

Section 1

**Judiciary Section, Comptroller's Department
Summary of Recommendations - House**

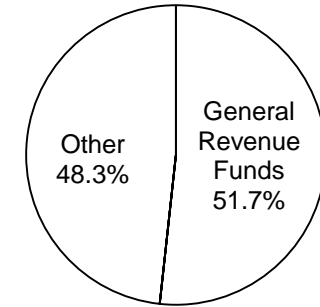
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Martin Hubert, Deputy Comptroller

Tina Beck, LBB Analyst

Method of Financing	2012-13 Base	2014-15 Recommended	Biennial Change	% Change
General Revenue Funds	\$142,268,298	\$145,668,298	\$3,400,000	2.4%
GR Dedicated Funds	\$0	\$0	\$0	0.0%
<i>Total GR-Related Funds</i>	<i>\$142,268,298</i>	<i>\$145,668,298</i>	<i>\$3,400,000</i>	<i>2.4%</i>
Federal Funds	\$0	\$0	\$0	0.0%
Other	\$135,321,091	\$135,939,562	\$618,471	0.5%
All Funds	\$277,589,389	\$281,607,860	\$4,018,471	1.4%

RECOMMENDED FUNDING
BY METHOD OF FINANCING



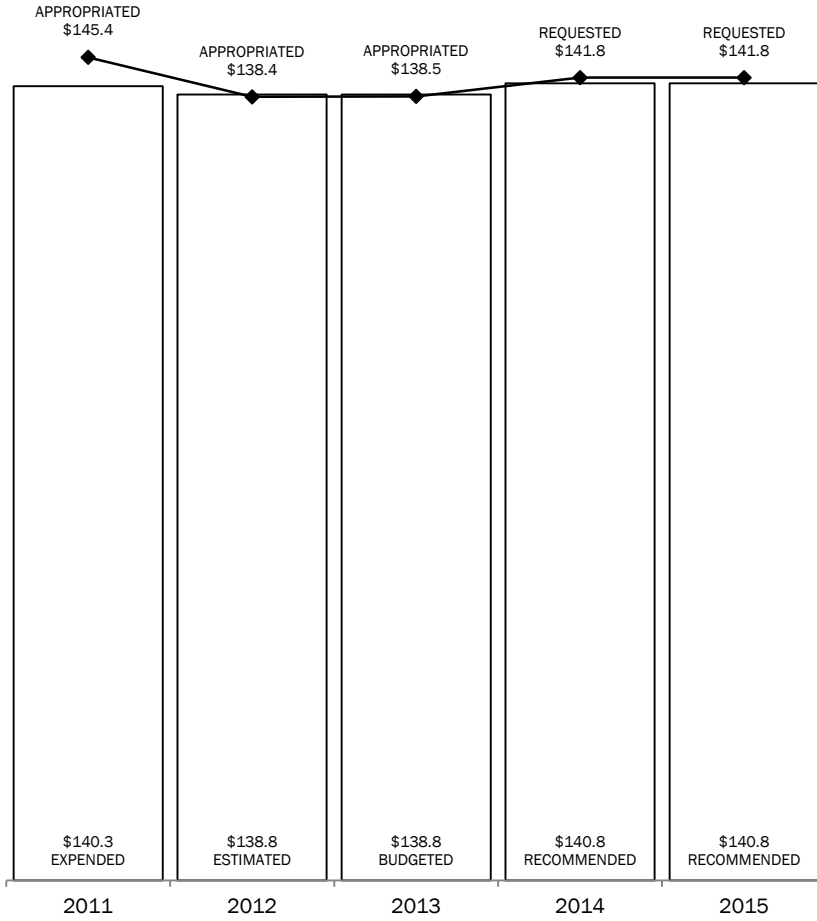
	FY 2013 Budgeted	FY 2015 Recommended	Biennial Change	% Change
FTEs	612.0	612.0	0.0	0.0%

The bill pattern for this agency (2014-15 Recommended) represents an estimated 100% of the agency's estimated total available funds for the 2014-15 biennium.

