75,000 each year to support the Library's remote access service (\$150,000) c. \$53,000 each year for a staff librarian to provide support for the Library's remote access service, with authority for 1.0 FTE (\$106,000)
	See also Article XI, House page XI-15					



Agency/Item	<u>House</u>		<u>Senate</u>		Biennial Difference	Explanation
	2016	2017	2016	2017		
<b><u>242 STATE COMMISSION ON JUDICIAL CONDUCT</u></b>						
		IV-31		IV-31		
Number of Full-Time-Equivalents (FTEs)	14.0	14.0	13.0	13.0		See Strategy A.1.1, Administration and Enforcement, below
Schedule of Exempt Positions	\$ 121,317	\$ 121,317	\$ 113,322	\$ 113,322		The House provides \$7,995 in additional authority for the Executive Director's salary.
A.1.1, ADMINISTRATION AND ENFORCEMENT	\$ 1,112,436	\$ 1,109,936	\$ 994,022	\$ 994,021	\$ 234,329	House provides \$234,329 in General Revenue for the following: a. \$102,450 each year for a managing attorney position, with authority for 1.0 FTE (\$204,900) b. Approximately \$12,716 each year for staff attorney salary increases (\$25,431) c. \$1,999 each year to increase the Executive Director's salary from \$113,322 to \$115,321 (\$3,998)

Agency/Item	House		Senate		Biennial Difference	Explanation
	2016	2017	2016	2017		
<b><u>241 JUDICIARY SECTION, COMPTROLLER'S DEPARTMENT</u></b>						
		IV-32		IV-32		
Appropriations Made in Riders	\$ 3,253,355	\$ 3,355,575	\$ (165,603)	\$ (165,603)	\$ 6,940,136	House provides \$6,608,930 in General Revenue-related funds contingent on the enactment of legislation that reforms the system of investigating and prosecuting crimes related to state government, including insurance and tax fraud. (See also House Rider #10 below.)  Senate provides the following contingent on the enactment of legislation relating to the civil commitment of sexually violent predators:  a. a savings of \$464,182 from General Revenue for operating expenses and salaries of a court reporter and a court coordinator assigned to the district court with special jurisdiction over civil commitment proceedings, (Strategy D.1.9, Montgomery County – 435th District Court Staff), offset by (b):

Agency/Item	<u>House</u>		<u>Senate</u>		Biennial Difference	Explanation
	2016	2017	2016	2017		
D.1.4, SPECIAL PROSECUTION UNIT, WALKER CO	\$ 5,378,830	\$ 5,227,449	\$ 5,280,759	\$ 5,129,378	\$ 196,142	<p>b. an increase of \$132,976 from General Revenue in Strategy D.1.4, Special Prosecution Unit (SPU) for benefits (\$52,574), a 3-percent pay increase (\$77,642) and accounting fees (\$2,760) for the Civil Division. (See also Senate Rider #10 below.)</p> <p>a. House provides \$263,708 from General Revenue to provide a 4 percent pay raise to county employees in the Criminal, Civil and Juvenile Divisions.</p> <p>Senate provides \$122,900 from General Revenue to provide a 3 percent pay raise to county employees in the Criminal and Juvenile Divisions. (See also Appropriations Made in Riders above.)</p> <p>b. House provides \$76,974 from General Revenue for increased benefits costs for county employees in the Civil and Juvenile Divisions.</p> <p>Senate provides \$24,400 from General Revenue for increased benefits costs for county employees in the Juvenile Divisions. (See also Appropriations Made in Riders above.)</p>

Agency/Item	<u>House</u>		<u>Senate</u>		Biennial Difference	Explanation
	2016	2017	2016	2017		
						c. House provides \$17,664 from General Revenue for accounting services of the Walker County Auditor for the Criminal, Civil and Juvenile Divisions.
						Senate provides \$14,904 for accounting services of the Walker County Auditor for the Criminal and Juvenile Divisions. (See also Appropriations Made in Riders above.)
Contingency for Public Integrity Unit Appropriations	IV-37, Rider #10 Rider Packet, page IV-7					See Appropriations Made in Riders above
Contingency for SB 746			IV-37, Rider #10 Rider Packet, page IV-7			See Appropriations Made in Riders above
See also Article XI	See also Article XI, House XI-15					

Agency/Item	<u>House</u>		<u>Senate</u>		Biennial Difference	Explanation
	2016	2017	2016	2017		
<b><u>S04 SPECIAL PROVISIONS - JUDICIARY</u></b>						
No Issues	IV-38		IV-38			
See also Article XI	See also Article XI, House page XI-16					

**Court of Criminal Appeals**  
**Technical Correction**  
**Conform Judicial Education: Appropriations for**  
**Certain Types of Legal Education rider to current law**

Prepared by LBB Staff, 04/14/2015

**Overview**

Amend Judicial Education: Appropriations for Certain Types of Legal Education rider by including criminal defense attorney office personnel who regularly represent indigent defendants in criminal matters as eligible recipients of continuing education courses, programs, and technical assistance projects funded with appropriations governed by the rider to conform with current law.

**Required Action**

On page IV-5 of the Court of Criminal Appeals bill pattern, amend the following rider:

**2. Judicial Education: Appropriations for Certain Types of Legal Education.**

- a. Out of funds appropriated above to the Court of Criminal Appeals in Strategy B.1.1, Judicial Education, from General Revenue-Dedicated Judicial and Court Personnel Training Fund No. 540:
  - (1) \$451,129 each fiscal year shall be expended for the continuing legal education of judges of county courts performing judicial functions.
  - (2) An amount not to exceed \$1,400,874 each fiscal year shall be used to contract with a statewide professional association of prosecuting attorneys and other entities to provide continuing legal education courses, programs, and technical assistance projects for prosecutors and prosecutor office personnel.
  - (3) An amount not to exceed \$1,363,387 each fiscal year shall be used to contract with a statewide professional association of criminal defense attorneys and other entities to provide continuing legal education courses, programs and technical assistance projects for criminal defense attorneys and criminal defense attorney office personnel who regularly represent indigent defendants in criminal matters.
  - (4) A minimum of \$850,000 each fiscal year shall be used to contract with training entities providing for the training and continuing legal education of the clerks and other court personnel of the appellate courts, district courts, county courts at law, county courts, justice courts, and municipal courts of this State in accordance with Government Code §74.025.
  - (5) An amount not to exceed \$350,000 each fiscal year shall be used to contract with statewide professional associations and other entities whose purposes include providing continuing legal education courses, programs, and technical assistance projects on actual innocence for criminal defense attorneys, prosecuting attorneys, judges, bailiffs, constables, warrant officers, or other persons as provided by statute.
  - (6) An amount not to exceed \$42,500 each fiscal year shall be used to contract with statewide professional associations and other entities whose purposes include providing continuing legal education, courses, and programs for public defenders.
- b. The Court of Criminal Appeals shall maintain procedures to require training entities to either refund all unexpended and unencumbered state grant funds or retain and use those funds for training purposes subject to the approval of the Court of Criminal Appeals each fiscal year. All refunds received by the Court of Criminal Appeals from grants made to training entities (estimated to be \$0) are appropriated to the Court of Criminal Appeals in Strategy B.1.1, Judicial Education, each fiscal year for the same purposes.