

**Special Provisions - Judiciary
Summary of Recommendations - Senate**

- Sec 2. (former) Judicial Salary Enforcement.** This provision is recommended for deletion on advice of legal counsel. This particular provision, which addresses reporting of local supplements for judicial salaries and the overall limit (from both state and local funds) for judicial salaries, exists in statute. CPA Judiciary Section reports they can operate without the rider, but may support additional language in statute compelling the courts to report salary supplements.
- Sec 3. (former) Restriction, New District Courts.** This provision is recommended for deletion. An AG opinion issued in 2008 directly conflicts with this provision, which makes state funding of a district court contingent upon prior approval by the local county Commissioner's court or a majority of commissioner's courts for district courts serving multiple counties. The Attorney General ruled that the Governor has the authority to appoint district judges, with or without the approval of affected counties and commissioner courts, thereby triggering a state expenditure for the district judge's salary and related locally-funded judicial salary supplement, staffing and operating costs.
- Sec 4. (former) Transfer of Cases.** This provision is recommended for deletion. This rider is no longer required - the transfer of cases between the 14 courts of appeals to "equalize" workload is a standard operating practice that occurs without incident. Transfers of cases occur on a quarterly basis. In addition, Rider 3 in the Supreme Court's bill pattern directs the court to transfer appellate court cases for equalization purposes and in addition establishes an equalization benchmark.
- Sec 14. (former) Children's Justice Grants to States.** This provision, which directs the non-profit entity designated by the Governor to administer the state allocation of federal Children's Justice grants (the Texas Center for the Judiciary), to provide the Legislative Budget Board and the Governor with annual reports on grant expenditures, is moved to OCA's bill pattern in the introduced bill. The Children's Justice grant allocation is "off-budget" and flows directly to the Texas Center for the Judiciary. No funds are appropriated in Special Provisions, and for that reason, the provision at least arguably causes the GAA to violate the one-subject rule. Placing the provision in OCA's bill pattern, resolves this potential issue.

All other recommended Special Provision changes are updates to reflect references to the 2012-13 biennium.