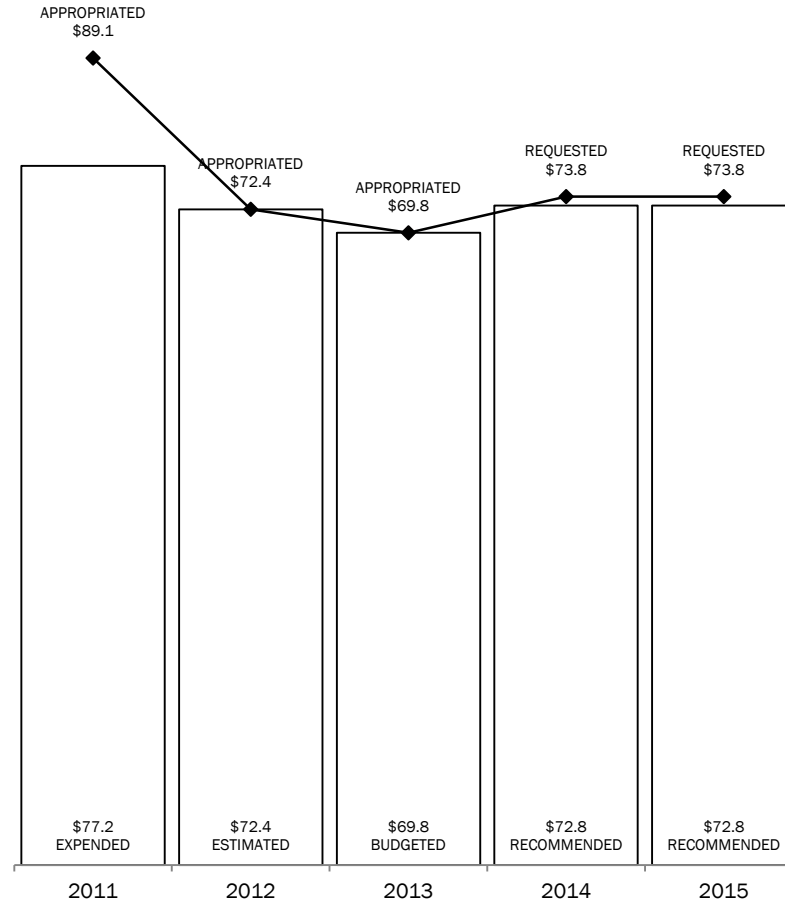
Section 1
Judiciary Section, Comptroller's Department
2014-2015 BIENNIUM
 IN MILLIONS

TOTAL= \$281.6 MILLION

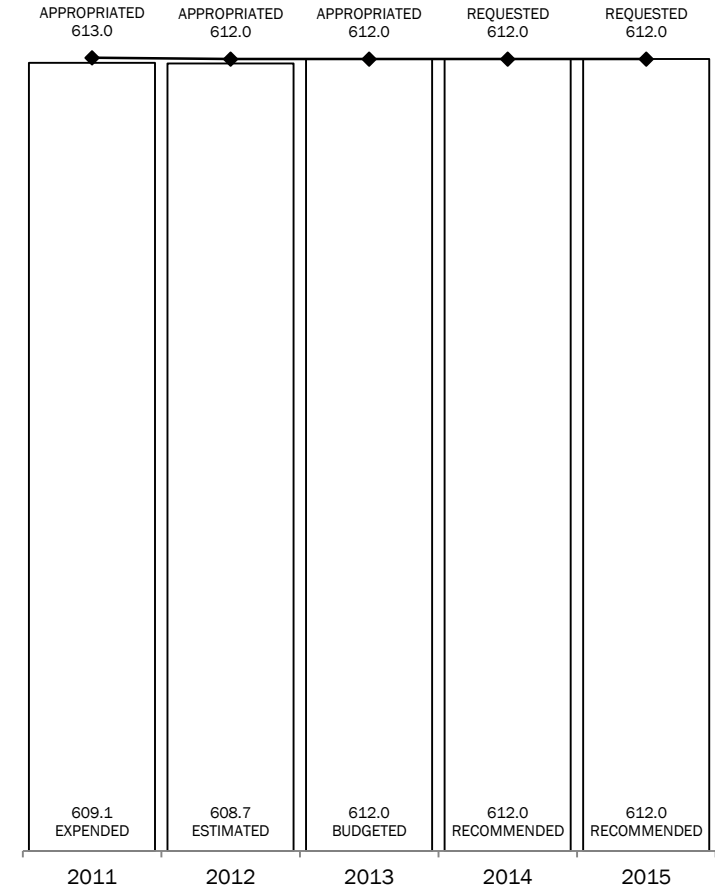
ALL FUNDS



GENERAL REVENUE FUNDS



FULL-TIME-EQUIVALENT POSITIONS



Section 2

Judiciary Section, Comptroller's Department
 Summary of Recommendations - House, By Method of Finance -- ALL FUNDS

Strategy/Goal	2012-13 Base	2014-15 Recommended	Biennial Change	% Change	Comments
DISTRICT JUDGES A.1.1	\$115,866,536	\$115,866,536	\$0	0.0%	Recommendations include a method-of-financing swap of \$102,888 from General Revenue to the Judicial Fund No. 573 (Other Funds).
VISITING JUDGES - REGIONS A.1.2	\$9,444,381	\$9,444,380	(\$1)	(0.0%)	
VISITING JUDGES - APPELLATE A.1.3	\$650,857	\$650,856	(\$1)	(0.0%)	
LOCAL ADMIN. JUDGE SUPPLEMENT A.1.4	\$150,000	\$161,490	\$11,490	7.7%	Recommendations include an increase of of \$11,490 from General Revenue to provide salary supplements for local administrative presiding judges authorized by statute (\$5,000).
DISTRICT JUDGES: TRAVEL A.1.5	\$676,400	\$676,400	\$0	0.0%	
JUDICIAL SALARY PER DIEM A.1.6	\$352,564	\$383,800	\$31,236	8.9%	Recommendations include an increase of of \$31,236 from General Revenue to reflect costs in salary per diem for trial court judges assigned outside the judge's district or county (\$25 per day).
MDL SALARY AND BENEFITS A.1.7	\$319,004	\$319,004	\$0	0.0%	
Total, Goal A, JUDICIAL SALARIES AND PAYMENTS	\$127,459,742	\$127,502,466	\$42,724	0.0%	
DISTRICT ATTORNEYS: SALARIES B.1.1	\$1,113,454	\$1,113,454	\$0	0.0%	
PROFESSIONAL PROSECUTORS: SALARIES B.1.2	\$37,500,145	\$37,602,114	\$101,969	0.3%	Recommendations include an increase of \$101,969 from General Revenue to provide all payroll-related expenses for 148 professional prosecutors.
FELONY PROSECUTORS: SALARIES B.1.3	\$548,430	\$548,430	\$0	0.0%	
PROSECUTORS: SUBCHAPTER C B.1.4	\$272,046	\$272,046	\$0	0.0%	
FELONY PROSECUTORS: TRAVEL B.1.5	\$357,000	\$357,000	\$0	0.0%	
FELONY PROSECUTORS: EXPENSES B.1.6	\$7,947,166	\$7,947,166	\$0	0.0%	
Total, Goal B, PROSECUTOR SALARIES AND PAYMENTS	\$47,738,241	\$47,840,210	\$101,969	0.2%	
CONST. CO. JUDGE GR/573 SUPPLEMENT C.1.1	\$4,315,000	\$4,310,000	(\$5,000)	(0.1%)	
CONST. CO. JUDGE 573 SUPPLEMENT C.1.2	\$2,770,495	\$2,698,794	(\$71,701)	(2.6%)	Recommendations include a decrease of \$71,701 from the Judicial Fund No. 573 (Other Funds) to reflect estimated costs of salary supplements provided to constitutional county judges.
STATUTORY CO. JUDGE 573 SUPPLEMENT C.1.3	\$34,694,842	\$35,250,842	\$556,000	1.6%	Recommendations include an increase of \$556,000 from the Judicial Fund No. 573 (Other Funds) to reflect estimated costs of salary supplements provided to statutory county judges.

Section 2

Judiciary Section, Comptroller's Department
 Summary of Recommendations - House, By Method of Finance -- ALL FUNDS

Strategy/Goal	2012-13 Base	2014-15 Recommended	Biennial Change	% Change	Comments
STATUTORY PROBATE JUDGE SUPPLEMENT C.1.4	\$2,770,802	\$2,699,404	(\$71,398)	(2.6%)	Recommendations include a decrease of \$71,398 from the Judicial Fund No. 573 (Other Funds) to reflect estimated costs of salary supplements provided to statutory probate judges.
Total, Goal C, CO.-LEVEL JUDGES SALARY SUPPLEMENTS	\$44,551,139	\$44,959,040	\$407,901	0.9%	
ASST. PROSECUTOR LONGEVITY PAY D.1.1	\$8,088,000	\$8,088,000	\$0	0.0%	
COUNTY ATTORNEY SUPPLEMENT D.1.2	\$10,822,930	\$10,854,166	\$31,236	0.3%	Recommendations include a decrease of \$79,942 from General Revenue, offset by an increase of \$111,178 from the Judicial Fund No. 573 (Other Funds) for a net increase of \$31,236 to reflect estimated costs of salary supplements provided to county attorneys.
WITNESS EXPENSES D.1.3	\$2,802,500	\$2,802,500	\$0	0.0%	
PUBLIC INTEGRITY UNIT, TRAVIS CO. D.1.4	\$6,892,033	\$6,892,034	\$1	0.0%	
SPECIAL PROSECUTION UNIT, WALKER CO D.1.5	\$9,495,856	\$9,495,856	\$0	0.0%	
DEATH PENALTY REPRESENTATION D.1.6	\$50,000	\$50,000	\$0	0.0%	
NATIONAL CENTER FOR STATE COURTS D.1.7	\$838,104	\$872,744	\$34,640	4.1%	Recommendations include an increase of \$34,640 from General Revenue to fund the state's estimated subscription to this organization in 2014-15.
JUROR PAY D.1.8	\$18,363,400	\$21,763,400	\$3,400,000	18.5%	Recommendations include an increase of \$3.4 million from General Revenue to fund increased costs for the juror pay program due to expiring statutory provisions. See Selected Fiscal and Policy Issue No. 1.
INDIGENT INMATE DEFENSE D.1.9	\$50,000	\$50,000	\$0	0.0%	
MONTGOMERY CO - 435TH DIST CT STAFF D.1.10	\$437,444	\$437,444	\$0	0.0%	
Total, Goal D, SPECIAL PROGRAMS	\$57,840,267	\$61,306,144	\$3,465,877	6.0%	
Grand Total, All Strategies	\$277,589,389	\$281,607,860	\$4,018,471	1.4%	

Section 3

Judiciary Section, Comptroller's Department Selected Fiscal and Policy Issues

1. Juror Pay

Expiring statutory provisions trigger increased costs in the juror pay program (\$3.4 million from General Revenue for the 2014-15 biennium). The Eighty-second Legislature enacted statutory changes to implement a 15 percent reduction in the juror pay program due to the statewide budget shortfall. In the 2012-13 biennium, the Comptroller of Public Accounts (CPA) is authorized to size reimbursements to amounts available in the 2012-13 General Appropriations Act (GAA). The CPA reports it sized payments after the first day of service to \$29 and \$30 in fiscal years 2012 and 2013, respectively. Statutory authorization to size reimbursements expires September 1, 2013, and reverts to a state cost of \$34 per juror per day after the first day of service. Estimated appropriation authority is also reinstated for this line item.

2. Statutory County Judge and County Attorney Salary Supplements

To avoid possible shortfalls in amounts for statutory salary supplements for a headcount of current statutory county judges and county attorneys, the recommendations include an increase of \$618,472 from the Judicial Fund No. 573 (Other Funds) over 2012-13 appropriated levels.

3. Estimated Appropriation Authority

Prior to the 2012-13 biennium, the CPA had estimated appropriation authority for several strategies. This authority was suspended in the 2012-13 General Appropriations Act due to the statewide budget climate. Recommendations include reinstating estimated appropriation authority for most payroll-driven strategies. This authority in salary-related strategies will help the CPA administer its CPA Judiciary appropriations, including cash flow issues due to quarterly collections of receipts to the Judicial Fund No. 573. The recommendation affects the following strategies:

- District Judges (A.1.1)
- Local Administrative Judge Supplement (A.1.4)
- Multidistrict Litigation Salary and Benefits (A.1.7)
- District Attorneys Salaries (B.1.1)
- Professional Prosecutors (B.1.2)
- Felony Prosecutor Salaries (B.1.3)

4. Death Penalty Habeas Representation

The Office of Capital Writs (OCW) reports it will be unable to accept death penalty habeas appointments for a projected three cases in 2014 and four cases in 2015. Under the Code of Criminal Procedure, Article 11.071, the convicting court would appoint outside counsel, who would be eligible for compensation of up to \$25,000 per appointment. The recommended funding levels for Death Penalty Representation (Strategy D.1.6) total \$50,000 for the 2014-15 biennium, which provides for only two appointments of outside counsel.

Section 3

5. **Transferability Provisions**

The Judiciary Section, Comptroller's Department at times receives requests from one of its funded entities to transfer available funding from other strategies into the entity's strategy to cover an unexpected need. As a policy matter, the Judiciary Section performs an accounting function for the state by paying salaries, expenditures and claims related to the judicial branch of government. The agency does not make recommendations concerning appropriate funding levels for each program, the merits of transfer requests, or the merits of Requests to Exceed available funding. Instead, the practice has been to forward these requests to our office, which determines whether the request should be reviewed and formally approved by our office.

Recommendations include a new rider regarding transferability formalizing the business practice of the Judiciary Section's notification to the Legislative Budget Board (LBB) of transfer requests. The Judiciary Section would continue to be authorized to make transfers of up to 20 percent of the appropriation item from which the transfer is made. However, if it determines that funds are available, the Judiciary Section would not need a formal approval from the LBB for the transfer, provided the agency provides advanced notice. Transfers in excess of 20 percent would continue to need formal approval from the LBB.

Section 4

**Judiciary Section, Comptroller's Department
Performance Review and Policy Report Highlights**

Reports & Recommendations	Report Page	Savings/ (Cost)	Gain/ (Loss)	Fund Type	Included in Introduced Bill	Action Required During Session
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NO RELATED RECOMMENDATIONS

Section 5

Judiciary Section, Comptroller's Department Rider Highlights

3. **Public Integrity Unit: Appropriation Source, Unexpended Balances, and Performance Reporting.** Rider updated to reflect recommended funding levels.
4. **Special Prosecution Unit: Appropriation Source, Unexpended Balances, and Performance Reporting.** Rider updated to reflect recommended funding levels. Rider modified to provide the Executive Director authority to transfer General Revenue appropriations between the Criminal, Civil, and Juvenile divisions in amounts not to exceed 20 percent of the appropriation item from which the amounts are transferred. Transfers in excess of 20 percent may be made with approval of the Legislative Budget Board.
8. **(former) Interagency Contract for Sex Offender Treatment and Supervision.** Rider deleted to reflect the transfer of appropriations from the Judiciary Section to the new Office of Violent Sex Offender Management due to the enactment of Senate Bill 166 by the Eighty-second Legislature, 2011, Regular Session.
8. **(new) Longevity Pay.** Rider updated to reflect recommended funding levels.
9. **(new) Appropriation Transfers.** Rider added to authorize the Judiciary Section to make transfers after providing notification to the Legislative Budget Board (LBB). The rider also provides that the LBB may request transfers, subject to funds availability. See Selected Fiscal and Policy Issue #5.

Section 6

**Judiciary Section, Comptroller's Department
Items not Included in Recommendations - House**

	2014-15 Biennial Total	
	GR & GR-Dedicated	All Funds
1. Visiting Judges, Regions. The presiding judges of the administrative judicial regions administer the visiting judge program for district courts. The judges are requesting a partial restoration of funds decreased from 2010-11 appropriated levels. The additional General Revenue funding would allow the presiding judges to make additional assignments, as needed, of visiting judges statewide when the active judge needs assistance with heavy dockets, illness, recusals, military service, and other unplanned reasons.	\$ 750,000	\$ 750,000
2. Public Integrity Unit, Travis County. The request includes:	\$ 681,392	\$ 681,392
a. A total of \$548,187 from General Revenue (\$375,154) and the General Revenue-Insurance Companies Maintenance Tax and Insurance Department Fees account (\$173,033) to maintain 3 positions in 2014 and 4.5 positions in 2015 in the General State Investigations and Insurance Fraud Divisions under county-forecasted compensation and benefits increases;		
b. In the event that Item 2(a) is not funded, a request of \$154,664 to maintain 1.5 positions in each division, based on an annualization of 2013 funded levels (\$86,040 from General Revenue and \$68,624 from the General Revenue-Insurance Companies Maintenance Tax and Insurance Department Fees account); and		
c. \$133,205 from General Revenue for a new part-time assistant district attorney in the General State Investigations Division to assist with an increasing caseload of state tax fraud cases. Fraud cases include sales and excise, motor vehicle sales and rentals, and cigarette and tobacco taxes.		
3. Special Prosecution Unit, Walker County	\$ 479,456	\$ 551,289
a. <u>Criminal Division</u> requests include: i) \$21,443 from Criminal Justice Grants (Other Funds) for county-forecasted increases in health insurance costs; ii) \$50,800 to provide insurance benefits for three employees upon retirement, which are provided to other county retirees until the retiree becomes eligible for Medicare; iii) \$105,148 from General Revenue to provide a 4 percent pay raise to retain quality staff; and, iv) \$80,000 from General Revenue to purchase five new vehicles to replace vehicles with mileage in excess of 140,000. <u>Alternatively</u> , with regard to the vehicle request, previous Legislatures have authorized the Department of Public Safety to transfer low-mileage vehicles to Walker County for the Criminal Division's use. The rider-authorized transfer is made at no cost to the bill.		

Section 6

**Judiciary Section, Comptroller's Department
Items not Included in Recommendations - House**

	2014-15 Biennial Total	
	GR & GR-Dedicated	All Funds
b. <u>Civil Division</u> requests include: i) \$16,330 from General Revenue for county-forecasted increases in health insurance costs; ii) \$128,000 to restore funding to provide two expert witnesses in a projected 17 complex cases out of 50 commitments initiated each fiscal year, as well as 3 anticipated retrials; and iii) \$93,530 from General Revenue to provide a 4 percent pay raise to retain quality staff.		
c. <u>Juvenile Division</u> requests include: i) \$9,186 from General Revenue for county-forecasted increases in health insurance costs; and, ii) \$47,262 from General Revenue to provide a 4 percent pay raise to retain quality staff.		
4. Montgomery County - 435th District Court. A request for funds from General Revenue for county-forecasted compensation and benefits increases, as well as increases in operating expenses.	\$ 26,737	\$ 26,737
Total, Items Not Included in the Recommendations	\$ 1,937,585	\$ 2,009,418